

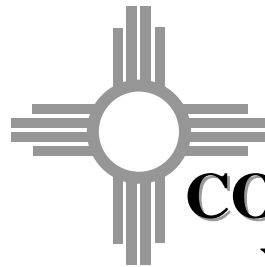


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**COUNTY OF TAOS,
NEW MEXICO**

Land Use Regulations

Ordinance 2011-03

Adopted: DRAFT COPY July 8, 2011

An Ordinance Adopting Land Use and Zoning
Regulations For Taos County, NM

and

Rescinding Ordinances 2007-4
2005-10, 2003-7, 2003-1, 1998-6 and 1997-4

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ARTICLE 1

INTRODUCTION

SECTION 1.1

Title

Section 1.1 **Title:** These regulations shall be known and referred to as the Taos County Land Use Regulations.

SECTION 1.2

Authority and Purpose

Section 1.2.1 **Compliance:** The Taos County Land Use Regulations comply with New Mexico Statutes Annotated §§ 3-21-1, et. seq., and §§ 4-57-1 to 4-57-3 and §§4-37-1, et. seq.

Section 1.2.2 **Purpose:** The Taos County Land Use Regulations (“regulations”) regulate development and land use within the jurisdiction of Taos County (“county”), the boundaries of the county being defined in Section 4-29-1, NMSA 1978. The regulations create an orderly, harmonious and economically sound framework that promotes public health, safety and welfare in the county. It is the goal of these regulations to preserve open spaces; regulate residential, commercial and industrial locations and densities; enhance and protect environmental and agricultural resources; protect the quality and quantity of the water resources and acequias; protect the public from fire, hazardous materials and other dangers; regulate traffic; support the provision of appropriate infrastructure, including utilities, facilities for transportation, irrigation, sewage, schools and parks; encourage the compatible use of land; support the local economy, and preserve the historic and natural beauty of Taos County.

Section 1.2.3 **Applicability:** These regulations are applicable in the unincorporated areas of Taos County, i.e. lands outside (1) any incorporated municipality in the county, (2) Taos Pueblo and Picuris Pueblo, (3) sovereign lands, and (4) lands owned by the state or federal government. These regulations apply to county-owned lands in unincorporated areas of Taos County.

Section 1.2.4 **Role of these Land Use Regulations:** These regulations are meant to augment and enhance federal and state laws and other county regulations. These regulations shall apply throughout the county. If more restrictive provisions for a specific neighborhood zone conflict with other more general provisions of these regulations, the more restrictive neighborhood provisions shall in all such cases be applied.

Section 1.2.5 **Role of County Ordinances and State and Federal laws:** All development under these regulations shall comply with all county ordinances, the Taos County Comprehensive Plan, and applicable state and federal laws. A list of current county ordinances that may be applicable to development activities (in addition to the Taos County Land Use Regulations) is available for inspection at the Taos County Planning Department.

SECTION 1.3

Duties & Responsibilities of Decision-Making Entities

Section 1.3.1 **Planning Director:** In administering these regulations, the Planning Director of the Taos County Planning Department (“Planning Department”) shall:

- A. Assign staff to review all development and building permit applications submitted to the county for consistency with these regulations, and with the applicable building codes adopted by the county.

- B. Assign staff to conduct site visits of properties and neighborhoods identified in any applications.
- C. Coordinate and provide for the implementation and enforcement of these regulations.
- D. Assure that all applications meet the standards set forth in the regulations, other applicable county ordinances, and Planning Department policies and procedures.
- E. Prepare, or cause to be prepared, findings of fact and analyses of each application for the Board of Adjustment, the Planning Commission, and the Board of County Commissioners.
- F. Attend all meetings of the Board of Adjustment, Planning Commission, and Board of County Commissioners, for which planning and zoning applications and other planning matters are to be heard.
- G. Establish policies and procedures for the review of applications and the implementation of the Taos County Land Use Regulations, subdivision regulations, and other planning and zoning policies, regulations, and ordinances, enacted or authorized by the Board of County Commissioners.
- H. Maintain or cause to be maintained a public record of planning and land use maps, text amendments, minutes of the Planning Commission and Board of Adjustment, any appeals, and all documents related to the administration of these regulations.
- I. Provide for office and clerical support for all matters heard by the Board of Adjustment, the Planning Commission, and the Board of County Commissioners, pursuant to these regulations and the Comprehensive Plan.
- J. Provide for the identification and inspection of violations of these regulations, associated codes, and ordinances adopted by the Board of County Commissioners, the enforcement of which is hereby delegated to the Planning Department.
- K. Establish and implement, in consultation with the County Attorney, such procedures as may be deemed appropriate and necessary for taking enforcement actions, and when necessary, take enforcement action.
- L. The Planning Director, in his or her sole discretion, may waive any informational requirement of an applicant for an Administrative Approval under these land use regulations. The waiver may include otherwise required studies, maps, surveys, records, reports and other submission materials within the application that may be not applicable, are redundant or unnecessary for the Planning Dept. staff to evaluate or make a finding with regards to the application. A waiver of any such requirement must be requested in writing by the applicant, agreed to by the reviewing staff member and approved in writing by the Planning Director, with a copy of the request and reasons for the approval forwarded to the County Attorney's Office. The waiver approval shall state the reasons the requirement(s) are waived.

Section 1.3.2 Board of Adjustment.

- A. **Powers and Duties.** The Board of Adjustment shall have the following powers and duties:
 - 1. **Variance:** Hear and review, and approve, approve with conditions, or disapprove, applications for variances from performance standards outlined in these regulations, except when such application is made in conjunction with a special use/major development application.
 - 2. **Appeal Decision/Interpretation of Planning Director:** Hear and review and consider appeals of decisions and interpretations of administrative performance standards made by the Planning Director, and affirm, modify, or reverse such determinations.

3. **Board of Appeals of Adopted Building Codes** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the Building Codes adopted by the county , there shall be and created a Board of Appeals
4. **Alternate Members of Planning Commission.** Members of the Board of Adjustment shall act as alternate to a member or members of the Planning Commission, if a Planning Commission member must be absent from the meeting or if lack of quorum for a Planning Commission matter or meeting is anticipated. The Planning Director shall make every effort to give a member three (3) days notice of his or her required service as an alternate member of the Planning Commission.

B. Board of Adjustment Membership:

1. **Qualifications:** Members of the Board of Adjustment shall be residents of the County and shall be registered voters. No member of the Board of County Commissioners or County employee shall serve on the Board of Adjustment. Appointees to the Board of Adjustment shall possess education and/or experience in planning, zoning, or land-use law, practice, or issues. The Board of Adjustment shall, to the extent possible, reflect a balance of views by the community regarding development issues. Each year, on or before November 15, a notice shall be published in the Taos News inviting all local residents who wish to be members of the Board of Adjustment to submit a letter of interest, including a statement of qualifications, to the County Manager within thirty (30) days of the date of publication of the notice.
2. **Appointment:** The Board of Adjustment shall be composed of five (5) members. Each year, on or before January 15, each member of the Board of County Commissioners shall appoint one individual to the Board of Adjustment for one year.
3. **Terms of Office:** A member may be re-appointed by the County Commissioner that appointed him or her during the appointing Commissioner's term, that is the term of a member shall not exceed the term of his or her appointing County Commissioner. The appointing Commissioner's successor may elect to reappoint the same member.
4. **Removal from Office:** Any member of the Board of Adjustment may be removed for cause by a majority vote of the Board of County Commissioners.
5. **Vacancy:** Whenever a vacancy occurs on the Board of Adjustment, the member's position shall remain vacant until a new member is appointed by the respective appointing commissioner.
6. **Bylaws:** The Board of Adjustment shall propose rules and procedures to govern the voting rights of members and other procedural matters. The bylaws shall be reviewed annually by the Board of Adjustment, Planning Director, and County Attorney, and the bylaws and any amendments thereto shall be approved by the Board of County Commissioners.
7. **Meetings:** The Board of Adjustment shall establish and cause to be published a monthly meeting calendar at its first annual meeting. Meetings need not be held, if there is no scheduled business. Special meetings may be called at any time in accordance with the Open Meetings Act of New Mexico and the Board of Adjustment's bylaws.
8. **Quorum:** A quorum of three members shall be present at the meeting and eligible to vote on a matter for the Board to conduct business on a matter.

9. **Quasi-Judicial Public Hearings:** The Board of Adjustment, when reviewing variance applications and appeals of a decision or interpretation of the Planning Director, shall be acting in a quasi-judicial capacity.
10. **Decisions:** The Board of Adjustment shall make decisions based on an application's completeness and compliance with all county ordinances and applicable state and federal laws.
11. **Appeals:** Decisions rendered by the Board of Adjustment may be appealed by the applicant, or by any party affected by the decision who made an appearance on the record in opposition to the application during the public hearing for the project before the Board of Adjustment, or filed a written objection to the project with the Taos County Planning Department, before or during the hearing before the Board of Adjustment.

Section 1.3.3

Planning Commission: The Taos County Planning Commission ("Planning Commission"), is created pursuant to NMSA 1978 Section 4-57-1, et.seq.:

- A. **Powers and Duties.** The Planning Commission shall have the following powers and duties:
 1. **Variance:** Hear and review, and approve, approve with conditions, or disapprove, applications for variances from special use/major development standards and from other performance standards in conjunction with a special use or major development application.
 2. **Special Use Permit:** Hear and review, and approve, approve with conditions, or disapprove, applications for special use permit.
 3. **Major Development/Master Preliminary Plan Permit:** Hear and review, and recommend approval, approval with conditions, or disapproval, of applications for a major development/master plan permit.
 4. **Amendment to the Land Use Regulations:** Recommend amendments to the Taos County Land Use Regulations.
 5. **Amendment to Official Zone Map:** Recommend amendments to the County Zoning Map(s), including all neighborhood zone overlays.
 6. **Rezoning:** Initiate, hear, review, consider, and give recommendations of approval or disapproval to the Board of County Commissioners on rezoning applications.
 7. **Subdivisions:** Hear, review and give recommendations on applications for preliminary plan subdivisions and final approval of summary subdivisions with variances, as set forth in the Taos County Subdivision Regulations, Ordinance 2005-8, as amended.
 8. **Comprehensive Plan:** Initiate, hear, review, consider, and give recommendations of approval or disapproval of amendments to the Taos County Comprehensive Plan.
 9. **Alternate Members of Board of Adjustment.** Members of the Planning Commission shall be trained and serve as alternate members of the Board of Adjustment, if a Board of Adjustment member must be absent from the meeting or if lack of quorum for a Board of Adjustment matter or meeting is anticipated. The Planning Director shall make every effort to give a member at least three (3) days notice of his or her required service as an alternate member of the Board of Adjustment.

B. Planning Commission Membership:

1. **Qualifications:** Members of the Planning Commission shall be residents of the County and shall be registered voters. No member of the Board of County Commissioners or County employee shall serve on the Planning Commission. Appointees to the Planning Commission shall possess education and/or experience in planning, zoning, or land-use matters, practice, or issues. The Planning Commission shall, to the extent possible, reflect a balance of views by the community regarding development issues. Each year, on or before November 15, a notice shall be published in the Taos News inviting all local residents who wish to be members of the Planning Commission to submit a letter of interest, including a statement of qualifications, to the County Manager within thirty (30) days of the date of publication of the notice.
2. **Appointment:** The Planning Commission shall be composed of five (5) members. Each year, on or before January 15, each member of the Board of County Commissioners shall appoint one individual to the Board of Adjustment for one year.
3. **Terms of Office:** A member may be re-appointed by the County Commissioner that appointed him or her during the appointing Commissioner's term, that is, the term of a member shall not exceed the term of his or her appointing County Commissioner. The appointing Commissioner's successor may elect to reappoint the same member.
4. **Removal from Office:** Any member of the Planning Commission may be removed for cause by majority vote of the Board of County Commissioners.
5. **Vacancy:** Whenever a vacancy occurs on the Planning Commission, the member's position shall remain vacant until a new member is appointed by the respective appointing commissioner.
6. **Bylaws:** The Planning Commission shall propose rules and procedures to govern the voting rights of members and other procedural matters. The bylaws shall be reviewed annually by the Planning Commission, Planning Director, and County Attorney, and the bylaws and any amendments thereto shall be approved by the Board of County Commissioners.
7. **Meetings:** The Planning Commission shall establish and cause to be published an annual meeting calendar at its first annual meeting. Meetings shall be scheduled to meet monthly, but need not be held if there is no scheduled business to be heard before the Commission. Special meetings may be called at any time in accordance with the Open Meetings Act of New Mexico and the Planning Commission's bylaws.
8. **Quorum:** A quorum of three members shall be present at the meeting and eligible to vote on a matter for the Board to conduct business on a matter.
9. **Quasi-Judicial Public Hearings:** The Planning Commission shall conduct quasi-judicial public hearings when reviewing special use permit applications, major development applications, master plan applications, amendments/rezoning, appeals, preliminary subdivision applications, subdivision variances and special use /major development variances.
10. **Decisions:** Planning Commission decisions on quasi-judicial and non-procedural matters shall be recorded and conducted by roll call vote. Commissioners shall make decisions based on an application's compliance with the regulations and applicable county, state and federal laws and regulations.

11. **Appeal:** Decisions rendered by the Planning Commission may be appealed by the applicant, or by any other party affected by the decision who made an appearance on the record in opposition to the application during the public hearing for the project before the Planning Commission, or who filed a written objection to the project with the Taos County Planning Department, before or during the hearing before the Planning Commission.

Section 1.3.4 Board of County Commissioners:

Powers and Duties: In addition to any authority granted to the Board of County Commissioners by general or special law, the Board of County Commissioners shall have the following powers and duties:

- A. **Amendment to the Taos County Land Use Regulations.** Hear, consider and approve or disapprove proposed amendments the Taos County Land Use Regulations, upon the recommendation of the Planning Commission and the Planning Department's report.
- B. **Amendment to Official Zone Maps.** Where applicable within these regulations, the Board shall hear, review, consider and approve or disapprove applications for amendment to the official zone maps upon the recommendation of the Planning Commission and the Planning Department's report.
- C. **Rezoning.** Initiate, hear, review, consider and give final approval or disapproval on rezoning applications.
- D. **Major Development Review.** Hear, review, consider and approve, approve with conditions, or disapprove major development/master plan applications.
- E. **Appeals.** Hear, review, and consider, and affirm, modify, or reverse decisions under or interpretations of these regulations, or adopt or disregard recommendations, made by the Board of Adjustment or the Planning Commission.
- F. **Other Actions.** Take such other action not delegated to the Planning Commission, the Board of Adjustment, or Planning Director, as the Board of County Commissioners may deem necessary to implement the provisions of the County Comprehensive Plan and these regulations.
- G. **Appeal.** See Section 9.1.3.

SECTION 1.4

Communication Between Applicants and Decision-makers Limited

- Section 1.4.1 Quasi-Judicial Proceedings.** Members of the Planning Commission, Board of Adjustment, and Board of County Commissioners act in quasi-judicial capacities when participating in public hearings under these regulations. "Quasi-judicial" is a term "applied to the action, discretion, etc., of public administrative officers or bodies, who are required to ... hold hearings, weigh evidence, and draw conclusions ... as a basis for their official action, and to exercise discretion of a judicial nature." Black's Law Dictionary, 6th ed., 1990. As such, only the highest degree of integrity in the process by a member ensures the public's trust in an impartial decision maker.

Section 1.4.2 Conflict of Interest. A member of a decision-making body shall not participate in or vote on any quasi-judicial matter in a manner that would violate an applicant's or party's right to a fair and impartial decision maker. Impermissible conflicts include, but are not limited to, a member having prejudged or fixed his or her opinion on a matter prior to hearing the evidence and argument of all parties at the public hearing, bias of a member due to disclosed or undisclosed ex-parte communications, close family, business, or other associations or relationships of a member with an interested person, when a member is a party, or when a member has a present or potential financial interest in the outcome of the matter. In instances of conflicts of interest, the member shall disclose the conflict of interest on the record and recuse him- or herself from the particular hearing -- leaving the hearing room for purposes of that hearing. If an objection is raised to a member's participation, and the member has not voluntarily recused him- or herself or refuses to recuse him- or herself, the Chairman and remaining voting members present shall rule on the conflict of interest by majority vote, which vote is final. If the majority determines the member has a conflict of interest, that member shall leave the hearing room for purposes of that hearing.

Section 1.4.3 Ex Parte Communications. "Ex parte" communications are communications in which only one party to and one side of a controversy is heard, i.e. without the other party present and without an opportunity for the other party to be heard. Participation in such communications by a member of a commission or board hereunder is prohibited, i.e., members of decision-making bodies shall not engage in communications about applications or appeals or other matters under review or reasonably anticipated to come under review with the parties to quasi-judicial proceedings. An applicant or party shall not engage in like communications with members of the decision-making commission or board, and such communications are also prohibited. Casual or social communications between a party and a member of a commission or board while the party's application is pending before the commission or board, *when others are not present* to verify the casual or social nature of the conversation, can appear to be improper and can undermine the public's confidence in the process. Such communications are likewise prohibited.

Section 1.4.4 Period of Prohibition. The prohibition against ex-parte communications shall apply to all applicants and parties and commission and board members hereunder beginning at the moment such applicant, party, commission or board member, has actual notice of the pending matter and never later than such time as notice of the first hearing on the pending matter is published. The prohibition shall remain in effect until the final decision on the matter by any commission or board is rendered in writing and filed and any appeal period has expired or the appeal process is exhausted to completion.

Section 1.4.5 Sanctions. Upon written complaint to the County Attorney that an applicant or party knowingly and willfully engaged in or solicited ex parte or prohibited communications hereunder, further action or hearing on the application or appeal shall be immediately suspended, and a hearing officer shall be appointed by the County Attorney to hold a public hearing on the complaint, the audio of which hearing shall be recorded. An applicant or party who is found by a preponderance of the evidence to have knowingly and willfully violated Section 1.4.3 of this ordinance during the period of prohibition, may, in the hearing examiner's discretion, be:

- a. Censured by the hearing examiner;
- b. Disallowed from presenting evidence or testimony on the application or appeal;
- c. Subjected to delay of up to one (1) year of the merits hearing; or
- d. Subjected to denial of the application or appeal without a hearing on its merits.

Appeal of the hearing examiner's finding and/or sanction is solely to the Eighth Judicial District Court by filing a Notice of Appeal in the district court within thirty (30) days of the filing of the decision of the hearing examiner.

Appointees of the Board of County Commissioners serve at the will and pleasure of the Board. Upon written complaint alleging violation of Section 1.4.3 of this ordinance during the period of prohibition made against an appointee of a member of the Board of County Commissioners, the Board may, in its discretion, hold a public hearing on the complaint. If the Board finds, by a preponderance of the evidence, that an appointed commission or board member violated Section 1.4.3 of this ordinance during the period of prohibition, the Board may fashion an appropriate sanction, including but not limited to immediate withdrawal of the member's appointment. The decision of the Board of County Commissioners as to an appointee of the Board is final.

SECTION 1.5
Severability

Section 1.5.1 The provisions of these regulations are severable, and if any provision, sentence, clause, section, or any part thereof, or its application to a person or in a particular circumstance, is held illegal, invalid, unconstitutional, the illegal, invalid, unconstitutional, or inapplicable provision or provisions shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of these regulations and the application of them.

SECTION 1.6
Designation of Zones

Section 1.6.1 **County Rural Area Zone.** The base zoning for all portions of the County under the jurisdiction of these land use regulations is “County Rural Area”.

Section 1.6.2 **Taos County Neighborhood Zone Overlays.**

- A. Neighborhood zones are addressed in *Taos County Land Use Regulations, Article 5: Neighborhood Associations*.
- B. Neighborhood zones are county-recognized areas containing additional zoning regulations, overlain on the County Rural Area zoning in order to preserve and promote unique cultural, historical and neighborhood character of specific areas of the County, as identified by neighborhood associations, residents and property owners of those areas.
- C. The purpose of the overlays are to allow for traditional activities to continue and to preserve unique community resources, such as view sheds, watersheds, pasture land, acequias, historic town centers and plazas, historic commercial centers and to accommodate growth in a manner that compliments and coexists with these irreplaceable assets. Each neighborhood zone may reflect a different community vision, allowing for rich diversity of residential and commercial options, including density, affordability, lifestyle, shopping and employment opportunities.
- D. Accompanying development (performance) standards are attributable to each neighborhood zone and reflect the reality of the constraints and opportunities unique to each neighborhood, as well as act as a vehicle for how to best achieve the long-range vision of that community.
- E. All neighborhood zone overlays and their accompanying development standards shall be reviewed by the County Planning Department for consistency and compatibility with the regulations, as well as other county ordinances and regulations, and may be approved or disapproved in a public hearing by the Board of County Commissioners. Upon approval, a neighborhood zone shall be deemed incorporated into the regulations, and identified on the map or maps designated “*The Official Zoning Map(s) of Taos County, New Mexico*”.

SECTION 1.7
Amendments to these Regulations

Section 1.7.1 **Amendment Authority**

- A. **Board of County Commissioners:** The Board of County Commissioners may, from time to time, and in accordance with Section 3-21-1, et. seq., NMSA 1978, on its own initiative, or on the recommendation of the Planning Commission or the Planning Department, amend, supplement or repeal all or any part of these regulations at a public hearing.
- B. **Proposed Amendment.** A proposed amendment shall include the precise wording of the proposed amendment, the reason for the proposed amendment, and a map and narrative identifying what properties would be affected by the amendment.

ARTICLE 2 DEFINITIONS

Section 2.1 Use of Definitions

Section 2.1.1 **Tense, Interpretation and Source:** For purposes of these regulations, certain words and terms are hereby defined. Words used in the present tense shall include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word “shall” is mandatory and directive. Any words not herein defined shall be construed as defined in the statutory and common laws of the State of New Mexico, and if not defined therein, then as defined in the current adopted codes of Taos County, New Mexico, and if not defined therein, then in accordance with the Webster’s Unabridged Dictionary.

Section 2.1.2 **Definitions:** The following definitions shall be used in the interpretation and enforcement of these land use regulations:

ABANDONMENT - To cease the occupancy or use of a property for its approved, permissible or grandfathered use for a period of 180 consecutive days or more (See Section 3.3.2.).

ABUT -To border upon a parcel of land; to share all or part of a common property line with another parcel of land.

ACCESS - A means of entrance to or exit from a property.

ACCESSORY STRUCTURE OR BUILDING - A structure or building, including a guesthouse, located on the same lot or parcel as, and detached from, the principal structure, the use of which is incidental, subordinate, secondary to, and under common ownership with, the principal structure or building. Accessory structures are less than 50% of the square footage of the principal structure. Accessory structures used exclusively as agricultural structures are not subject to a square footage limitation.

ACCESSORY USE - Use of land, found on the same lot or parcel as a principle use, that is subordinate, incidental and secondary to, and related to and customarily associated with the principal use.

ACEQUIA - A ditch that transports surface water from its source, e.g. a stream, a spring, watershed, a river, or a reservoir, to irrigate lands used primarily for agricultural purposes. Also, an acequia is a form of public corporation that is a political subdivision of the State of New Mexico. Like all other political subdivisions, acequias are competent to exercise those powers the legislature has delegated to them, expressly or by necessary implication.

ACRE - A unit of measure of a parcel of land that is 43,560 square feet.

ADJACENT – any adjoining lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land. Also, any lots or parcels that abut or are contiguous.

ADMINISTRATIVE REVIEW - A review of uses to determine if they are permitted by these regulations or what will be required for compliance.

AFFECTED AREA - An area which has been, is, or might be impacted by a land use change

AGRICULTURE - The production, storage, keeping, harvesting, grading, packaging, processing, boarding, or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AGRO-INDUSTRIAL - Of or relating to production for both industrial and agricultural purposes.

AHJ - Authority having jurisdiction. Taos County shall be the AHJ for all County building and planning regulations.

ALCOHOLIC BEVERAGE SALES (ON-SITE CONSUMPTION) - The sale of alcoholic beverages for consumption at the place of sale. The approval of this use is contingent upon the obtaining of all applicable state licenses.

ALCOHOLIC BEVERAGE SALES (RETAIL) - The sale of alcoholic beverages for consumption at a location other than the place of sale. The approval of this use is contingent upon the obtaining of all applicable state licenses.

ANEMOMETER - An instrument, usually located on a tower, that measures wind speed.

ANIMAL BOARDING - Medical treatment, grooming, breeding, or overnight accommodation of more household pets than are allowed as an accessory use to a residential use, but does not include the care, treatment, breeding, or accommodation of large animals such as horses, sheep, or hogs.

ANIMAL CARE - The Animal Care use type consists of medical treatment or grooming care of household pets, but does not include keeping animals overnight for any reason, animal breeding, or the care or treatment of large animals such as horses, sheep, or hogs.

ANTENNA ARRAY - An Antenna Array is one or more rods, panels, discs or similar devices used for transmission or reception of wireless signals, which may include omni-directional antenna (whip or rod), directional antenna (panel) and parabolic antenna (dish). The Antenna Array does not include the Support Structure, defined below, or Existing Vertical Infrastructure to which it is attached.

APPLICANT - Any entity or individual(s) that satisfactorily demonstrates an ownership interest or an authorized agent of an owner of a property that submits an application deemed complete to the Taos County Planning Department, and pays the required associated fees for a permit identified in the Taos County Land Use Regulations.

ARCHEOLOGICAL SITE AND ARCHEOLOGICAL FEATURES - An archeological site means a concentration of cultural remains considered to be the location of specific human activities of the past; archeological features mean non-portable cultural remains including; storage pits, fire pits, burial sites, work sites, architectural remains or undisturbed layers of deposited materials.

ARCHITECTURAL DESIGN - The basic aesthetic and functional characteristics of a building or group of buildings or structures, including the site and landscape development.

ARCHITECTURALLY INTEGRATED - A facility which is visually integrated into the landscape or existing vertical infrastructure by means of height, texturing, architecture, treatment, massing, placement, size, design, and/or shape so as not to appear as a Wireless Communications Facility (WCF).

AREA OF NOTICE / MAP - A Taos County Assessor's parcel map that shows all parcels and property code numbers within the distance required by the public notice requirements of the Taos County Land Use Regulations.

ARTS & CULTURAL USES - The Art & Cultural use type consists of the production and sale of arts and crafts, the presentation of music or theater, and similar artistic and cultural activities. The on-site production of goods by hand-manufacturing, involving the use of hand tools and small-scale, light mechanical equipment with electric motors that do not exceed five horsepower and directly associated with the production of arts and crafts. All uses must comply with applicable local and state Building and Fire Codes for the activity and use group.

ASSISTED LIVING - The Assisted Living use type consists of providing supervised shelter, rehabilitation, and personal care on a non-institutional basis to neglected, abandoned, physically handicapped, developmentally disabled, mentally ill, mentally disabled, and substance- or alcohol-dependent children or adults on a private or nonprofit basis, under licensure by the appropriate state agency(ies).

ATTACHED WIRELESS COMMUNICATIONS FACILITY - ("Attached WCF"): An Antenna Array that is attached or affixed to an existing building or structure (including; a utility pole, sign or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the Antenna Array to the existing building or structure.

AUTHORIZED AGENT - Individual or entity legally authorized to conduct business on a parcel owner's behalf with the county.

AUTOMOTIVE PARTS SALES - The Automotive Parts Sales use type consists of the sale of parts used in automobiles, motorcycles, trucks and similar vehicles, but does not include the on-site installation of such parts or lubricants.

AUTOMOTIVE REPAIR - The Automotive Repair use type consists of repair services for automobiles and other vehicles, including oil changes, tune-ups, wheel alignment, muffler and shock absorber replacement and repair, tire replacement and repair, electric and battery service, glass replacement, reupholstering, body work, painting.

AUTOMOTIVE SALES - The Automotive Sales use type consists of the sale or long-term lease of new or used automobiles, trucks or motorcycles, and the rental of automobiles or trucks, including onsite outdoor storage of such vehicles for sale or rent.

AUTOMOTIVE SERVICE STATION - The Automotive Service Stations use type consists of gasoline stations, including ancillary convenience retail and auto services. Service stations that contain any repair bays are considered "Automotive Repair."

A-WEIGHTED SOUND LEVEL (dBA) - A measurement of sound pressure level in decibels, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the midrange of the frequency spectrum. This area of sensitivity also corresponds to the human speech band. This measurement is the most commonly used filter in both industrial noise applications (OSHA) and community noise regulations.

BED AND BREAKFAST - The Bed & Breakfast use type consists of an owner occupied dwelling providing six (6) or fewer guest rooms on a commercial basis for stays of seven (7) or fewer consecutive nights, with no cooking facilities in the guest rooms, and providing food or drink exclusively to guests occupying the facility.

BILLBOARD – A sign that conveys information about a location other than the location on which it is located. All signs must conform to Taos County Sign Ordinance 1996-2. In general, billboards are not permitted in Taos County.

BOARD OF ADJUSTMENT - The officially appointed Board of Adjustment of Taos County, New Mexico, whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of the zoning regulations, consistent with the Taos County Land Use Regulations.

BOARD OF COUNTY COMMISSIONERS - The elected governing body of Taos County, New Mexico.

BORROW SITE - An area located within the construction easement from which material is extracted for use in conjunction with a federal, state, county, or township road construction project.

BRAKING SYSTEM - The primary braking system, which uses a mechanical brake, pitch-control of the turbine blades, or stall-control to bring the turbine to a stop in such a way that stall-induced vibrations/noise are avoided.

BUFFER - A strip of land intended to create physical, visual, and/or noise separation between potentially incompatible uses of land.

BUILDING - Any structure built or intended for the support, shelter or enclosure of persons, animals or property of any kind. When any portion of a building is completely separated from any other portion thereof by a division wall without opening or by a firewall, except interior firewalls, then each portion is a building.

BUILDING HEIGHT - The Building Height is the vertical distance to the top of the highest roof or parapet on a flat or shed roof, the deck level of a mansard roof, and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. The height shall be measured from the center of the front of the building at the original undisturbed elevation next to the proposed building envelope. Excluded from the calculation of the maximum height requirement are attached chimneys, vents, flag poles, solar structures, antennas and other similar equipment that do not exceed 4 feet from the building peak (ridge) at their highest point (Refer to Appendix 7).

BUILDING MATERIAL SALES - The Building Materials Sales use type consists of the sale of materials used for the construction of buildings and for landscaping, and the incidental sale or rental of tools. Outdoor storage of such materials and tools is included.

BUILDING PERMIT - A permit issued by the Taos County Planning Department and/or State of New Mexico Construction Industries Division (CID) to an applicant for the construction of a new building or structure, or repairs, alterations or expansion of an existing building or structure. Buildings and structures must be constructed according to all applicable adopted building codes.

BUSINESS & PROFESSIONAL SERVICES - The Business & Professional Services use type consists of providing services oriented to business matters, including; accounting services, financial services, tax preparation, duplicating and fax services, messenger services, printing, and janitorial services.

CAFES & COFFEHOUSES - The Cafes and Coffeeshouses use type consists of serving coffee, other non-alcoholic beverages, and food not prepared on-site, with the exception of bakery goods and may offer occasional entertainment as an attraction for patrons.

CEMETARIES - The Cemeteries use type consists of burial grounds for the interment of the dead. Uses include cemeteries and crematories, columbaria, and mausoleums located within cemeteries. Cemeteries and the disposal of human remains are not permitted uses and require a Special Use Permit.

CERTIFICATE OF OCCUPANCY - A certificate issued by the Taos County Planning Department allowing a building to be occupied.

CHURCHES & COMMUNITY CENTERS - The Churches & Community use type consists of community meeting and cultural facilities; meeting, athletic, recreational, or social facilities of a private fraternal or benevolent organization; and facilities for religious worship with incidental educational or residential use. Uses include fraternal lodges, meeting halls, community centers, libraries, museums, churches, mosques, synagogues, monasteries, convents, and religious retreat centers.

CLEARING AND GRUBBING - Removal of topsoil and vegetation for development purposes and for which no County Building Permit is required.

CO-LOCATION - Use of a common Wireless Communication Facility (“WCF”) or common Support Structure by two or more wireless communications license holders or by one wireless communications license holder for more than one type of communications technology, or, placement of a WCF on a structure owned or operated by a utility or other public entity, or placement of an Attached WCF.

COMMERCIAL - Any activity for profit or not-for-profit or use which involves the manufacture or sale of goods or services, any agro-industrial activity and/or any activity which is designed to generate revenues.

COMMON AREA - The outdoor area accessible to all residents within a development. It may be owned in undivided interest by all the residents of the development or dedicated for acceptance as a park to a Homeowner’s Association or, in cases where the county accepts such dedication, to the county. It may remain in its natural state or may be landscaped or improved for passive or active recreational activities. Paved or unpaved areas that may be used or are used for easements, roads or parking automobiles shall not qualify as common open space.

COMMUNITY LIQUID WASTE TREATMENT SYSTEM - A public or private liquid waste (sewage) collection, treatment and disposal system, and all appurtenant improvements as approved by the State of New Mexico Environment Department.

COMMUNITY WATER SUPPLY SYSTEM - A public or private water supply, treatment, storage, transmission and distribution system, and all appurtenant improvements as approved by the State Engineer of New Mexico. A community water supply system includes a municipal water supply system.

COMPREHENSIVE PLAN - The current “Taos County Comprehensive Plan” adopted by the Board of County Commissioners.

CONCEPTUAL SITE PLAN - A conceptual site plan is a plan relating to concepts or mental conception of the proposed development.

CONDOMINIUM - A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONFLICT OF INTEREST - A member of a decision-making body shall not participate in or vote on any quasi-judicial matter in a manner that would violate an applicant's or party's right to a fair and impartial decision maker. Impermissible conflicts include, but are not limited to, a member having prejudged or fixed his or her opinion on a matter prior to hearing the evidence and argument of all parties at the public hearing, bias of a member due to disclosed or undisclosed ex-parte communications, close family, business, or other associations or relationships of a member with an interested person, when a member is a party, or when a member has a present or potential financial interest in the outcome of the matter.

CONSTRUCTION - The duly permitted permanent placing or erection of construction materials into position, including site grading or improvements for roadways. When excavation or removal of an existing structure has commenced in preparation for new construction, such is construction.

CONTIGUOUS - Parcels being in actual contact along a boundary line or separated only by a road, right-of-way or easement.

CORRECTIVE ACTION - Any action required by the Planning Department to ensure compliance with or conformance to these regulations and state law.

COUNTY - Taos County, New Mexico.

COUNTY CLERK - The County Clerk of Taos County, New Mexico.

COUNTY ENGINEER - The County Engineer for Taos County, New Mexico, whether employed or contracted on a consulting basis by the county.

COUNTY MANAGER - The County Manager of Taos County, New Mexico.

COUNTY RURAL AREA - An area characterized by sparse, low density development, where the land is undeveloped or primarily used for agricultural purposes. County Rural Area does not include municipalities (e.g., Town of Taos, Taos Ski Valley, Red River, Questa), neighborhood zones, sovereign lands, federal, state lands, or Indian lands.

COVENANTS - Provisions placed in a deed or other recorded instrument, which impose limitations on the use of the property.

CUL-DE-SAC - A street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

C-WEIGHTED SOUND LEVEL (dBC) - The measurement of sound pressure level in decibels, which is designed to be more responsive to low-frequency noise. C-weighting is intended to represent how the ear perceives sound at high decibel levels and is also used for evaluating impact or impulse noise such as demolition or mining blasting, artillery firing and bomb explosions using conventional explosives of less than approximately one ton.

DANCE & FITNESS STUDIOS - The Dance & Fitness Studios use type consists of the use of space, often before and after normal working hours, for dance types, exercise programs, and general fitness training.

DAY CARE CENTER - An establishment or facility which has the primary function of providing care, services, and supervision to children for less than twenty-four (24) hours in any day; or any facility, as defined in the Public Health Act, NMSA 1978, 24-1-1, et seq., that provides child care for seven (7) or more children in a place other than the child's home, that are under the age of 18, with or without compensation, except the home of a family member who provides day care for

family. If there are children less than the age of ten (10) years who reside in the home, they count as children served by the facility.

DAY CARE – RESIDENTIAL - A home business of providing care and supervision in a single-family residence where an occupant of the residence cares for six (6) or fewer children less than 18 years of age for periods of fewer than twenty-four (24) hours per day. If there are children less than the age of 10 years who reside in the home, they count as children served by the facility.

DECIBEL (dB) - A unit of sound pressure level measuring the amplitude of sound.

DEFENSIBLE SPACE - An area, either natural or man-made, where material capable of allowing fire to spread unchecked has been treated, cleaned or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DENSITY - The number of families, individuals, dwelling units, households, or housing structures per unit of land.

DEVELOPMENT - The making of any material change in the use or appearance of any structure or land, including construction, reconstruction, alteration, repair, excavation and grading, addition to, location or relocation of any structure, and/or the installation of supporting infrastructure for current or future development, including roads, bridges, utilities, and construction staging areas.

DISCLOSURE STATEMENT - A written document containing such information as the reviewing body shall require allowing a prospective purchaser or lessee to make an informed decision about the purchase or lease of land.

DRAINAGE - The removal of surface water or ground water from land by grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation and prevention, or alleviation of flooding.

DRAINAGE CHANNEL - Any significant indentation into which storm water flows along a defined course.

DRAINAGE COURSE - A natural watercourse or indentation for the drainage of surface water.

DRAINAGE EASEMENT - An area of property that is reserved for the drawing off or flowing off of water.

DREDGING - The process by which soils or other surface materials, normally transported by surface water erosion into a body of water, are removed for the purpose of deepening the body of water.

DRIVEWAY - That area of land required to provide vehicular access from the street to buildings or other improvements on a property.

DUPLEX - The Duplex use type consists of two dwelling units on a single parcel within the same structure, each with its own ground floor entrance, sleeping areas, kitchen and bathroom facilities. Refer to “Multi Family Development”

DWELLING - A structure or portion thereof that is used exclusively for human habitation, including single family and multi-family dwellings, but not including bed & breakfasts, hotels, inns, and motels.

DWELLING UNIT - A room or suite of rooms with kitchen and bathroom facilities designed as a unit for occupancy by one family maintaining a household.

DWELLING, SINGLE FAMILY - A dwelling designed for and occupied by not more than one (1) family.

DWELLING, MULTIPLE FAMILY - A dwelling designed exclusively for occupancy by two (2) or more families living independently of each other and containing two (2) or more dwelling units.

EASEMENT - A right of use through, over and/or under the property of another.

ENERGY PRODUCTION-RENEWABLE - The Energy Production-Renewable use type consists of distributed energy generation systems powered by solar, wind, biomass, hydroelectric, or geothermal sources. Solar collectors used to produce thermal or electrical energy consumed on-site are considered to be an accessory use and are not included in this use type.

EQUESTRIAN FACILITIES - Structures and other improvements for the boarding and care of horses and other equines, including burros, donkeys and mules. Use may include buying, selling and breeding; retail and wholesale hay and feed, ferrier and veterinary services, amateur riding clubs, and other directly related activities. Equestrian facilities must comply with these regulations and all applicable water quality, noise, odor and health and safety regulations.

EQUIPMENT FACILITY - An Equipment Facility is any structure used to contain equipment for WCF including, cabinets, shelters, and an expansion of Existing Vertical Infrastructure, ice bridges, pedestals or any other similar structures.

EROSION - Soil movement due to wind, water, ice, and/or gravity.

EROSION CONTROL - A man-made structure for preventing or controlling erosion.

EXCAVATING AND GRADING PERMIT - A permit issued by the county required for any excavation or grading activity subject to these regulations and other ordinances, regulations or codes.

EXISTING GRADE - The existing topography of the building footprint or the slope before the start of construction.

EXISTING VERTICAL INFRASTRUCTURE - Existing Vertical Infrastructure is any vertical infrastructure in existence at the time of application, including, buildings, utility poles, light poles, signs, towers, monopoles, water towers and tanks, any structure for which a permit has been issued by the county but has not been constructed as long as approval by the county has not expired, and any legal nonconforming structure.

EX PARTE COMMUNICATIONS - "Ex parte" communications are communications in which only one party to and one side of a controversy is heard, i.e. without the other party present and without an opportunity for the other party to be heard.

EXTRACTION AREA - Any non-agricultural artificial excavation of earth exceeding 50 square feet of surface area of two feet in depth, other than activity involved in preparing land for earth sheltered or conventional construction of residential, commercial, and industrial buildings, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone, or other deposits or made by turning, breaking, or undermining the surface of the earth, except that public improvement projects shall not be considered extraction areas.

EXTRACTIVE USE - The use of land for surface or subsurface removal of sand, gravel, rock, minerals, ore, peat and all other subsurface materials.

FAMILY - A group of individuals not necessarily related by blood, marriage, adoption, or guardianship living together in a dwelling unit as a single housekeeping unit. For purposes of this ordinance, “family” does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result of criminal offenses.

FARMERS MARKET - Covered or outdoor markets for the seasonal retail sale of flowers, fruit, vegetables, herbs and seedlings, that are produced and sold on-site or within the same neighborhood or within Taos County, sponsored as a cooperative or common venture with similar local growers. The sale shall be by the farmers or their employees who have produced the food or flowers. The sale of other types of merchandise including processed and packaged foods and food, nursery plants, landscaping fruits and flowers produced outside the State of New Mexico is not included in this use type.

FCC - FCC shall mean the Federal Communications Commission.

FEED LOT - A confined area or structure, pen, or corral, used to fatten livestock prior to final shipment..

FILL - Sand, gravel, earth, or other deposits, natural or manmade, on, moved onto, or placed on a parcel of land.

FILLING - The placement of fill on a parcel of land.

FINISHED GRADE - The completed surface of ground, walks, driveways, roads or streets brought to the grade shown on any building or development plans.

FIRE DISTRICT - See “Local Fire District.”

FIRE PROTECTION PLAN - A document prepared for the applicant by a certified engineer for the specific project or development proposed in Taos County. It describes ways to minimize and mitigate the fire protection for the project or development, with the purpose of reducing impact on the community’s fire protection delivery plan.

FLOOD FRINGE – All the land in a floodplain not lying within a delineated floodway that is subject to inundation by relatively low velocity flows and shallow water depths.

FLOOD HAZARD BOUNDARY MAP - An official map of an area of Taos County, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated.

FLOOD PLAIN - Land area susceptible to being inundated by water from any source.

FLOOD PLAIN PERMIT - A permit may be required by the Taos County Planning Department that indicates whether a given building site is or is not located within a designated flood plain, as defined and mapped by The Federal Emergency Management Agency.

FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 25 year flood.

FOOD & BEVERAGE SALES - The Food & Beverage Sales use type consists of the retail sales of food and beverages, primarily for off-site preparation and consumption. This use type must be combined with the Alcohol Beverage Sales use type in order to sell alcoholic beverages. Uses include supermarkets, grocery stores, or delicatessens.

FREQUENCY - The oscillations per second in a sound wave.

GOVERNMENT FACILITY - A structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

GRADING, TEMPORARY - Grading, excavating, or filling that meets the following criteria shall be considered temporary:

- 1.) Grading, excavating, or filling of at least 500 and not more than 10,000 cubic yards of material.
- 2.) Grading, excavating, or filling that is temporary in nature, with a one-year time limit.
- 3.) Grading, excavating, or filling that is not located in a Floodplain, Shore land, Scenic River, or Project River bend District. Grading, excavating, or filling in these districts shall be regulated under the appropriate chapter of the Regulations specific to each of these districts.
- 4.) Any excavation of 50 cubic yards or more requires a grading permit as per these regulations

GREENHOUSE - A building or structure, the roof and sides of which are made largely of glass or other transparent or translucent material, and in which the temperature and humidity can be regulated for the cultivation of fragile or out-of-season plants for subsequent sale or for personal enjoyment.

HAZARDOUS MATERIAL - A chemical or substance, or a mixture of chemicals or substances, which:

- 1.) Is regulated by the federal Occupations Safety and Health Administration under Code of Federal Regulations, Title 29, Part 1910, sub. Z.
- 2.) Is either toxic or highly toxic, an irritant, corrosive, a strong oxidizer, a strong sensitizer, combustible, either flammable or extremely flammable, dangerously reactive, pyrophoric, pressure-generating, a compressed gas, a carcinogen, a teratogen, a mutagen, a reproductive toxic agent, or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance.

HISTORICAL CHARACTER - Buildings, structures, appurtenances and places deemed of basic and vital importance for more than 50 years because of their association with history.

HOME OCCUPATION - A business, profession, occupation or trade conducted from a single family residential property, and located entirely within the primary dwelling or an accessory structure, such as a detached garage. It is clearly incidental and secondary to the use of the residential dwelling, and does not change the essential residential impact, character or appearance of the dwelling. Agriculture and/or agricultural industry are not applicable. Refer to Section 4.3.2 for standards.

HOSPITALS - The Hospitals use type consists of state-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, including overnight stays at the facility. This use type includes facilities for inpatient or outpatient treatment as well as training, research, and administrative services for patients and employees.

HOTEL, MOTEL, INN - A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

HYDROLOGIC STUDY - A systematic assessment of various aspects of the water of a geographic area prepared by an appropriately-licensed New Mexico engineer.

IMPERVIOUS SURFACE - A surface that substantially reduces or prevents the infiltration of water.

INCOMPATIBLE USE - An actual or proposed use that is inconsistent with or otherwise inappropriate to the existing land uses surrounding the site of the actual or proposed use.

INDUSTRIAL - Any activity related to the manufacture of products.

INFRASTRUCTURE - Facilities and services needed to sustain all land-use activities, including water and sewer lines and other utilities, streets and roads, communications, and public facilities, such as firehouses, parks, and schools.

INFRASTRUCTURE AGREEMENT - An agreement entered into between a developer and the county setting forth conditions of approval of a development, time limitations to satisfy conditions, and the developer's agreement to comply with conditions, complete infrastructure improvements, and to provide security for completion of improvements.

LANDMARK (also "HISTORIC SITE") - A site or structure which:

1.) possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state, or nation; or 2.) is identified with historic personages; or 3.) embodies the distinguishing characteristics of an architectural style; or 4.) is the work of a designer whose work has significantly influenced an age; or 5) because of a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood. A site designated by state or federal entity.

LAND RECLAMATION - Activity that is taken during and after development to return the area, to the extent possible, to its natural state or to take actions that would substantially reduce adverse environmental effects particular to a development.

LAND USE - How land is occupied or used.

LEASE - A contract for the use of land, structures, buildings, or parts thereof for a fixed time and consideration.

LEGAL DESCRIPTION - A metes and bounds or other acceptable description of a parcel of land filed in accordance with the requirements of the State of New Mexico and Taos County.

LIVESTOCK RAISING - The raising of animals for commercial or non-commercial purposes. Livestock raising does not include animals allowed and in numbers and conditions as allowed in the Taos County Animal Control Ordinance, No. 2011-1

LOCAL DISTRICT - Any legally established district in the county such as: soil and water conservation district, water and sewer sanitation district, and fire district.

LOCAL FIRE DISTRICT - The nearest fire department to the property that is responsible for responding to a fire on it. If applicable for purposes of approval of a fire protection plan, the definition also includes a State or Taos County Fire Marshall.

LODGING - The Lodging use type consists of providing seven (7) or more guest units, with no or minimal kitchen facilities in the units, intended for occupancy on a commercial basis, primarily for seven (7) or fewer consecutive nights. Guest units may be reached either from a common entrance or directly from the outside of the building. This use type includes restaurants or reception facilities operated in conjunction with the hotel or motel.

LOT - A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT AREA - An area of land bounded by the lot lines of a lot excluding public right-of way or easements for private right-of-way.

LOT, CORNER - A lot abutting two or more streets at their intersection.

LOT, COVERAGE - The horizontal area of a site that is covered by buildings or roofed areas.

LOT, DEPTH - The mean horizontal distance between the front and rear lot lines.

LOT, FRONTAGE - That portion of any lot that abuts a street or road.

LOT, INTERIOR - A lot with frontage on only one street or road; a lot other than a corner lot.

LOT LINE - A line dividing one lot from another lot or from a street, road or alley.

LOT LINE, FRONT -The line separating a lot from a public or private road or street used to access the lot.

LOT LINE, REAR - That boundary which is opposite and more or less parallel to the front lot line. In the case of an L-shaped or other irregularly-shaped lot where two (2) or more lines are so located, all shall be considered to be rear lot lines, except one within fifty (50) feet of the front lot line or one that is twenty (20) feet or less in length. In the case of a lot that comes to a point at the rear, the rear lot line shall be that imaginary line parallel to the front lot line, not less than ten (10) feet long, lying within the lot and farthest from the front lot line.

LOT LINE, SIDE - Any lot line that is not a front or rear lot line.

LOT WIDTH - The width of a lot at the front setback.

LOW IMPACT AUTOMOTIVE REPAIR AND RESTORATION - A place where 4 or less automobiles are repaired or restored by an auto mechanic.

MAINTANANCE YARDS - The Maintenance Yards use type consists of the outdoor or enclosed storage of trucks, equipment, and construction or maintenance materials. Minor and incidental repairs of the stored items are also included.

MAJOR DEVELOPMENT - A development designation that uses more than five (5) acres of land or will contain more than 80,000 square feet of gross space or has a projected project cost of more than ten million (\$10,000,000) dollars. A major development is not a single-family residential use in a wholly residential subdivision or an allowed agricultural use, but it may be multi-family dwellings or condominiums as defined herein.

MANUFACTURED HOME - A manufactured home, or mobile home, is any structure designed for residential use that is transported on its own chassis or similar detachable trailer device, having a measurement of more than thirty-two (32) feet in length and eight (8) feet or more in width and placed on a permanent or non-permanent foundation. Refer to Taos County Ordinance 2007-7 as amended.

MANUFACTURING - Establishments engaged in the transformation of materials or substances into new products, including the assembling of component parts. The term covers all mechanical or chemical transformations, whether the new products are finished or semi-finished materials used in some other process or assembly. Manufacturing is usually carried on for the wholesale market. The Manufacturing use type requires a Special Use Permit in all zones. The definition does not include the production or use of these processes for the creation of non-mass produced, commissioned or individualized art or craft pieces in a home-based business, though all other building, environmental and safety codes are applicable.

MASTER PLAN - A plan required for a Major Development that is developed in phases.

MAXIMUM ANNUAL WATER REQUIREMENT - The total annual diversion from the source that is required to meet the allowed water use of a development.

MAXIMUM HEIGHT - Maximum height is a twenty-seven foot (27') vertical distance from the center of the front of the building at the undisturbed existing elevation next to the building site to the top of the highest parapet roof on a flat or shed roof, the deck level of a mansard roof, or the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Excluded from the measurement are attached chimneys, vents, flag poles, solar structures, antennas and other similar equipment that do not exceed 4 feet above the maximum height. Refer to schematics in Appendix 7.

MEDICAL CLINICS - The Medical Clinics use type consists of state-licensed facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, but does not include overnight stays at the facility.

MINING - The extraction, excavation, removal, storage, or processing of soils, sand, gravel, rock, soil, oil, natural gas, coal bed methane, or other materials for commercial or industrial purposes. For the purposes of these regulations, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- 1.) Excavation for the foundation, cellar, or basement of some pending structure for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage.
- 2.) On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage approved by the local unit of government, agriculture or conservation purposes, sod removal, or other public utilities.
- 3.) Landscaping purposes on a lot used or to be used as a building site.
- 4.) Grading/excavation of less than one acre of land in conjunction with improvement of a site for lot development, providing activities will be completed in one year.
- 5.) The removal of excess materials in accordance with approved plats or highway construction.

MOBILE HOME - See "Manufactured Home."

MOBILE HOME PARKS - The Mobile Home Parks use type consists of a site where two or more lots are rented or leased, or held out for rent or lease, to accommodate manufactured homes, mobile homes, or recreational vehicles used for human habitation. Mobile Home Parks are also governed by Taos County Ordinance 2005-8, "Subdivision Regulations", as amended.

MODULAR HOME - A prefabricated structure used as a permanent dwelling unit that does not have permanent or temporary axles of its own and that is connected permanently to an on-site foundation made exclusively for that modular home or building.

MULTIPLE FAMILY/CONDIMINIUMS DWELLING UNITS - Any structure used for the accommodation of three (3) or more families or households, each with its own kitchen, sleeping and bathroom facilities, in separate or joined living units.

NACELLE - The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) - A permit issued by the (NMNR). New Mexico Energy, Minerals and Natural Resources Department for the purpose of regulating the discharge of pollutants from point sources.

NEIGHBORHOOD ASSOCIATION - an organization of property owners and/or residents that has been incorporated under the laws of the State of New Mexico, has recorded its bylaws with the Clerk of the County of Taos, and has been approved by the Board of County Commissioners.

NEIGHBORHOOD ZONE AREA (NZA) - A zone that has been adopted by the Board of County Commissioners at the recommendation of recognized Neighborhood Associations.

NOISE, AMBIENT - The all-encompassing noise associated with a given environment, being either a composite of sounds transmitted by any means from many sources near and far or a single predominate source.

NON-CONFORMING USE - A permitted use of real property, including improvements thereon, which can be demonstrated by the owner or tenant as having been lawfully established prior to the inception of these regulations, has been in continuous occupancy and uninterrupted use for the applicable purpose(s) between their establishment and the imposition of these regulations, but which no longer conforms to the current zoning law.

NON-COMMERCIAL WIND POWER GENERATION - Wind power generation via a structure no greater than twenty-seven (27) feet in height for one residence with allowed accessory buildings.

NOXIOUS MATTER - Material which has been identified by OSHA, EPA, or similar State of New Mexico regulatory agencies capable of causing injury or is in any way harmful to living organisms or is capable of causing detrimental effect upon the physical or mental health of human beings.

OFFICES - The Offices use type consists of offices of firms or organizations providing professional, executive, management, medical, or administrative services not included in any other use type. This use type excludes home offices that otherwise meet the criteria for a home occupation.

OFFICIAL CONTROL - Legislatively defined and enacted policies, standards, precise detailed, maps, and other criteria all of which control the physical development of a municipality or a county, or any part thereof, or any detail thereof, and the means of translating into ordinances all or any part of the general objectives of the Comprehensive Plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, housing codes, and official maps and have been adopted by Taos County.

OPEN SPACE - Areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards.

OPERATOR, MINING - Any owner or lessee of mineral rights engaged in or preparing to engage in mining operations.

ORDINARY HIGH WATER LEVEL OR ORDINARY HIGH WATER MARK - The boundary of “public waters” and “wetlands”, an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to

predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel.

OWNER - Any person or entity that has a legal or equitable interest in real property.

PARKING SPACE, OFF-STREET - A space not in a street or alley and having an area of not less than one hundred and eighty (180) square feet or as defined under the current AASHTO standards, exclusive of driveways, permanently reserved for the temporary parking of one vehicle and connected with a street or alley by a driveway which affords ingress and egress for a vehicle.

PARTY - Generally, one who has a legally recognizable private or public interest in the matter as, for example, an applicant, property owners within the area of notice, affected neighborhood associations, user(s) of a public recreation area, or a state or federal agency protecting a governmental interest. A mere interest in aesthetics or a speculative pecuniary interest are not interests sufficient to be recognized under these regulations. For requirements in quasi-judicial proceedings, see sections 7.1.2.A and 7.1.2.B herein.

PERFORMANCE STANDARD - The specifications to be used and enforced by the county as set forth in the Taos County Land Use Regulations.

PERSONAL SERVICES - The Personal Services use type consists of services and incidental sales of a personal nature. Typical uses include beauty salons, barbershops, therapeutic massage services, and diet centers.

PLANT NURSERIES - The Plant Nurseries use type consists of the sale and cultivation of ornamental trees, shrubs, and plants, including incidental sale or rental of garden and landscape materials and equipment. Outdoor storage of such materials and equipment is included.

PRIVATE PRE-SCHOOL - The Private Preschool use type consists of providing care and education for children less than six years of age for the purpose of preparing them for public or private elementary school.

PROJECT IMPACT REVIEW - A review of existing public professional literature, maps and other information regarding possible impacts that may be related to Wind Power Generation development and possible impact mitigation techniques and measures. Such information sources may include, among others, federal, state and local agencies.

PROTECTED WATERS - Any waters of the state as defined by New Mexico or federal regulations. However, no lake, pond, or flowage of less than 10 acres in size and no river or stream having a total drainage area less than two square miles shall be regulated for purposes of these regulations.

PERMIT - A permit issued by the county that is required for any development activity subject to these regulations and other ordinances, regulations or codes.

PERMITTED USE - A use permitted in a zoned area which complies with all of the regulations applicable in that zone.

PERSON - Any individual, partnership, firm, co-partnership, joint venture, association, social club, fraternal corporation, corporation, estate, trust, business trust, receiver, syndicate, political subdivision, or other group or combination acting as a unit.

PHASED DEVELOPMENT - A development in which the proposed project is developed in phases over a period of time.

PLANNING COMMISSION - The officially appointed Planning Commission of Taos County, New Mexico.

PLANNING DEPARTMENT - The department of Taos County that is responsible for the implementation and enforcement of the Taos County Land Use Regulations and Taos County Subdivision Regulations.

PLANNING DIRECTOR - The person hired by the County Manager to manage the Planning Department. For purposes of these regulations, "Planning Director" includes his or her staff and designee(s).

PRINCIPAL USE - The primary use of a lot or parcel, which may be either a permitted or administratively approved use.

PRIVATE WIRELESS COMMUNICATIONS FACILITY (Private WCF) - A facility designed solely and specifically for amateur (ham) radio, citizens band radio or other private, non-commercial communications systems or for the user end of a commercial system (i.e., small antennas located on residences so that the occupants may use a wireless service in the residence.

PUBLIC NUISANCE - A public nuisance consists of knowingly creating, performing or maintaining anything without lawful authority affecting any number of citizens, which is:

- 1.) injurious to public health, safety, morals or welfare; or
- 2.) interferes with the exercise and enjoyment of public rights, including the right to use public property.

PUBLIC RIGHT-OF-WAY - The area of land deeded, dedicated or reserved by plat, whether in fee simple or as an easement, acquired, or established by usage by the County of Taos, State of New Mexico, or federal agency, primarily for the general public use, for utilities, or for the movement of people, goods and vehicles.

PURE TONE - A sound whose instantaneous sound pressure is a simple sinusoidal function of the time and is characterized by a single frequency or singleness of pitch. For the purpose of these regulations, a pure tone shall exist if the one-third octave band sound pressure level in the bandwidth of the tone exceeds the arithmetic average of the sound pressure levels on the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above, and 8 dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz.

QUASI-JUDICIAL - A term applied to the action, discretion, etc., of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence, and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature. Quasi-judicial does not include such activities when the legislative function is being exercised.

REAL ESTATE - is a term that encompasses land along with improvements to the land, such as buildings, fences, wells and other site improvements that are permanently affixed to the land.

RECREATION - The Recreation use type consists of recreational and entertainment operations taking place indoors, such as bowling alleys, and outdoors, such as sports fields.

RECREATIONAL VEHICLE OR SHELTER - A vehicle or shelter designed primarily for temporary use as a portable dwelling unit for travel, recreational, camping purposes or as a temporary residence while constructing a main residence not to exceed 180 calendar days.

RECYCLING-COMMERCIAL - The Recycling Commercial use consists of collecting consumer waste for the purpose of processing and producing recycled products for distribution or resale.

RECYCLING-NEIGHBORHOOD - The Recycling Neighborhood use consists of collecting consumer waste for the purpose of subsequently transporting it to be recycled, and is contained within a screened area of not more than 500 sq ft.

REFUSE - Putrescible and non-putrescible solid wastes including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes that do not contain free moisture.

REPAIR SERVICES-LIMITED - The Repair Services-Limited use type consists of on-site repair and incidental sales of supplies for consumer items such as small household goods, shoes, clothing, watches, cameras, and similar items, conducted within an enclosed building.

REPAIR SERVICES-GENERAL - The use type consists of on-site repair and incidental sales of supplies for large consumer items and business equipment such as furniture, computers, large appliances, and construction tools, conducted within an enclosed building. This use type includes furniture refinishing and repair but excludes maintenance and repair of motorized vehicles or industrial equipment.

RESEARCH & DEVELOPMENT - The Research & Development use type consists of the research, development, and limited production of high-technology electronic, industrial, biological, or scientific products. Typical uses include biotechnology firms and software firms. Management offices and incidental and affiliated services for employees, such as corporate recreational facilities, are included.

RESIDENTIAL CARE - The Residential Care use type consists of providing 24-hour non-medical care in a residential setting for six (6) or fewer people in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living.

RESIDENTIAL USE - A zoning designation to include housing as the principal use and approved associated accessory and ancillary uses directly related to the principal use. Residential uses do not include the burial or interment of human remains.

RESTAURANT - An establishment whose primary and predominant business is serving drinks and food prepared and served on-site, which does not have drive-through facilities, and which does not serve patrons seated in an automobile.

A pick-up window for food called-in in advance may be approved administratively by the Planning Director if an approved traffic and parking plan can be provided that does not detract from patron, pedestrian and parking safety.

Indoor entertainment, where other requirements for occupancy, parking, etc. within this land use code and the county building codes are met, shall be considered a permitted associated use, not requiring additional zoning approval.

Limited outdoor entertainment directly associated with and consistent with the primary activity is also permitted under this land use, subject to administrative review to ensure all other county land use, public health and safety and zoning regulations are complied with, including parking.

Reasonable limitations on hours, sound, occupancy, lighting, visual or sound barriers, etc. may be imposed by the County Planning Department in order to ensure public health and safety concerns, as well as to ensure compatibility with neighborhood zoning and surrounding land uses.

RESTRICTIVE COVENANTS - Provisions placed in a deed or other recorded instrument, which impose limitations on the use of the property.

RETAIL - A business engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Examples include, but are not limited to: department stores; supermarkets; drugstores; bakeries; meat markets; liquor stores; hardware, paint and wallpaper stores; camera shops; florists' shops; gift shops; hobby shops; stationery shops; bookstores, apparel shops; shoe stores; variety stores; jewelry stores; stores for sales of gardening supplies and equipment; movie theatres; and bowling alleys.

RETAIL SALES-REGIONAL - The Retail Sales-Regional use type consists of the retail sale of goods or provision of services not specifically listed under another use type, and which are primarily oriented toward a regional customer base. Typical uses include large department stores, big box retail stores, bulk food and household goods stores, and retail sales from warehouse-type structures.

RETAIL SALES-GENERAL - The Retail Sales-General use type consists of the retail sale of goods or provision of services not specifically listed under another use type, and which primarily sell specialized items or that are primarily oriented to a local customer base. This use type includes stores selling clothing, hardware, books, flowers, jewelry, and furniture that occupy buildings with less than 4,000 square feet of gross floor area.

RECYCLING-NEIGHBORHOOD - The Recycling Neighborhood use consists of collecting consumer waste for the purpose of subsequently transporting it to be recycled, and is contained within a screened area of not more than 500 square feet.

RE-ZONING - Rezoning is the reclassification of a parcel of land from one zoning district to another zoning district.

ROAD - Any vehicular or private access, street, alley, highway, easement or way existing by operation of law, platted, recorded or shown on any official map, whether or not such street is actually developed, used or dedicated.

ROAD GRADE - The average of the finished ground level at the center of all façades of a road.

ROTOR - The rotating part of the turbine, including the turbine blades.

RUBBISH - Accumulated non-usable material, which is likely to cause a public hazard or nuisance, or is unacceptably offensive or generally noncompliant with accepted neighborhood aesthetics.

SCHOOLS - ELEMENTARY & SECONDARY - The Schools-Elementary & Secondary use type consists of primary or secondary schools, including elementary, junior high, and high schools operated by a public agency or private organization.(pre-school, college, private schools?)

SEASONAL HIGH WATER TABLE - The highest elevation in the soil where all voids are filled with water, as evidenced by presence of water, soil mottling, or other information.

SENSITIVE RESOURCE MANAGEMENT - The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

SETBACK - The distance between the building and any lot line. Minimum setbacks define the building envelope and establish required yards – front, rear, and side. Boundary fences may be permitted within side and rear setbacks, but not front setbacks.

SIGHT TRIANGLE – A triangular-shaped portion of land established at street intersections in which nothing may be erected, placed, planted or allowed to grow in such a manner as to limit the sight distance of motorists entering or leaving the intersection. Refer to Appendix 7 Schematics.

SIGN - Any object, device, display or structure, or part thereof, situated outdoors or indoors, that is used to convey information by any means, including words, letters, figures, symbols, fixtures, colors, illuminated or projected images, not to include window displays in commercial properties, athletic scoreboards or ,signage placed by a governmental entity.

SINGLE FAMILY RESIDENCE – A building which is occupied or which is arranged, designed, and intended to be occupied, by one family and containing only one kitchen plus living, sanitary and sleeping facilities, but not including hotels, motels, tents, recreation vehicles , camper trailers, or other structures designed or used primarily for temporary occupancy. A single-family residence shall also include a manufactured home as defined herein that is installed and has received permits in accordance with the provisions of these regulations, and in conformance with manufacturer’s guidelines and state and local regulations. A single-family residence must have indoor plumbing and be serviced by adequate water, sewer and public utility systems.

SINGLE-FAMILY ATTACHED - The Single-Family Attached use type consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, constructed with a common wall with a single-family unit located on an adjacent parcel. No secondary units are permitted for single-family attached dwellings, other than a commonly shared garage.

SINGLE-FAMILY DETACHED - The Single-Family Detached use type consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, which is separated from any other dwelling unit. Manufactured homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 that are installed on a permanent foundation approved by the County, are included.

SOLAR COLLECTOR - means a device, substance or element, or a combination of devices, substances or elements that relies upon sunshine as an energy source and that is capable of collecting not less than twenty-five thousand BTU's on a clear winter solstice day or that is used for the conveyance of light to the interior of a building. The term also includes any device, substance or element that collects solar energy for use in:

- 1) the heating or cooling of a structure or building;
- 2) the heating or pumping of water;
- 3) industrial, commercial or agricultural processes; or
- 4) the generation of electricity. A solar collector may be used for purposes in addition to the collection of solar energy. They include, but are not limited to, serving as a structural member or part of a building or structure and serving as a window or wall.

SOLAR ENERGY - Radiant energy (direct, diffuse, and reflected) received from the sun.

SOLAR PANEL - See Solar Collector

SOLAR RIGHT - means a right to an unobstructed line-of-sight path from a solar collector to the sun, which permits radiation from the sun to impinge directly on the solar collector.

SPECIAL USE PERMIT - A permit that runs with the land; approval for the permit must be obtained from the Taos County Planning Commission before certain uses can be developed, including, commercial, steep slope development, multi family development, wet land development, manufacturing and industrial uses.

SPECIAL USE DESIGNATION - A land use that requires a special use permit under these regulations.

STALL-CONTROL - A braking mechanism on wind turbines where the rotor blades are bolted onto the hub at a fixed angle. The rotor blade profile is aerodynamically designed to ensure that the moment the wind speed becomes too high it creates turbulence on the side of the rotor blade which is not facing the wind. This stall prevents the lifting force of the rotor blade from acting on the rotor.

STEEP SLOPE - Land with a slope of 20% or greater.

STEEP SLOPE DETERMINATION - A determination made by the planning department or a NM licensed engineer with regard to any proposed building or development site where the slope is 20% or greater. The slope shall be measured twenty (20) feet beyond the downhill side of the building site to twenty (20) feet beyond the uphill side of the building site.

STEEP ROAD GRADE - Any grade exceeding 12% where road or driveway is proposed.

STORAGE-PERSONAL - The Storage-Personal use type consists of providing storage services primarily for personal effects and household goods within enclosed storage areas having individual access. The incidental sale of boxes and packing materials and the rental of trucks and trailers for personal use are included.

STRUCTURE - Something constructed, placed or built and having a fixed base on, or fixed construction to the ground or another structure excepting utility poles.

STRUCTURAL CHANGE - Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

SUBSTANTIAL COMPLIANCE - Exists when there has been no willful departure from the terms agreed between the developer and the county, and no omission in essential requirements, and the developer has honestly and faithfully performed and substantially completed requirements made pursuant to the regulations.

SUPPORT STRUCTURE - A structure designed and constructed primarily to support one or more Antenna Arrays (i.e., a tower).

TEMPORARY USE - An occasional use related and subordinate to the approved principal use of the property conducted for a limited duration with the intent to discontinue such use upon the expiration of the approved time period.

TERRAIN MANAGEMENT - The control of floods, drainage and erosion, and measures required for adapting the proposed development to existing soil characteristics and topography.

TERRAIN MANAGEMENT PLAN - The developer's proposal for the control of floods, drainage and erosion, and planned measures required for adapting the proposed development to existing soil characteristics and topography.

TOWER - With regard to wind energy system, the structure on which the wind system is mounted.

TRACT - See "Lot".

TURBINE - A wind driven machine that converts wind energy into electrical power, also known as a wind energy conversion system.

TURN ABOUT - A section of road used to change or to reverse direction traveled.

UNDISTURBED GROUND ELEVATION - The measured height above a fixed reference point, often the mean sea level prior to any disturbance of the ground.

UPWIND ROTOR - A design in which the rotor on a wind turbine tower faces into the wind.

UNSAFE STRUCTURE - A structure or building which, in the determination of the Planning Director is In a condition presenting a substantial danger or hazard to public health, safety, or welfare, is a dilapidated building which is unused by the owner or uninhabited because of deterioration or decay, and constitutes a fire hazard or subjects adjoining properties to a danger of damage by storm, soil erosion, or rodent infestation.

VACATE - An act of voluntarily rescinding all or part of an approved or permitted development, plat or use by notification to the approving entity, failing to act on an approval within the specified timeframe, or abandoning or discontinuing the use or property in the case of a non-conforming use.

VARIANCE - Permission to depart from a literal requirement of this regulation, upon a showing by the applicant that strict enforcement of this regulation would cause undue hardship in execution.

VENDING VEHICLE - A vehicle used by individual vendors who offer goods for sale to the public.

VICINITY MAP - A map that shows the area or region near or about a proposed project.

WATER BUDGET - The calculated amount of water a household will use.

WATERS OF THE STATE - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portions thereof.

WATERCOURSE - A river, creek, stream, arroyo, acequia, or other body of water that has definite banks and/or evidences the overland flow of water.

WEEDS AND BRUSH - Any underbrush, brush, shrub or plant material which constitutes a health, safety, and welfare hazard or detracts from the accepted neighborhood aesthetics.

WETLANDS - an area that is inundated or saturated by freshwater, surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions.

WILDLAND-URBAN INTERFACE AREAS - Any areas in which structures and other human development meet or intermingle with wildland, forest, or mountainous terrain containing vegetative fuels that present a hazard of wildfires; an area adjacent to an evacuation route for an “at risk” community that requires hazardous fuels reduction for safer evacuation from the community; an area where the watershed is endangered by human development.

WIND ENERGY SYSTEM - A wind driven machine that converts wind energy into electrical power.

WIND POWER GENERATION (WIND FARM), COMMERCIAL - A single wind driven machine or a collection of wind driven machines or turbines that convert wind energy into electrical power for the primary purpose of sale, resale or offsite use.

WIND POWER GENERATION, NON-COMMERCIAL - A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power, and is not intended for the commercial sale or transfer of power. If all applicable regulations are met, Non-Commercial wind power generation may contain more than one wind energy conversion system.

WIND TOWER TOTAL HEIGHT - The highest vertical point on the machine, including the rotor blade tips, measured from the tower base.

WIRELESS COMMUNICATIONS FACILITY (WCF) - A facility used or intended for the transmission of an Antenna Array, connection cables, attachment device, equipment facility and either a support structure or existing vertical infrastructure to achieve the desired elevation.

WIRELESS COMMUNICATIONS FACILITY HEIGHT - The height shall be measured from the average point of the highest and lowest undisturbed adjacent ground elevation or grade next to the Wireless Communication Facility (WCF) to the tallest point of the tower or supporting structure and all projecting antennas or devices above that height, including the height of any buildings the WCF is built upon.

WORKFORCE HOUSING - Low income/moderate income housing as defined by current state and/or federal law.

XERISCAPE - Water-efficient landscapes appropriate to the natural environment.

ZONED AREA - Area(s) where certain land uses are allowed or not allowed, and where certain site plan and development standards are established by Taos County.

ZONING CLEARANCE - A zoning clearance is a written authorization issued by the Planning Department to indicate that a proposed development or use of property is in accordance with the provisions of these regulations, and complies with other applicable federal, state and county requirements.

ARTICLE 3

LEVEL OF REVIEW, REQUIREMENTS, EXEMPTIONS AND EFFECTIVE DURATION

This Section outlines the three land use review categories for the County of Taos. They are Administrative, Special Use, and Major Development. All land use development within Taos County requires notification of and review by the Taos County Planning Department, and an approved permit or variance.

SECTION 3.1 Levels of Review

Section 3.1.1 **Levels of Review:** Permits may be subject to one of the following levels of review:

- A. **Administrative Review.** Certain permitted use changes require a minimal level of review and can be reviewed administratively by the Planning Department and approved by the Planning Director as a zoning and building review, in accordance with Section 4.2 and Section 4.3.
- B. **Special Use Review.** Certain land use changes, because of their nature or location, will have the potential to cause impacts that warrant review by both the Planning Department and the Planning Commission, in accordance with Section 4.5 and Section 4.7.
- C. **Major Development Review.** Certain land use changes, because of their intensity or location, will have the potential to cause significant impacts on the neighborhood or region that warrant review by the Planning Department, Planning Commission and Board of County Commissioners, in accordance with Section 4.6 and Section 4.7.

Section 3.1.2 **Permits:** These regulations govern the following permit applications:

- A. Administrative Permit
- B. Special Use Permit.
- C. Major Development Permit.
- D. Variance Permit

SECTION 3.2 Permit Requirements

Section 3.2.1 **Permit Requirements**

- A. **Permits:** Any change in land use, unless expressly exempt from the permit requirements of Section 4.3.1, shall obtain a permit from the Planning Department before commencing the development or activity associated with the land use change.
- B. **Violation:** Failure to obtain any required permit specified in the these regulations shall be considered a violation of the regulations, and is subject to enforcement action, to include required compliance, fines, a doubling of permit fees, and such other penalties and remedies as may be authorized under law.
- C. **Deviation from Original Permit:** All permits shall be limited to the specified nature of the request. Any deviation from the original permit request shall require the applicant to submit the changes to the Planning Department in advance. If, in the judgment of the Planning Department, there is a significant deviation from the original permit, a new application by the applicant may be required by the Planning Department.
- D. **Commencement of Projects:** Commencement of a project (including clearing and grubbing of the site and the installation of utilities) shall not begin until all approvals and permits are obtained from the Planning Department in writing. County approvals will specifically state the date work may commence.

Section 3.2.2 Posting of Administrative Permit: Applicants receiving an administrative zoning clearance permit, an administrative manufactured home transport & installation permit, or an administrative temporary use permit must post each of these permits in a location visible from the access road at the site of the development or project. The permit shall be posted so as to be readily visible for identification and inspection by Planning Department personnel.

Section 3.2.3 Posting of Property Address: The physical street address of the property for which an administrative permit is sought or received shall be posted permanently on the property in a readily visible location from the access road. The sign shall be of a reflective material and lettering identifying the property shall be at least four (4) inches in height.

Section 3.2.4 Payment of Fees: Permit applications must be accompanied at the time of submission by the required fee(s), as set by the Taos County Fee Schedule in Appendix 9. A schedule of fees is available through the Planning Department. Failure to obtain the required permits and pay all related fees prior to commencing development will, at the discretion of the county, result in a doubling of the original fee for permits, and/or such additional penalties and remedies as may be available to the county and deemed appropriate .

The Planning Director, upon notification and approval by the County Manager, may waive all or part of the fees applicable under this code for development-related applications from either governmental or private charitable entities involving projects that are both of a non-profit nature and for the public good, i.e. affordable housing, community and economic development, day care, health care facilities, emergency services facilities, preservation of open space, historical preservation or restoration, public recreation or public education.

Section 3.2.5 Multi-Agency Notification Requirements: In addition to the agency reviews listed in the Planning Department’s development application package or within the applicable sections of these regulations for an application, review by additional agency may be required when submitting applications for review and/or approval for properties located in neighborhood zoned areas, FEMA flood plains, properties bordering federal, state, local government or tribal properties, and sites impacting other jurisdictions or land uses under the jurisdiction of government-designated agencies (designated wetlands, historic properties, endangered species, navigable waterways, etc.). The applicant shall be responsible for any fees that may be imposed by these government agencies for the review of the application and for compliance with any subsequent public notification requirements made a part of that review.

SECTION 3.3

Permit Exemptions, and Legal Non Conforming Uses

Section 3.3.1 Exemptions from Permit Requirements: The following uses and activities are exempt from a requirement to obtain an administrative permit, special use permit, major development, or variance permit:

- A. **Agricultural operations** that include:
 - 1. Production, cultivation, growing, and harvesting of crops and plants, but not including greenhouses, forestry or timbering.
 - 2. Raising and breeding livestock, but not including confined animal feedlot operations.
- B. **Excavations** of fifty (50) cubic yards or less, including areas in which the slope is 20% or greater, for use on-site or non- commercial use by the property owner.
- C. **Accessory Structures** smaller than one hundred eighty (180) square feet in size that are associated with the exempt uses and activities herein do not require a land use or building permit. Temporary and permanent accessory structures over the size limitation shall be required to obtain a permit, regardless of the eligibility for exemption of the primary and accessory use.

- D. **Fences.** Vegetative, slated, chain link and latilla fencing six (6) feet in height or less, or yard walls four (4) feet in height or less. All fences shall comply with front yard setback and clear sight triangle requirements in Appendix 7.
- E. **Plastering, Roofing, Carports, Decks.** The following activities do not require zoning or land use approval, but do require a building permit:
 - (1.) residential/commercial siding or plastering, residential/commercial roofing, and residential/commercial carports that meet required setbacks,
 - (2.) residential interior remodeling that does not change the existing use, and
 - (3.) residential decks/patios/sunrooms that meet required setbacks
- F. **Public and private open space, parks and recreation.** Wilderness areas, conservation easements, dedicated open space and neighborhood parks and recreation facilities that do not require increased lighting, road accesses or parking areas in excess of the existing conditions.
- G. **Utility Easements.** The granting, conveyance or use of private property by agreement between the owner of record and a public or private electric, water, sewer, cable, telephone or natural gas provider for the purposes of service to an individual owner of said property. This does not include commercial transmission lines, natural gas pipelines and other commercial systems intended to serve multiple properties, unless approved as part of the County subdivision or plat approval process.

Section 3.3.2

Legal Non-conforming Use: A land use which was lawful before Taos County Land Use Regulations were passed, but which would be prohibited, regulated or restricted under the terms of the regulations and subsequent amendments of the regulations. The land use must have remained in continuous use for that purpose as its principle use since passage of the regulations. If any such nonconforming use of land has been discontinued for a period of more than 180 days, subsequent use of the land shall conform to the regulations.

- A. **Replacement or Expansion.** Any replacement or expansion of a nonconforming use or the structure housing it shall require an application be submitted to the Planning Department for determination as a legal nonconforming use that may be continued, and determination as to whether the project is exempt from requirements for a special use or other permit in accordance with the following criteria:
 - 1. **Required Letter of Determination.** An existing and continuous, uninterrupted use determined to be a legal non-conforming use shall be provided a letter of determination of such by the Planning Department, and shall be allowed to continue, as follows:
 - a. **Expansion of less than 25%.** Any expansion(s) of a legal nonconforming use of less than an aggregate of 25% of its original size or footprint (established at the time the use became non-conforming), shall require administrative approval, and all elements of the enlargement or expansion shall conform to all special use permit performance standards in addition to all building code requirements applicable to the project.
 - b. **Expansion of More Than 25%.** Any expansion(s) of a legal non-conforming use that would increase its original size or footprint (established at the time the use became non-conforming) in excess of an aggregate of 25%, or any such increase(s) in its livable or usable space, shall require a Special Use Permit.
 - c. **Replacement of Less Than 50%.** A legal nonconforming use that is damaged or destroyed to an extent of less than 50 percent of the most recent county assessor's full value or fair market value of the structure at the time of destruction may, upon Planning Department approval, be restored to its original size, height and footprint, but shall conform to all current regulations, including building code requirements applicable to the project.

d. **Replacement of More Than 50%.** A legal non-conforming use that is damaged or destroyed beyond 50% of the most recent county assessor's full value or fair market value of the structure at the time of destruction shall be required to come into compliance, and application for a Special Use Permit shall be required to restore or continue the previous use, which shall meet all current regulations and codes, including the building code applicable to the project.

B. **Abandonment of Use.** A non-conforming use which, by the overt acts of the owner, has not been occupied or utilized continuously for that use as its principal use since the adoption of the Taos County Land Use Regulations for a period in excess of 180 days shall be considered to have been abandoned and shall not be entitled to be expanded, reconstructed or continued without application for and approval of a Special Use Permit by the county, which at that time shall meet all other current regulations and codes, including the building code applicable to the project.

SECTION 3.4 **Permit Effective Duration**

Section 3.4.1 **Permit Effective Date:** A permit shall take effect upon issuance of written approval that is signed and dated by the representative of the appropriate reviewing body, unless an appeal is filed as provided in and pursuant to the Appeals section of these regulations.

Applicants are cautioned that despite the outcome of any review, public hearing, vote or meeting with county staff or elected officials, approvals will not be released by, nor be legally binding upon the County, until the expiration of any applicable period for appeal of the decision.

Section 3.4.2 **Revocation, suspension, extension, transferability and duration**

A. **Notice of Non-Compliance.** In any case where the conditions of a special use permit or major development permit have not been or are not being complied with, or the terms of any law or ordinance are violated in connection therewith, the Planning Director shall give written notice to the permittee of the County's intention to suspend or revoke the special use or major development permit; and within 30 calendar days following the mailing of such notice, the Planning Commission shall conduct a hearing thereon at which the Planning Commission shall either reinstate the permit (with or without additional conditions) or revoke the Permit.

B. **Transferability.** A valid permit granted pursuant to this section shall be transferable to subsequent owners of the site for which the permit is granted, unless the condition or conditions of use have been rendered nonconforming or the use ceased and is deemed abandoned.

C. **Effective Period.** Table 3.4.2.B governs the effective period of a permit. The effective period begins on the date of the issuance of the permit (as identified on the permit). The effective period and extensions below require the applicant to fulfill the conditions of the intended use. Exceeding the effective time period shall require a new permit.

Table 3.4.2.B:

PERMIT	Effective Period	Extension(s)	Approval Entity for Extension
Single Family Residential	24 mo.	6 mo. (limit of two)	Planning Department
Manufactured Housing	12 mo.	6 mo. (limit of one)	Planning Department
Temporary Use Permit (TUP)	1 mo.	1 mo. (limit of 3 per 12-month period)	Planning Department
Special Use Permit	24 mo.	6 mo. (limit of two)	Planning Commission
Major Development Permit <i>-- Recommendation</i>	60 Days	30 days (limit of one)	Planning Commission
Major Development Permit <i>-- Approved to Completion of Construction</i>	24 mo.	6 mo. (limit of two)	County Commission
Master Plan Development <i>-- Recommendation to Approved Master Plan</i>	60 Days	30 days (limit of one)	Planning Commission
Master Plan Development <i>-- Approved Master Plan to Completion of Construction</i>	5 years	1 year (limit of one)	County Commission

ARTICLE 4: PERMIT PROCESS

This Article outlines the permit process for Administrative, Temporary Use, Special Use, and Major Development Permits.

SECTION 4.1 Permitted Uses

Permitted uses, except those identified as being exempt in Section 3.3.1, require an administrative permit, and review procedures, as provided for in these regulations, must be followed. Any development that is not a permitted use shall require a special use permit or a major development permit. The following uses are allowed in those areas of the county regulated by the Taos County Land Use Regulations, except as modified in the neighborhood zoned areas:

- A. Single Family Residence
- B. Agricultural
- C. Home Occupations
- D. Manufactured Housing (See Taos County Ordinance 2007-7 as amended.)
- E. Non-Commercial Wind Power Generation
- F. Non-Commercial Solar Power Generation
- G. Non-Commercial Excavation and Grading
- H. Public parks and recreation, including dog parks, playgrounds, athletic fields
- I. Public facilities and infrastructure, including firehouses, schools, libraries and utilities

Section 4.1.1 Temporary Uses exempt from permitting are:

- A. Garage sales, estate sales and yard sales by and for the benefit of the owner of the residence(s).
- B. Sidewalk and parking lot sales less than 2 days and occupying less than 10% of the parking or walkway area, where not a safety hazard is not created.
- C. Fundraising events of less than 3 consecutive days by community, civic and non-profit groups, including schools, religious and veterans groups (excluding activities identified in 4.1.2.A-K).

Section 4.1.2 Temporary Uses requiring an Administrative Permit and compliance with standards set forth in section 4.3.4 of these regulations are:

- A. Arts & Craft Shows, Studio Tours: the temporary display and sale of arts and crafts materials.
- B. Circus, Petting Zoo & Carnivals: circus and carnivals operated for the entertainment of the public or paying customers.
- C. Flea Markets & Swap Meets: non-recurring events held for the purpose of the sale or trade of primarily used merchandise.
- D. Live Entertainment Events: musical or other entertainment events held outdoors or under a temporary structure.
- E. Outdoor Exhibits: outdoor exhibits sponsored by a school, civic organization, government, political events or for-profit organization.
- F. Recreation Events: non-recurring single day recreation events, e.g., a marathon race.
- G. Religious Assembly: non-recurring religious events held outdoors or under a temporary structure.
- H. Retail Sales–Outdoor Temporary: the temporary outdoor sales of merchandise not otherwise allowed.
- I. Seasonal Fruit & Vegetable Stands: the sale of seasonal fruit and/or vegetables.
- J. Seasonal Sales Lots: the sale of Christmas trees, chilies, pinion, pumpkins, firewood and similar seasonal merchandise.
- K. Street Fairs: events sponsored by neighborhood or civic organizations that feature educational displays, cultural and community celebratory events, small items for sale, food and beverages, entertainment, and similar activities.

SECTION 4.2

Administrative Review Application Procedures and Performance Standards

Section 4.2.1 Administrative Review Pre-application Conference

- A. **Pre-application Conference Required.** Unless expressly provided otherwise in these regulations, a pre-application conference is required for all applicants for all requested actions.
1. **Participating Parties.** The pre-application conference shall be held between the applicant and the Planning Director or his or her designee, and such staff as may be deemed appropriate to the application.
 2. **Purpose.** These meetings are intended to provide an understanding of the applicable review procedures, requirements and standards, and to provide information pertinent to the site and the proposal. The Planning Director or designated staff will explain the application procedures and the materials required for submittal, and shall be available to answer any questions by the applicant(s).
 3. **Materials.** The applicant shall bring a conceptual site plan (see Article 2: Definitions) to the pre-application conference showing in sufficient detail the location, parcel size, and basic concept of the proposed land use or development.
- B. **Optional Report.** Within ten (10) working days after the pre-application conference, the Planning Director (or designee) may, at his or her discretion, prepare and mail to the applicant a written report identifying if the applicant needs to provide additional detail or clarification, other agencies that need to be contacted, and potential community or project concerns the applicant needs to consider.
- C. **Determination of Level of Review.** The Planning Director, in consultation with and upon recommendation of the assigned Planning Department staff, will determine the appropriate type of review process for the land use change that is being sought. The Planning Department may not refuse anyone the right to apply for a permit or a process demanded.

Section 4.2.2 Administrative Review Application Submittal Requirements

A. Administrative Review Application Submittal

Applications for Administrative Review Permits shall be submitted to the Planning Director by the owner(s) of the property that is the subject of the application, or his or her authorized agent.

B. Application.

The following are required for an administrative review application:

1. **Application Form.** Application forms for administrative review shall be obtained from the Planning Department. The application shall include the name of the proposed development or use, and the total number of acres. Completed application forms and accompanying materials shall be submitted to the Planning Director by the owner or the owner's authorized agent.
2. The applicant shall submit the deed, deed restrictions, and any additional declarations of conditions, covenants and restrictions for the subject property, if any.
3. **Affidavit of Compliance.** An Affidavit of Compliance is required of all applicants stating either that there are no deed restrictions and/or covenants and restrictions applicable to the property, or the applicant is in full compliance with existing deed restrictions and/or covenants and restrictions. The Planning Department will not accept the application unless the Affidavit of Compliance is provided. See *Appendix 10*.
4. **Applicant is not the owner.** If the applicant is not the owner of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submission of the application by the non-owner.

5. **Applicant is not the sole owner.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter signed by the other owner(s) or an authorized representative of the owners, consenting to or joining in the application for an Administrative Permit.
6. **Taos County Taxes.** The applicant must submit a receipt from the County Treasurer's Office demonstrating that property taxes have been paid and are current.
7. **Notification and Approvals.** The applicant shall, with his or her application, obtain, submit, and provide evidence to the Planning Department of notifications to and approvals required from other entities such as pueblos, sovereign nations, state, federal, local government agencies, neighborhood associations and acequia associations, as applicable.
8. **Elevation drawings.** Elevation drawings showing the existing grade, finished grade, and height of any proposed structures above the existing grade shall be submitted with the application. The location and dimensions of all windows and doors must also be included on each.
9. **Buildable Lot.** Verification that the site is a buildable lot under these regulations, state regulations, federal regulations and that adequate legal access from a public road has been obtained from the required state, county, or federal agency, and/or private owner(s).
10. **Vicinity Map.** An 8 ½ x 11 vicinity map locating the parcel in the county shall be included with all applications. The vicinity map shall clearly show the boundaries of the subject property, and all property within a three-mile radius of the subject property.
11. **Site Plan.** Applications shall include a site plan that is prepared at a scale acceptable to the Planning Director and conveys the conceptual aspects of the plan. The site plan must have the following elements:
 - a. The name, address and telephone number of the property owner, applicant (if not the owner), and the person(s) who prepared the submittal.
 - b. Date of preparation or revisions, written scale, graphic scale, and north arrow (designated as true north).
 - c. A complete legal description and physical address of the property, including the total size of the parcel.
 - d. Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of structures from property lines.
 - e. Location and dimensions of all structures that are existing and proposed.
 - f. Existing and proposed driveways, with locations and dimensions including all proposed grading for the property.
 - g. Existing and proposed roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements and rights-of-ways on or adjacent to the parcel, shown by location and dimensions.
 - h. Significant on-site features including: natural and artificial drainage ways, wetland areas, ditches, hydrologic features (with flooding limits based on information available through the county) and aquatic habitat; significant geologic and hydrologic features and hazards, as appropriate.
 - i. Description of the proposed wastewater treatment system, including location and size of leach field, sewer service lines, and treatment facilities to serve the proposed use.

- j. Description of the source and capacity of the water supply, including location and size of well(s) and/or water lines to serve the proposed use.
- k. Additional information that may be requested by the Planning Director and assigned staff.

Section 4.2.3 Administrative Review Procedures

- A. **Review of Application Materials.** The Planning Department shall review the application for determination of completeness in accordance with the standards of Section 4.3. Within fifteen (15) working days of receipt of the application, the Planning Director shall notify the applicant in writing as to whether the application is complete.
- B. **Incomplete Application.** If the application is not complete, the Planning Department shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within sixty (60) calendar days, the application shall be considered withdrawn. The applicant shall make any arrangements to pick up the application.
- C. **Evaluation.** Upon determination of completeness, the Planning Department shall require a review of the application for compliance with the performance standards set forth in Section 4.3. The Planning Department will conduct a site visit on all applications to assure compliance with setbacks and other applicable standards
- D. **Review by Referral Agencies.** The Planning Department, at its discretion, may submit the application to federal, state, local, tribal or other agencies, including neighborhood associations, for comment, as the Planning Director and reviewing staff deem appropriate and necessary. The referral review and comment period shall be for a period up to thirty (30) calendar days from the date that the application is deemed complete. If a referral agency's determination is adverse, the applicant may decide whether to (a) proceed with the application review process with the adverse opinion attached, (b) proceed with the application review process and submit additional supportive data of the applicant's position, (c) withdraw the application, (d) make written request of the Planning Director to suspend the review process for a period of thirty (30), sixty (60) or ninety (90) days to allow the applicant to conduct additional evaluation or to informally appeal to the reviewing agency, at the discretion of the Planning Director. No extension beyond ninety (90) days shall be granted. Any application, the review of which is not resumed prior to the expiration of the suspension period, shall be deemed withdrawn. Mailings for agency review shall be by certified mail, and the agency shall be notified in writing that the comment period is 30 days from the receipt of the information, and that failure to receive comment within the 30 days shall be considered to be "no comment" or no objection with regard to the application.

Section 4.2.4

Planning Director Decision: The Planning Director shall approve, approve with conditions, or deny an application for a permit subject to administrative review, based upon compliance of the proposed use with the performance standards set forth in Section 4.3. The Planning Director shall inform the applicant of the approval, conditions of approval, or basis for denial of the application, in writing, not later than sixty (60) days from the date the application has been deemed complete. If in the process of reviewing the application questions or facts come to light as require verification, clarification, or additional information in order to render an informed or fair decision, the Planning Director or his or her designee shall inform the applicant, in writing, as soon as the need for verification, clarification, or additional information is identified. The above-required time frame for review will be considered suspended during the period that the Planning Department is waiting for a response by the applicant.

Section 4.2.5

Appeal of Administrative Review Decision

- A. **Request for Review by Board of Adjustment.** An applicant may request review by the Board of Adjustment of an administrative decision by filing a written notice of appeal, pursuant to Section 9.1.1.
- B. **Consideration of Applicant's Request for Review by the Board of Adjustment.** Upon receiving the applicant's notice of appeal, the Planning Director or his or her designee shall schedule a hearing before the Board of Adjustment at a public meeting, not more than forty-five (45) calendar days from the receipt of the applicant's request for appeal. Upon proper notice, in accordance with Section 6.1, the Board of Adjustment shall conduct a hearing in accordance with the provisions of Section 7.1. The Board of Adjustment shall uphold the Planning Director's or designee's decision, modify the decision, or reverse the decision, and shall direct the Planning Director to notify the applicant, in writing, of the findings of the Board within ten (10) working days from the conclusion of the hearing, as well as any process and time frame for appeal, in accordance with Article 9.

SECTION 4.3

Administrative Review Performance Standards

Section 4.3.1

Administrative Review Performance Standards: All applicable performance standards must be met in order for an application to be approved. The following performance standards shall apply to uses that require an administrative review permit:

- A. **Property rights (deed/lease).** The applicant shall produce evidence of all property rights, deed restrictions, covenants, permits and approvals necessary to conduct the activity.
- B. **Water and Wastewater.** The applicant shall provide written evidence that the requested use(s) shall be served by water systems approved by the New Mexico State Engineer, and wastewater systems that have been deemed adequate by the New Mexico Environment Department to serve the activity.
- C. **Utilities.** The applicant shall provide written evidence of availability of utilities required for the development.
- D. **Wildland Urban Interface (WUI) areas.** If the property is within a high risk county designated Wildland and Urban Interface area, the applicant shall present a fire risk management plan (refer to Appendix 4).
- E. **Water Quality Protection.** The use shall not cause significant degradation of the quality of surface or groundwater resources as specified by the State of New Mexico Environmental Department standards.
- F. **Clear Sight View.** Objects shall not block the line of sight at intersections, consistent with Article definitions of Clear Sight View and Appendix 7 schematics.
- G. **Maximum Height.** Maximum height is a twenty-seven foot (27') vertical distance from the center of the front of the building at the undisturbed existing elevation next to the building site to the top of the highest roof on a flat or shed roof, the mansard roof, or the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Excluded from the measurement are attached chimneys, vents, flag poles, solar structures, antennas and other similar equipment that do not exceed 4 feet above the maximum height. Refer to schematics in Appendix 7.
- H. **Wetlands.** Any proposed development on a tract which contains wetlands shall be limited to the development of areas within the applicant's tract which are not wetlands. Developments on tracts that contain wetlands shall adhere to all federal, state, Taos County Soil and Conservation District, and all other governmental and acequias regulations or requirements.
- I. **Non-commercial wind power generation towers** and equipment shall be no greater than twenty-seven (27) feet in height.

J. **Summary of Limits Table– Administrative:**

LIMITS – ADMINISTRATIVE	Regulation	COMMENTS
Maximum Parcel Coverage	n/a	
Minimum Setbacks:		
Front	20 ft.(1)	From roadway or as defined
Side	10 ft.	From property line
Rear	10 ft.	From property line
Minimum setback from acequias and springs	20 ft.	Measured from bank
Maximum Number of Units per Acre	(2)	(2) House, guest house, and customary accessory structures
Maximum Number of free-Standing structures per acre	(3)	(3) House, guest house, and customary accessory structures
Maximum Building Height	27 ft.	See Appendix 2: Definitions
Maximum slope	20%	If >20% see Section 4.13
Maximum finished grade for access road(s) and driveway	12%	See Section 3.3.1(15)

(1.)Boundary fences shall be permitted, as set forth in these regulations, within all setbacks except front lot-line setbacks.

K. **Solid Waste Disposal.** All applicants shall register with Taos County Solid Waste Department, as per the current Taos County Ordinance 2004-2, the Taos County Solid Waste Ordinance, as amended.

L. **Archeological Sites.** Developments shall not encroach upon known sites. If a site is discovered, all construction shall cease immediately and the County Planning Department and NM State Historic Preservation Office (SHPO) shall be contacted.

M. **Lighting.** All artificial light sources shall, at a minimum, be in compliance with the current Taos County Dark Skies Protection Ordinance No. 2006-9, as amended.

N. **Grade.** Access roads or driveways shall not exceed a finished grade of 12%. If an applicant can not achieve a finished grade of 12% the applicant may install a fire protection water storage system as per the specification in Appendix 4; or install sprinkler systems within the residential structures (attached to a source sufficient to provide water) on the property as an alternative for a variance.

O. **Storm Water Drainage.** No development shall cause erosion. Applicant shall contain all storm water run-off or drainage, if any, on the property, If a violation occurs prior to or during construction, the applicant will be issued a stop order until the violation is brought into compliance and approved by the Planning Department.

P. **Flood Plain.** The development shall be in accordance with the Taos County Flood Damage Prevention Ordinance No. 2009-01 as amended, as certified by the County Flood Plain Manager.

Q. **Legal Access and Driveways.** The applicant shall provide written evidence of legal access. For uses fronting public roads, evidence of compliance with the standards of the New Mexico Department of Transportation (NMDOT) or Taos County Public Works Department shall be provided. All accesses to and from the proposed use shall be safe and in conformance with applicable County, Federal and State access, transportation, and safety standards. Refer to Taos County Ordinance 2002-3, as amended.

R. **Rural Addressing.** The applicant for the proposed use shall obtain or show evidence of a county-approved address, as per the current Taos County Rural Addressing Ordinance, Ordinance 2006-3, as amended.

S. **Vicinity Map** of at least a one (1) mile area surrounding the site that demonstrates, at minimum, the following:

1. Traffic circulation system;
2. Major public facilities;
3. Location of existing municipal boundary lines (if applicable); and
4. Existing open space.

T. **No acequia**, whether on-site or off-site, shall be disturbed in any way by on-site building development or construction activity unless specific plans have been approved, in writing, by the person or entity legally responsible for the operation and maintenance of the acequia. It shall be the responsibility of the applicant to obtain all such approvals before submittal of any application. See Summary of Limits Table in J. above and the following:

1. All applications for development on a parcel containing an acequia, or a parcel within 20 feet of an acequia easement, shall be submitted by the applicant for review by the applicable acequia association. The acequia association has 30 calendar days upon receipt of the application to respond.
2. An acequia shall remain open and uncovered, have readily available access for use and maintenance, be unobstructed from fences or other impediments, and retain or be provided a minimum 12-foot maintenance easement on at least one side.

Section 4.3.2 Home Occupation Standards. Any home occupation must meet the following applicable requirements:

- A. No more than two (2) full-time/part-time employees, other than members of the family residing on the premises.
- B. A home occupation may not exceed the lesser of 1,000 square feet or fifty percent (50%) of the floor area of the primary residential structure in which the home occupation is to be conducted at the time of permitting.
- C. The home occupation must be carried out indoors without any outdoor storage of materials used in the operation. The storage of materials not directly utilized in the operation is not permitted.
- D. An accessory structure which is utilized for a home occupation may not utilize more than fifty percent (50%) of the accessory structure floor area, unless the accessory structure is the lesser of than 1000 square feet or fifty percent (50%) of the size of the primary residential structure.
- E. The use of the primary residential structure or accessory structure for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupant(s).
- F. There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one non-illuminated name plate sign not more than six (6) square feet in area.
- G. Parking for employees, customers, and clients of the home occupation shall be provided off the street. Any vehicles or equipment used by, serviced or owned by the business shall not be parked or stored on a public or private street, alley, drive, or other access to the property.
- H. No more than 2 vehicles associated with the home occupation may be parked or stored on the property, unless it can be demonstrated that the additional vehicles would be garaged and not create an adverse impact on the neighborhood or its surrounding character.

- I. Deliveries and pickups by tractor trailers to a home occupation are prohibited.
- J. No equipment or process shall be used which creates a nuisance or impacts the existing uses and properties in the neighborhood.
- K. The business shall comply with all federal, state, or county regulations, including business, environment, health, safety and welfare.
- L. Day care residential facilities with six (6) children or less are allowed for a home occupation.
- M. Retail sales shall be limited to that produced by the person with the home occupation.
- N. It is unlawful for any person to engage in business or offer for sale any goods or services, without first obtaining a tax number from the New Mexico Taxation and Revenue Department or the Town of Taos. Such tax number shall be prominently displayed and evidence shall be provided to the Planning Department at the time of application.

Section 4.3.3 Non-Commercial Wind Power Generation Standards.

- A. Non-commercial wind power generation shall be considered an accessory structure and shall be permitted in any area under the jurisdiction of the Taos County Land Use Regulations by the issuance of an approved administrative permit. The approval of the administrative permit is subject to compliance with the standard application requirements and all of the following non-commercial wind power generation requirements:
 1. **Maximum Height.** The height shall not exceed 27 feet. Freestanding non-commercial apparatus and apparatus mounted on existing or new structures shall not exceed 27 feet, inclusive of turbines.
 2. **Setback.** The wind energy system shall be set back a distance equal to one hundred and ten percent (110%) of the combined height of the tower plus the length to the tip of the blade from all adjacent property lines. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than twenty feet (20') to the property line.
 3. **Clear Zone.** The wind energy system shall maintain a circular clear zone that has a radius which is equivalent to one hundred and ten percent (110%) of the combined distance of the tower height plus the length to the tip of the blade. This clear zone shall be maintained free of any occupied structures, tanks containing combustible/flammable liquids, and above ground utility/electrical lines.
 4. **Noise.** Wind energy systems shall not exceed a noise level of 60 dB, as measured at any adjacent property line. The noise level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
 5. **Tower Security.** Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet. It is recommended that the tower be enclosed with an appropriate fence.
 6. **Lighting.** Wind energy systems shall not be artificially lighted with accent lighting. For the protection of the flight patterns of aircraft and the protection of heliports, airports and landing strips, wind energy systems must be lighted in accordance to the regulations and guidelines of the Federal Aviation Administration (FAA) or appropriate authorities. They shall not be subject to the Taos County Night Sky Ordinance.

7. **Signs/Advertising.** No tower shall have any sign, writing, or picture that may be construed as advertising.
8. **Multiple Wind Energy Systems.** Multiple wind energy systems are allowed on a single parcel as long as the owner/operator complies with all non-commercial wind power generation provisions of these regulations. Units shall be installed in compliance with minimum setback and clear zone requirements. The minimum distance between wind energy systems shall be equivalent to one hundred and ten percent (110%) of the combined height of the tower plus the blade length.
9. **Approved Wind Turbines.** At the time of application, the applicant must present a certification from the manufacturer that the system's turbine and other components equal or exceed the standards of one of the following national certification programs: California Energy Commission, National Electrical Code (NEC), American National Standards Institute (ANSI), Underwriters Laboratories (UL), or any other small wind certification program recognized by the American Wind Energy Association.
10. **Onsite Electrical Use.** On the administrative permit application, the applicant must certify that the power generation will not be for the sale or transfer of electrical power.
11. **Compliance with FAA Regulations.** Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
12. **Compliance with the ICBO Electric Code.** Administrative permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
13. **Plans - Compliance of Wind Energy System Plans with ICBO Building Code.** Administrative permit applications for non-commercial wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the ICBO Building Code and certified by a New Mexico Licensed Professional Engineer shall also be submitted.
14. **Installation - Compliance of Wind Energy System Installation with ICBO Building Code as amended.** Property owner must submit a written statement verifying the proposed wind energy system was installed in accordance with the ICBO Building Code as amended.
15. **Utility Notification.** No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
16. **Removal of Defective or Abandoned Wind Energy Systems.** Any wind energy system found to be unsafe by the Planning Department shall be repaired by the owner to meet federal, state and local safety standards or removed within one hundred twenty (120) calendar days of written notice by the Planning Department. If any wind energy system is not operated for a continuous period of twelve (12)

months, the County will notify the landowner by registered mail and provide forty-five (45) calendar days for a response. In such a response, the landowner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the County deems the timetable for corrective action as unreasonable, they must notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) calendar days of receipt of such notification.

Section 4.3.4 Temporary Use Permit Performance Standards.

- A. Any temporary use permit must meet all applicable requirements, unless one or more are waived in writing by the Planning Director as being inapplicable to the proposed use. The requirements are:
1. If the event is to take place on county property, proof of comprehensive general liability insurance in the minimum amount required by tort claims limits of the State of New Mexico naming Taos County as a third party insured.
 2. The name, telephone number, and exact location where the individual(s) in charge of the event can be reached.
 3. A Taos County Business Registration is required for each business to be conducted under a Temporary Use Permit (TUP) and the licensed events listed and posted on each booth, trailer or stand. If a single business registration is to be utilized to cover all activities under the temporary use permit ("TUP"), a copy shall be provided at the time of application and (along with the TUP) posted at a prominent location at the main entrance to the approved activity or location. It is unlawful for any person to sell any food or drink without first obtaining a food and drink permit from the New Mexico Environment Department. Such permit shall be prominently displayed at each booth, trailer or stand.
 5. It is unlawful for any person to engage in business, or offer for sale any goods or services without first obtaining a tax number from the New Mexico Taxation and Revenue Department, or from the Town of Taos. Such tax number shall be prominently displayed at each booth, trailer or stand.
 6. The Fire Chief, of jurisdiction, County Code Compliance Officer or Sheriff is empowered to revoke or suspend the permit of an applicant or a business registration, in the event that he/she determines that a violation of fire codes, a violation of these regulations, or other threat to the health, safety and welfare of the citizens exists.
 7. Applicants desiring a temporary permit that are not the owner of the property shall first obtain written authorization from the owners of all properties covered by the permit, or their agent(s).
 8. An applicant shall be required to provide portable toilets, if such event will serve more than fifty (50) visitors. The number of portable toilets and the location of such portable toilets shall be approved by the Planning Department. The applicant shall ensure that the portable toilets are cleaned daily, and are maintained in a safe and sanitary manner. The county will require that one of every four portable toilets be accessible to the handicapped.
 9. An applicant shall be required to provide sufficient portable dumpsters for the disposal of trash and garbage generated at the event. The dumpsters shall be emptied as needed to prevent odors and litter

10. If requested by the Planning Department, a security plan shall be provided for the events as a part of the TUP application. If required, the number of security personnel and hours of coverage must be approved in advance by the Taos County Sheriff. The applicant shall be responsible for coordination and the cost of providing these services.
 11. The county shall approve the days and hours of operation. The use must be an occasional use of the property related to the principal approved activity and the Planning Department shall determine what frequency or intensity satisfies the definition of a temporary use or becomes substantial enough in impact as to constitute an expansion of use requiring a Special Use Permit.
 12. The applicant shall submit a plan for and be solely responsible for the provision of adequate parking and traffic control.
- B. Requirements for Booths, Vendor Trailers, Tents and Stands, as determined to be applicable:
1. A five (5) pound ABC fire extinguisher shall be required of each vendor that prepares any food through the use of electrical or liquefied gas products.
 2. A Five (5) pound ABC fire extinguisher shall be required to be placed at each entrance and exit of any tent in which entertainment or seating are present, and for display tents larger than 20 x 20.
 3. An appropriately sized and sealable trash receptacle placed within or at the rear of the stand or trailer shall be required of each vendor that prepares food products. A trash separate trash receptacle shall also be required at the front or service counter of each stand or trailer for the disposal of refuse by customers.
 4. It is unlawful for any vendor to dispose of garbage or grease on any public street, sidewalk, storm drains, or on any public or private property. It shall be the responsibility of each vendor to dispose of such garbage, or grease, at an approved sanitary landfill.
 5. It is unlawful for any vendor to connect to an electrical system that does not meet all applicable electrical codes.
 6. All vendors that cook and offer food for sale that would generate grease and are connected to a sewer or septic system are required to have an approved grease trap.

Section 4.3.5 Non-Commercial Solar Hot Water Heater & Photovoltaic systems require electrical and plumbing permits.

- A. A building permit is required, a plan must be submitted showing the framing and any proposed alteration along with panel support of the system.
- B. Freestanding non-commercial apparatus and apparatus mounted on existing or new structures shall not exceed 27 feet.

Section 4.3.6 Non-Commercial Excavation and Grading Standards. Grading operations shall be in accordance with adopted building codes and the following requirements:

- A. **General.** This section is intended to provide the community with fair and equitable grading practices, and is additional to the requirements of any other ordinance or code.
- B. **Protection of Utilities.** Public utilities or services shall be protected from damage caused by grading or excavation operations.

- C. **Protection of adjacent property.** Adjacent properties shall be protected from damage caused by grading operations. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property, without supporting and protecting such property from any damage that might result.
- D. **Inspection notice.** The code official shall be notified at least 24 hours prior to the start of work.
- E. **Temporary erosion control.** Precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding or deposition of mud or debris originating from the site shall be taken. Precautionary measures shall include provision of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.
- F. **Traffic control and protection of streets.** Flaggers, signs, barricades and other safety devices to ensure adequate safety when working in or near public streets shall be provided.
- G. **Hazard from existing grading.** Whenever any existing excavation, embankment or fill has become a hazard to life or limb, endangers structures, or adversely affects the safety, use stability of a public way or drainage channel, such excavation, embankment or fill shall be eliminated.
- H. **Tracking of dirt onto public streets.** Adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets shall be provided.
- I. **Maintenance of waterway and irrigation canals.** Precautionary measures to protect and maintain the flow of waterways and irrigation canals shall be taken.
- J. **Re-vegetation.** The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such plantings shall provide for rapid short-term coverage of the slopes as well as long-term permanent coverage. A plan by a registered design professional shall be provided where required by the code official.
- K. **Design Standards.** The grading design standards required herein shall be those found in nationally recognized standards. [2006 International Building Code, as amended].
- L. **Reclamation plan** A reclamation plan, acceptable to the Planning Department, shall be submitted as a requirement of the application.

SECTION 4.4
Special Use and Major Development

Section 4.4.1 Requirements:

- A. Any use, development or structure type that is not expressly delineated in these regulations as a permitted use shall require either a special use permit or a major development permit.

- B. Special use and major development applications for approval shall meet the applicable performance standards contained in Section 4.7 and/or Sections 4.8 thru Section 4.14 of these regulations, be compatible with the Taos County Comprehensive Plan, and receive special use / major development approval by the Planning Commission and/ or the Board of Commissioners. The following uses are defined as special uses:
 - 1. Multiple Family Residences
 - 2. Wetlands and Floodplains; as designated by FEMA, the Army Corp. of Engineers or the Taos County Floodplain Administrator
 - 3. Wireless Communication Facilities
 - 4. Commercial Wind Power Generation
 - 5. Commercial Solar Power Generation
 - 6. Commercial – Office/Retail/Wholesale
 - 7. Industrial/Manufacturing
 - 8. Mining/Gravel Pits
 - 9. Special Use/Major Development Expansion. Any expansion of a special use or major development shall require a new special use permit/major development permit.
 - 10. Non-Conforming Special Use Expansion. Any expansion in excess of 25% of an existing non-conforming development shall require a special use permit.
 - 11. Condominium Development
 - 12. Neighborhood Zoned Areas. Uses in Neighborhood Zoning Overlay areas that require a special use review or major development review. See *Article 5: Neighborhood Zone Overlays*
 - 13. Other Non-exempt and Non-permitted Uses

SECTION 4.5
Special Use Application and Review Procedures

Section 4.5.1 Special Use Pre-application Conference. All special use applications require a pre-application conference.

- A. **Participating Parties.** A pre-application conference shall be held between the applicant (or the applicant’s agent as designated in writing) and the Planning Director or the Planning Director’s designee.

- B. **Purpose.** The meeting is intended to provide an understanding of the applicable review procedures, requirements and standards, and to obtain information pertinent to the site and the proposal. The Planning Director or staff will explain the application procedures and the materials required for submittal.

- C. **Materials.** The applicant shall provide at the meeting a conceptual site plan showing the location, parcel size, and basic concept of the proposed land use in sufficient detail as to disclose the full scale of the project being proposed. .

Section 4.5.2

Special Use Application Submittal Requirements. The following are the minimum requirements for a special use permit application. For certain types of special use permit applications there are additional application submittal requirements and procedures. The Planning Director will determine the number of copies of the materials that will be required. The Planning Director may waive or alter any of these minimum requirements if they are determined to be inappropriate or unnecessary to determine whether the application satisfies applicable standards. The following information and data are required:

- A. **Application Form.** Application forms for special use permits shall be obtained from the Planning Department. Applications submitted shall include all information identified by the Planning Department on the application, and as may be required for the proposal. Completed application forms and accompanying materials shall be submitted to the attention of the Planning Director by the owner of the property for which the permit is being requested or the owner's authorized agent.
- B. **The applicant** shall submit a complete copy of the deed, deed restrictions, and conditions, covenants and restrictions (CC&Rs) for the subject property, if any.
- C. **Affidavit of Compliance.** An Affidavit of Compliance is required for all applications, stating that either there are no deed restrictions and/or CC&Rs, or the application is in full compliance with existing deed restrictions and/or CC&Rs. The Planning Department will not accept the application unless this document is provided. See *Appendix 10*.
- D. **Applicant is not the owner.** If the applicant is not the owner of the land, the applicant shall submit a notarized letter signed by the owner consenting to the submission of the application.
- E. **Applicant is not the sole owner.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter signed by the other owner(s) or an authorized representative of the owners consenting to or joining in the application for a special use permit.
- F. **All applicable notifications** and approvals required from other entities such as pueblos, sovereign nations, state, federal, local government agencies, neighborhood associations and acequia associations.
- G. **Elevation drawings** created by a NM certified engineer or architect showing existing grade, finished grade, and height of the proposed structure above undisturbed existing grade. The location and dimensions of all windows must also be included on each of the elevations.
- H. **Storm and Drainage plan** created by a certified NM engineer or architect.
- I. **Verification** that the site is a legal building lot under these regulations and that adequate legal access from a public road has been obtained.
- J. **Agreement to Assure Completion of Infrastructure**, which demonstrates that the project is adequately funded and scheduled to reach operational status. Refer to *Appendix 6*.
- K. **Taxes.** The applicant must submit a receipt from the County Treasurer's Office showing that property taxes have been paid and are current.
- L. **Additional information** that may be requested by the Planning Director.
- M. **Cultural Properties.** The applicant shall contact the State Historic Preservation Office (SHPO) to determine whether property entered into the State Register of Cultural Properties are within the boundary of the proposed development; and

1. If there is no such property, a copy of the letter to that effect from SHPO shall be provided in the application packet for approval; or
2. If any such property exists within the boundaries of the proposed development, a copy of the letter to that effect from SHPO shall be provided in the application packet for approval. Taos County will consult with SHPO pursuant to the Cultural Properties Act, NMSA 1978, Section 18-6-1 through 18-16-17; and
3. A cultural resource survey shall be prepared by a professional archeologist holding a current New Mexico Archeological Survey license to determine if significant archeological sites are identifiable prior to commencement of construction. If significant archeological sites are identified in the cultural resources survey, the requirements in Appendix 5 shall be met by the applicant.

N. **Area of Notice Parcel Map.** The assessment map, as per the records of the Taos County Assessors office that shows the subject properties and all property owners within one thousand (1000) feet of the subject property. The map can be obtained from the Taos County Mapping Department.

O. **Vicinity Map** of the area showing at least one (1) mile surrounding the site and, at minimum, the following:

1. Traffic circulation;
2. Major public facilities;
3. Location of existing municipal boundary lines (if applicable); and
4. Existing open space.

P. **Maximum Height.** Maximum height is a twenty-seven foot (27') vertical distance from the center of the front of the building at the undisturbed existing elevation next to the building site to the top of the highest roof on a flat or shed roof, the mansard roof, or the average distance between the eaves and ridge level for gable, hip and gambrel roofs. Excluded from the measurement are attached chimneys, vents, flag poles, solar structures, antennas and other similar equipment that do not exceed 4 feet above the maximum height. Refer to schematics in *Appendix 7*.

Q. **Site Plan.** A site plan prepared by a certified engineer or architect at a scale acceptable to the Planning Director, which best conveys the conceptual aspects of the plan. The site plan must have the following elements:

1. The name, address and telephone number of the property owner, applicant if not the owner, and the person(s) who prepared the submittal.
2. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).
3. A complete legal description and physical address of the property, including the total size of the parcel.
4. Clearly identified boundary lines, corner pins, dimensions of the subject property, and distance of structures from property lines.
5. The proposed layout of the project with dimensions and other relevant site information.
6. Description of existing and proposed buildings on the site, and the use of the property with locations and dimensions of all structures, existing and proposed.
7. Written description of surrounding land uses.

8. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turn-around, sidewalks and paths, with locations and dimensions.
9. Existing and proposed roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements and rights-of-ways on or adjacent to the parcel, shown by location and dimension; and accessibility of site to roads and utilities, including easements.
10. Significant on-site features including: natural and artificial drainage ways, wetland areas, acequias, hydrologic features (with flooding limits based on information available through the County) and aquatic habitat; geologic features and hazards, including slopes, alluvial fans, areas of subsidence, rock outcrops and, rock fall areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and off-site features that influence the development.
11. Additional information that may be requested by the Planning Director.

Section 4.5.3

Special Use Review Procedures.

- A. **Review of Application Materials by the Planning Director.** The Planning Director shall review and prepare a report on the application for a special use permit subject to special use review in accordance with the performance standards in Sections 4.7 through 4.14.
- B. **Incomplete Application.** The Planning Director shall have 30 calendar days to review a special use application for completeness. If the application is not complete or requires clarification, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of the certified letter, the application shall be considered withdrawn and it will be returned to the applicant.
- C. **Application Deemed Complete.** Upon a determination of completeness and that no further review is necessary; the Planning Director shall schedule the application for review by the Planning Commission.
 1. Public hearing by the Planning Commission shall be scheduled within forty-five (45) calendar days of the date of the determination of completeness.
 2. Public Notice of the hearing shall be made in conformance with Section 6.1 and shall be the responsibility of the applicant. All associated fees shall be the responsibility of the applicant.
- D. **Referral for Agency, Engineering or Consultant Review.** The Planning Director may cause the application materials or any portion thereof to be submitted for professional review by external consultants, due to (a) the proposed development's size, complexity, potential impact on the community, natural resources or surrounding land uses, (b) the specialized technical nature of the assumptions in the application or required in reviewing the application, or (c) questions as to the validity of the data or conclusions presented in such cases the Planning Director shall provide notification to the applicant that external review will be required and provide an estimated timeframe and cost of the review. The applicant shall be responsible for all costs of such review and shall post a cash bond to be escrowed with the Planning Department to cover the review costs, prior to the work being commissioned. Plus the following:
 1. Any balance in escrow shall be returned to the applicant within ten (10) days of the county receiving and approving the final invoice from the vendor for such work along with a copy of the detailed, itemized invoice.
 2. Any balance owed over and above the escrow will be billed to the applicant and must be paid in full prior to the application proceeding.

3. Where possible, the Planning Department shall utilize local, state and federal agencies to perform any external review, so as to minimize cost to the applicant and county.
 4. In addition to the above procedure, the Planning Department may submit for review and comment any application, or portion thereof, for review by any local, state, federal or other public agency or governmental entity that it believes may be impacted by the application, have jurisdictional oversight, or which may contribute relevant technical, scientific, environmental, legal or land use comment on the application and its direct or indirect impacts.
 5. Mailings for agency review shall be by certified mail, and the agency shall be notified in writing that the comment period is 30 days from the receipt of the information, and that failure to receive comment within the 30 days shall be considered to be “no comment” or no objection with regard to the application.
 6. The applicant shall be responsible for the cost of all mailings relevant to the review of the project in accordance with the regulations
- E. **Referral Agency, Engineers or Consultants Determination.** If the referral agency’s, engineer’s or consultant’s determination is adverse, the applicant may decide whether to (a) proceed with the application review process with the adverse opinion attached, (b) proceed with the application review process and submit additional supportive data of the applicant’s position, (c) withdraw the application, (d) make written request of the Planning Director to suspend application review for a period of thirty (30), sixty (60) or ninety (90) days, in order for the applicant to conduct additional evaluation or to appeal to the reviewing agency to reconsider its opinion, which suspension of review shall be at the discretion of the Planning Director. No extension beyond ninety (90) days shall be granted and any application review not resumed prior to the expiration of the suspension shall be deemed withdrawn by the applicant.
- F. **Neighborhood Association Zoned Areas.** If the project is located within an area of a county-recognized neighborhood association and an approved neighborhood zone overlay area of Taos County, the applicant is required to comply with the notification and performance requirements for the area(s) (See Appendix NZA.), in addition to the other provisions of these regulations and relevant county ordinances.
- Applicants are strongly encouraged to contact the neighborhood association for the proposed project area early in the planning of the development and to coordinate a meeting through the neighborhood association and with adjacent property owners, as neighborhood associations serve in an advisory capacity to the county and make recommendations on proposed development within its area. Objections from adjacent property owners are given consideration by the neighborhood associations and the county.
- G. **Review and Action by Planning Commission.** The special use permit applications, upon the completion of staff review and recommendation, shall, after proper notice in accordance with Section 6.1 of the regulations, be considered by the Planning Commission at a scheduled public hearing, The Planning Commission shall approve, approve with conditions, or deny the application for special use based on the standards set forth in section 4.7 and/or sections 4.8 thru Section 4.14 herein, as applicable.
- H. **Appeal to the Board of County Commissioners of Planning Commission Decision.** Any person aggrieved by the decision of the Planning Commission on a special use permit application may appeal the Planning Commission's decision to the Board of County Commissioners as set forth in Article 9.

1. A written notice of appeal setting forth the specific claims of error must be submitted to the Planning Director within thirty (30) calendar days of the date the decision of the Planning Commission is recorded in the office of the Taos County Clerk. The appellant shall be responsible for all costs associated with an appeal, including costs for publication and mailing of notice, copying fees associated with preparing the record on appeal, and other direct costs associated with such appeal. If parties file cross-appeals, they shall share equally the costs of appeal.
2. The Planning Director shall schedule a hearing before the Board of County Commissioners to hear the appeal within sixty (60) calendar days of receipt of the notice of appeal.
3. Public notice of the hearing shall be made by publication and notice to adjacent property owners in accordance with the procedures set forth in Article 9 herein. Written notice to adjacent property owner(s) shall be mailed at least fifteen (15) working days prior to the hearing, as attested by certified mail receipts. Public notice shall be the responsibility of the appellant.
4. The appellant shall present to the Planning Department, prior to the public hearing, the return receipts and/or returned letters from the mailing. Following a properly noticed public hearing, the Board of County Commissioners shall affirm the decision of the Planning Commission, reverse the decision of the Planning Commission, or revise the decision of the Planning Commission on the special use permit application.
5. Any aggrieved party may appeal the written decision of the Board of Commissioners to the District Court in accordance with Article

SECTION 4.6

Major Development Application & Review Process

Section 4.6.1 Major Development Specifications

- A. All Major Development projects require an approved Major Development Permit that meets all requirements for a Major Development prior to commencement of any construction or development. Major Development Projects are defined as meeting any one of the following criteria:
 1. gross area to be improved or disturbed in creating the project or development is more than five (5) acres in size; or
 2. building or structure will contain 80,000 square feet or more of gross floor area (All floor levels shall be included in the total gross floor area.); or
 3. estimated project cost of more than ten million dollars (\$10,000,000).
- B. Major developments are not single family residences, wholly residential subdivisions, or agriculture; but may be a multi-family dwelling, condominium, or agro-business, as defined herein. A phased major development requires a master plan per Section 4.6.8.

Section 4.6.2 Major Development Pre-application Conference. Unless expressly provided otherwise in these regulations, a pre-application conference is required for all applicants for all requested actions.

- A. **Participating Parties.** The pre-application conference shall be held between the applicant and the Planning Director or his or her designee and other planning staff at the discretion of the Planning Director.

- B. **Purpose.** These meetings are intended to provide an understanding of the applicable review procedures, requirements and standards, and to provide information pertinent to the site and the proposal. The Planning Director will explain the application procedures and the materials required for submittal.
- C. **Materials.** The applicant shall bring a conceptual site plan to the pre-application conference showing in sufficient detail the location, parcel size, and conceptual plan for the proposed land use.

Section 4.6.3 Major Development Application Submittal Requirements. Applications for major developments shall be submitted to the Planning Director by the owner of the property or the owner's authorized agent.

Section 4.6.4 Concept Plan Submittal. The following information and data is required:

- A. **A vicinity map** of the area surrounding the site within a distance of at least one (1) mile showing at least the following:
 1. Traffic circulation system.
 2. Major public facilities.
 3. Location of existing municipal boundary lines (if applicable).
 4. Existing open space.
- B. **Sketch drawing** showing the existing and proposed use of the site, major streets, areas of slope in excess of 20% and other significant features.
- C. **Statement of design** methods to reduce energy and water consumption.
- D. **List of variances** being requested, if applicable.
- E. **Written narrative** of proposal.
- F. **Lot information**, including:
 1. Taxes are up to date.
 2. Legal address for the property.
 3. Minimum lot size for septic.
 4. Development area, including roadways and driveways.

Section 4.6.5 Major Development Plan Submittal.

- A. Given the extremely broad type, size, complexity and impacts of projects reviewed as a major development, the submission requirements, notifications, required agency comments, number of copies needed, and timeframe for review can vary. For this reason, applicants are encouraged to contact the Planning Department as early in the process of planning the project as possible.
- B. The Planning Department will provide to the applicant, in writing, a description of the process, a materials submission list, notifications and review timeframes specific to the individual proposal in order to facilitate the application process and to minimize the number of reviews or approvals required. The following information and data shall be required for all major development permit applications:
 1. **Application Form(s).** It shall be the sole responsibility of the applicant to obtain, complete, and return to the Planning Department all required application forms and supporting materials identified therein by the department or applicant.

2. **Deeds and Restrictions.** The applicant shall submit, for all properties proposed to be included in the project, the deeds, all deed restrictions, and conditions, covenants and restrictions (CC&Rs) for the subject property(ies).
3. **Affidavit of Compliance.** An Affidavit of Compliance is required for all applications, stating that there are no deed restrictions and/or CC&Rs, or the application is in full compliance with existing deed restrictions and/or CC&Rs, as identified in the document(s) provided in subsection 2 above.
4. **Authorized Agency.** If the applicant is not the owner of the land, the applicant shall submit a notarized letter, signed by the owner, consenting to the submission of the application by the applicant.
5. **Applicant is Not the Sole Owner.** If the applicant is not the sole owner of the land, the applicant shall submit a notarized letter signed by all other owner(s), or an authorized representative of all other owners, consenting to or joining in the application for a major development permit.
6. **Notifications and Approvals.** The applicant shall provide evidence of compliance with all applicable notifications and approvals required from other public or private entities having jurisdiction over any aspect of the project or potentially impacted by the project such as pueblos, sovereign nations, state, federal, local government agencies, neighborhood associations and acequia associations.
7. **Site Plan.** The applicant shall provide a scaled site map or maps of the proposed development that was prepared, signed, and stamped by a professional architect, planner, engineer or surveyor currently licensed in the State of New Mexico (or with similarly recognized national professional credentials, as deemed acceptable by the Planning Department) submitted on a 24" x 36" sheet at a scale of 1" = 200 feet as well as 11" x 17" reductions as necessary. The site plan shall include:
 - a. The name, address and telephone number of the property owner, applicant if not the owner, and the person(s) who prepared the submittal.
 - b. Date of preparation, revision box, written scale, graphic scale, and north arrow (designated as true north).
 - c. A complete legal description and physical address of the property, including the total size of the parcel.
 - d. Clearly identified boundary lines, corner pins, dimensions of the subject property, distance of structures from property lines, and the dimensions and size of the total land area.
 - e. The proposed layout of the project with dimensions and other relevant site information.
 - f. Description of existing and proposed buildings on the site, and the use of the property with locations and dimensions of all structures, existing and proposed. Proposed and existing drainage catchments.
 - g. Written description of surrounding land uses, including identification of public and private open space.
 - h. Existing and proposed parking areas, driveways, emergency turn-outs and emergency turn-around, sidewalks and paths, with locations and dimensions, traffic circulation and parking spaces.

- i. Existing and proposed roads, railroad tracks, irrigation ditches, fences, existing and proposed utility lines, and easements and rights-of-ways on or adjacent to the parcel, shown by location and dimension and accessibility of site to roads and utilities, including easements.
 - j. Significant on-site features including: natural and artificial drainage ways, all wells, wetland areas, acequias, hydrologic features (with flooding limits based on information available through the County), aquatic habitat and wetlands; geologic features and hazards, including slopes, arroyos, waterways, alluvial fans, areas of subsidence, rock outcrops and, rock fall areas, soil types and landslide areas; vegetative cover; dams, reservoirs, excavations, and mines; and any other on-site and off-site features that influence the development.
 - k. Utility, sewer or septic systems by capacity, ownership and location.
 - l. Fire prevention measures, including the location of designated fire lanes, hydrants, and any supporting water storage or source.
 - m. Classification, ownership and maintenance of streets used for direct access to the property.
 - n. Additional information that may be requested by the Planning Director.
8. **Open Space.** All major development plans shall identify and preserve a minimum of 25% of the total area of land to be developed as open space unless the requirements for the zone in which the project is located specify a greater percentage of open space (in which case, the larger area shall be required). Applicants shall be required to demonstrate ownership of public and private open space, as well as to identify a mechanism for permanently restricting development acceptable to the Planning Department (i.e., conservation easement, deed restrictions, a common conditions, covenants and restrictions agreement).
9. **Business, Commercial and Industrial uses.** For non-residential uses, the applicant shall provide a statement of the number of employees, deliveries, shipments, and customers anticipated to visit each projected activity by proposed hours and days of operation.
10. **Affordable and/or Workforce Housing.** Identify any plan or provisions for affordable or workforce housing, provisions for access to public transportation employees, residents and customers and any participating agencies.
11. **Cultural Properties.** The applicant shall contact the State Historic Preservation Office (SHPO) to determine whether property entered into the State Register of Cultural Properties is within the boundary of the proposed development; and
- a. If there is no such property, a copy of the letter to that effect from SHPO shall be provided in the application packet for approval; or
 - b. If any such property exists within the boundaries of the proposed development, a copy of the letter to that effect from SHPO shall be provided in the application packet for approval. Taos County will consult with SHPO pursuant to the Cultural Properties Act, NMSA 1978, Section 18-6-1 through 18-16-17; and;
 - c. A cultural resource survey shall be prepared by a professional archeologist holding a current New Mexico Archeological Survey Permit, to determine if significant archeological sites are identifiable prior to commencement of construction. If significant archeological sites are identified in the cultural resources survey, the requirements in Appendix 5 shall be met by the applicant.

12. **Development Phasing Schedule.** If applicable, including the sequence for each phase, approximate size of areas of each phase, and proposed phasing of construction of public improvements, recreation, and common open space areas.
13. **Landscape Plan** prepared by a certified New Mexico engineer, architect, or landscape architect. Refer to *Appendix 3: Terrain Management*.
14. **Fire Protection/Suppression Plan** prepared by a certified New Mexico engineer or architect. Refer to *Appendix 4: Fire Protection Regulations*.
15. **Lighting Plan.** As per the current Taos County *Night Sky Protection Ordinance No. 2006-9, as amended*.
16. **Utility Plans.** Detailed engineering for sewer, water, electrical, street improvements and other public improvements must be submitted to and approved by the County Public Works Department and State entities.
17. **Building Plans of the Development,** created and stamped by a New Mexico licensed architect at a scale of 1" = 200 feet, composed of one or more sheets with an outer dimension of 24" x 36", as well as 11" x 17" reductions showing the following information:
 - a. Architectural elevations of all buildings sufficient to convey the architectural style of the proposed project. The project shall architectural style of the surrounding area. The elevation drawings shall show existing grade, finished grade, and height of the proposed structure as measured from the undisturbed elevation next to the building site. The location and dimensions of all windows must also be included on each of the elevations.
 - b. Structural plans and all other plans required by the building code.
 - c. Scale, north arrow and date of preparation with signatures of a New Mexico licensed architect.
 - d. Name of the proposed development.
 - e. The existing and proposed floor plan, mechanical plan, electrical plan, plumbing plan.
 - f. Street cross section schematics for each general category of street, including the proposed width, treatment of curbs and gutters, sidewalk systems and bikeway systems.
18. **Storm and drainage report and plan** prepared by a certified New Mexico Engineer as per *Appendix 3: Terrain Management*.
 - a. All watercourses on the property, including springs, acequia systems and related water improvements, which are located within 150 feet of the property, must be shown. In addition, the floodways and/or flood fringe areas of these watercourses must be delineated.
 - b. The following shall not be utilized as drainage ways: Acequia systems, streets, arroyos, dry gullies, diversion ditches, spillways, reservoirs, etc. and may not be incorporated into the storm drainage systems for the property.
 - c. All required on-site retention areas indicating the location and volume of the retention area.

- d. All plans shall indicate the proposed outlet for the storm drainage and any downstream impacts and cumulative effects. Approval of a 404 permit by the Army Corp of Engineers is required upon impact of waterways or arroyos of the State of New Mexico.
 - e. Existing and/or proposed grading plan.
 - f. National Pollutant Discharge Elimination System (NPDES) plan.
19. **Complete traffic impact study**, including the ingress and egress for the project prepared by a New Mexico Certified Engineer. Refer to *Appendix 1*.
 20. **Flood plains as designated by the Federal Emergency Management Agency (FEMA)**. Refer to the Flood Plain Regulations Ordinance as amended.
 21. **Agreement to Assure Completion of Infrastructure**, which demonstrates that the project is adequately funded and scheduled to reach operational status. Refer to *Appendix 6*.
 22. **Physical map and narrative** covering the following (also refer to *Appendix 3: Terrain Management*):
 - a. Site soil survey as per the Taos County Soils Survey.
 - b. Hydrologic survey.
 - c. Water supply plan, including a water budget prepared by a licensed NM Engineer that secures sufficient water for the proposed development.
 - d. Sewage treatment plan.
 23. **Disclosure Statement**, if applicable.
 24. **Written description** of surrounding adjacent land uses.
 25. **List of approved variance applications**, if applicable.
 26. **Other information and data** as the Planning Director may require for full and complete consideration of the development.
 27. **Boundary Survey Plat**.
 28. **Area of Notice Parcel Map**. The Taos County assessment map as per the records of the Taos County Assessor showing the subject properties and all adjacent property owners within one thousand (1,000) feet of the proposed use. The map can be obtained from the Taos County Mapping Department.
 29. **Vicinity Map**. An 8 ½ x 11 vicinity map locating the parcel in the county. The vicinity map shall clearly show the boundaries of the subject property, and all property within a three-mile radius of the subject property and local land marks, including:
 - a. Location of existing municipal federal, state, and Pueblo boundary lines.
 - b. Traffic circulation systems.
 - c. Major public facilities (schools, parks, etc.)
 - d. Watercourses, water bodies and acequias.

Section 4.6.6

Major Development Review Procedures

- A. **Pre-application Conference/ Conceptual Review Procedure.** A major development conceptual plan is the applicant's anticipated pattern of development for a particular parcel of land from which a major development application is developed. This plan shall be presented at the pre-application conference.
1. This is an opportunity for applicant to discuss requirements, standards, and policies with the Planning Department that apply to development proposals. Problems can be identified and solved before a formal application is made.
 2. The conceptual plan shall contain the items outlined in Section 4.6.4 and shall be submitted by the applicant to the Planning Department at the time of the pre-application conference.
 3. The Planning Director or the applicant may request an informal public meeting to allow for both public input and an opportunity for the applicant to explain the proposed project. This is not a decision-making meeting.
 4. If a determination for an informal public meeting is made by the Planning Director or requested by the applicant, the Planning Director shall, within 45 (forty-five) calendar days, schedule the informal public meeting.
 5. If a determination that an informal public meeting will not be conducted for the conceptual plan, the application for a major development plan review may be filed with the Planning Department.
 6. If the project is to be a phased development in two or more separate major development plan submittals, a master plan shall also be required.
- B. **Major Development Plan Review Procedure.** The major development plan is the site-specific development plan which describes with reasonable certainty the type and intensity of use for a specific parcel, upon which building permits and other county approvals are issued, and it shall require detailed engineering and design review and approval. The plan shall be in accordance with Section 4.6.5 Major Development Plan Submittal and the following:
1. **Review of Application Materials by the Planning Director.** The Planning Director shall review and prepare a report on the application subject to major development review in accordance with the performance standards in Section 4.7 and/or Sections 4.8 thru Section 4.14.
 2. **Incomplete Application.** The Planning Director shall have 90 calendar days to review the application for completeness. If the application is not complete, the Planning Director shall inform the applicant of the deficiencies in writing and shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies indicated in the letter deeming the application incomplete within sixty (60) calendar days of receipt of the certified letter, the application shall be deemed withdrawn by the applicant.
 3. **Application Deemed Complete.** Upon a determination of by the Planning Director that the application is complete and that no further review is necessary, the Planning Director shall schedule the application for review by the Planning Commission.
 - A. Public hearing by the Planning Commission shall be scheduled within forty-five (45) calendar days of the date of completeness determination.
 - B. Public notice of the hearing shall be made in conformance with Section 6.1 and shall be the responsibility of the applicant. All associated fees shall be the responsibility of the applicant.

4. **Referral Agency, Engineers or Consultants Review.** The Planning Director may cause the application materials or any portion thereof to be submitted for referral agency review and comment. Within ten (10) working days after the date that the application is deemed complete the Planning Director may forward a copy of the application and relevant supporting documentation to appropriate engineers, consultants, local agencies, state agencies and federal agencies by certified return receipt mail, with a request for review and opinions. The referral agency, engineers or consultants shall have thirty (30) calendar days from the receipt of the application to review and return an opinion regarding the application. If the Planning Department does not receive a requested opinion within the specified 30 calendar days, it shall consider that the opinion on the application is favorable by the referral agency, engineers or consultants. Any fees charged by any of the referral agencies, engineers or consultants reviewing the application materials shall be paid directly by the applicant.
5. **Referral Agency, Engineers or Consultants Determination.** If the referral agency's, engineer's, or consultant's determination is adverse, the applicant may decide if he or she wants to go forward with the determination by the referral agency, or if they would like to address the opinions and resubmit a revised application. The original application will be scheduled for review by the Planning Commission after all referral agency issues have been resolved.
6. **Neighborhood Zoned Areas.** If the project is located within an area represented by a county recognized neighborhood association, and the area is zoned as a neighborhood zone overlay area of Taos County, the applicant is required to comply with the notification and performance requirements for the area (See *Appendix NZA.*), in addition to these regulations and relevant county ordinances.

Applicants are strongly encouraged to contact the neighborhood association for the proposed project area early in the planning of the development and to coordinate a meeting through the neighborhood association with adjacent property owners, as neighborhood associations serve in an advisory capacity to the county and make recommendations on proposed development within the area. Objections from adjacent property owners are given consideration by both the neighborhood associations and the county.

7. **Planning Commission Action.** The Planning Commission shall recommend approval, recommend approval with conditions, or recommend disapproval of the major development application at the public hearing. Within 30 calendar days of the hearing, the written decision of the Planning Commission shall be recorded and the applicant shall be notified in writing of the decision.
8. **Performance Standard Requirement:** Recommendations for a major development approval shall not be given by the Planning Commission unless the Planning Commission determines that the applicant can fulfill the applicable performance standards contained in section 4.7 and/or sections 4.8 thru Section 4.14, and that the major development application conforms with all local, state and federal laws.
9. **Recommendation not appealable.** A recommendation by the Planning Commission to the Board of County Commissioners on a major development application shall not be subject to appeal.
10. **Board of County Commissioners Review and Action.** Within 45 calendar days after the public hearing in which the Planning Commission renders a decision on a major development permit application, the application shall, after proper notice and in accordance with Section 6.1., be considered by the Board of County Commissioners at a public hearing.

- a. The Board of County Commissioners shall adopt, adopt with conditions or amendments, or not adopt the major development application based on the performance standards set forth in section 4.7 and or sections 4.8 thru Section 4.14.
 - b. If the major development application fails to satisfy all of the applicable standards, the application shall be denied.
 - c. If the major development application is in compliance with the applicable performance standards, the Board of County Commissioners may approve the major development application. The decision shall be recorded with the Office of the County Clerk within 30 calendar days of the date of the public hearing.
11. **Appeal of County Commission Decision:** Any aggrieved party may appeal the written decision of Board of County Commissioners regarding a major development permit application to the District Court.

Section 4.6.7 Major Development Effective Period. The development shall be completed in a timely manner, consistent with section 3.4: Permit Effective Duration.

Section 4.6.8 Master Plan.

- A. If a project is intended to be developed over time in two (2) or more separate major development application submittals, a master plan for the entire development site must be approved concurrently with the application for the first phase. Subsequent applications for major development approval may be made for each phase of the approved master plan, provided that such phase is consistent with the approved master plan and the provisions of this section.
- B. An applicant may submit an application for a master plan that includes all phases of the master plan for consideration under one major development application so long as all applicable performance standards for each phase are submitted.
- C. Master Plan Requirements.
 - 1.. A master plan shall be prepared in accordance with the submittal requirements of a major development plan in section 4.6.5, to include all proposed phases.
 - 2. All Infrastructure improvements that are approved for a master plan shall be completed along with phase 1 of the major development for the approved master plan.

Section 4.6.9 Changes to Master Plan. Changes may be approved by the Board of County Commissioners and must follow the same review and public hearing process required for major development plans. Any changes approved by the Board of County Commissioners to the master plan shall be recorded as amendments to the master plan in accordance with the procedures established for the filing of the initially approved plan documents.

SECTION 4.7

Special Use and Major Development Performance Standards

Section 4.7.1

Special Use and Major Development Performance Standards

The following performance standards shall be considered for all applications for special use permits or major development permits. The Planning Department shall submit a written report to the Planning Commission and/or Board of County Commissioners outlining the application's compliance with these standards as the basis for rendering any decision to approve, approve with condition(s), or disapprove the application. The applicant shall provide engineered drawings, a written explanation and an analysis of all of the standards identified in this section, or a written substantiation as to why they do not apply.

- A. **Development Compatibility Requirements.** The following requirements shall be applied to all land uses requiring special use permits or major development permits under these regulations.
1. **Use.** The development shall be sensitive to and consistent with the existing traditional and historic uses of the site and the neighborhood, or the applicant shall be able to demonstrate that it would provide a substantial benefit to and/or the support of the immediate neighborhood.
 2. **Visual Impact.** The development shall be sensitive to and consistent with the architectural design, scale, density, building height, historical character, and orientation of the existing properties in the neighborhood, or the applicant shall be able to (a) demonstrate that the alternative being proposed is more suitable to the land and the neighborhood character than the present use and (b) has the support of the adjacent property owners and neighborhood.
- B. **Roads.** The development shall be served by roads with adequate capacities for the proposed development. The development shall be designed to minimize any adverse impact that additional traffic would have on the surrounding land uses. A traffic impact study will be required and prepared by a certified New Mexico engineer, including a written analysis of the traffic and congestion impact with mitigation procedures approved by the New Mexico Department of Transportation and/or the Taos County Public Works Department. Where determined by the Planning Department to be necessary due to the direct impact of the proposal, the existing road network serving the project area shall be augmented or extended to accommodate the development. Refer to *Appendix 1: Road Standards*.
- C. **Utilities.** All water, sewage, electric, phone lines, cable and natural gas shall be underground. The development shall be served by utilities with adequate capacities for the proposed development. Where applicable, utilities shall be augmented or extended to accommodate the development. The applicant shall supply an affidavit of availability and/or commitment from all public utilities. Refer to *Appendix 1, Section 3: Utility Easements*.
- D. **Water Supply and Quality.** Applicants for development or construction on lots within four hundred (400) feet of a public water supply system shall provide a letter of approval from the associated water authority and shall be connected to that public system, providing easements are available or can be negotiated. The design of the connection shall be approved by both the connecting water authority and the New Mexico State Engineer. If no hook-up to the municipal or public authority is available, then the applicant shall supply an approved permit from the New Mexico State Engineer. The applicant shall meet all current requirements of the New Mexico State Engineer (OSE) and the New Mexico Environment Department (NMED). Major Development applicants must also meet the Water Supply Requirements set forth in *Appendix 2*.

- E. **The New Mexico Environment Department (NMED)** shall have an opportunity to review the development and to issue an opinion as to whether it will adversely affect the quality of ground or surface water.
- F. **Waste Water Treatment System.** Development or construction on lots within four hundred (400) feet of a community liquid waste system shall provide a letter of approval from the public authority, and be connected to that public system, provided easements are available. The design of the connection shall be approved by the public authority and the New Mexico Environment Department. If no hook-up to the public authority is available, then the applicant shall supply a permit from the New Mexico Environment Department.
- G. **Liquid Waste Disposal.** The applicant shall meet all current requirements of the New Mexico Environment Department (NMED). Refer to *Appendix 2*.
- H. **Legal Access.** The applicant shall submit a traffic study identifying adequate legal access for ingress, egress, and installation and maintenance of utilities, unless the project's utility needs are self-provided. For uses fronting public roads, standards developed by the New Mexico State Highway and Transportation Department and the Taos County Public Works Department shall be followed. Refer to *Appendix 1*.
- I. **Storm Water Drainage.** Applicant shall provide scaled, engineered drawings with a written description of the proposed storm drainage system, which shall be developed, signed, and sealed by a New Mexico licensed civil engineer. Refer to *Appendix 3: Terrain Management*.
- J. **Fire Prevention Plan.** Applicant shall submit for review a written description of a proposed fire prevention plan that has been prepared by a New Mexico certified engineer. The fire prevention plan shall address defensible space, vegetation management, water supply access, building ignition, fire resistance factors, and fire protection systems and equipment. The fire prevention plan will describe ways to minimize and mitigate the fire problems created by the project or development, with the purpose of reducing impact on the community's fire protection delivery system. Refer to *Appendix 4: Fire Protection*.
- K. **Environmental Impact Study.** When the Planning Director deems it necessary and upon written notice to the applicant of the basis of the need for the study, the applicant shall complete an environmental impact study created by an environmental professional.
- L. **Geologically Unstable Areas.** Applications for proposed project sites containing areas of natural or geological hazards (e.g., unstable or potentially unstable slopes, faulting, landslides, rock falls, flooding, etc.) or soil conditions unfavorable to development shall include documentation, prepared by a civil engineer registered in the State of New Mexico, identifying all such hazardous areas and describing detailed mitigation measures for the identified hazardous areas. Refer to *Appendix 3: Terrain Management*.
- M. **Wildlife Areas.** Applications for proposed project sites containing areas identified as wildlife habitat, natural food sources, migratory bird corridors, nesting areas, wintering areas, wildlife watering sources, wetlands, etc., shall include documentation identifying all such areas and describing detailed preservation measures for the identified areas.
- N. **Agricultural Areas.** Applications for proposed projects located on land currently used for or designated as agricultural shall make every effort to preserve a significant portion of the proposed project site for agricultural use.
- O. **Non-structural Site Improvements.** Buildings, fences, driveways, walkways, sidewalks, retention ponds, parking areas and other site development elements and systems shall be designed and located on the site so as not to detract from the established neighborhood character.

- P. **Exterior Lighting.** All artificial light sources shall, at a minimum, be in accordance with the State of New Mexico Night Sky Protection Act, NMSA 1978, 74-12-1, et seq., and the current Taos County Dark Skies Protection Ordinance, Ordinance No. 2006-9, as amended.
- Q. **Acequia Protection.** No acequia, whether on-site or off-site, shall be disturbed in any way by on-site building development or construction activity, unless specific plans have been approved in writing by a majority of the acequia commissioners, who are legally responsible for the operation and maintenance of the acequia. It shall be the responsibility of the developer to obtain all such approvals before submittal of any application. See Summary of Limits Table (subsection Y. below) and the following:
1. All applications for development on a parcel containing an acequia, or a parcel within 20 feet of an acequia easement, shall be submitted by the applicant for review by the applicable acequia association. The acequia association has 30 calendar days upon receipt of the application to respond.
 2. Acequias shall remain open and uncovered, have readily available access for use and maintenance, be unobstructed from fences or other impediments, and retain or be provided a minimum 12-foot maintenance easement on at least one side.
- R. **Maximum Height.** The height, measured as the vertical distance from the center of the front of the building at the undisturbed existing elevation next to the building site to the top of the highest roof on a flat or shed roof, the deck level of a mansard roof, and the average distance between the eaves and ridge level for gable, hip and gambrel roofs, shall be no greater than 27 feet. Excluded from these requirements are attached chimneys, vents, flag poles, solar structures, antennas and other similar equipment that do not exceed 4 feet at the highest point. For examples, refer to schematics in Appendix 7.
- S. **Wetlands.** In order to preserve the crucial water recharge capacity and wildlife habitat of the county's critical wetland resources, any proposed development on a tract which contains wetlands shall be limited to the development of areas within the applicant's tract that are not wetlands. Any proposed development that impacts a wetland, must obtain a special use /major development permit from the county, will require a wetlands delineation by a licensed professional, and may require a review by the U.S. Army Corp of Engineers.
- No proposed development may disturb or alter the natural collection of water into wetlands, or its source waters, nor contribute any contamination or man-made run-off as a result of construction or development.
- T. **Grade.** No access road or driveway shall exceed a grade greater than 12%. If an applicant cannot achieve a grade of less than 12%, the applicant shall (b) install a water collection system or install sprinkler systems within the structures on the property, consistent with *Appendix 4. Fire Protection* or, (b) seek a variance.
- U. **Americans with Disabilities Act (ADA).** ADA standards must be met by the applicant as required by federal statute, and provisions for compliance must be clearly indicated on plans. All handicapped parking must be identified by a vertical sign, as well as marked on the pavement, if pavement exists.
- V. **Landscaping.** A landscaping plan addressing aesthetics, water conservation, erosion controls, and any buffering requirements, prepared by a licensed landscape engineer or architect shall be submitted. Any required setback which is not paved or graveled shall be landscaped and maintained. Refer to *Appendix 3: Terrain Management*.

W. **Street and Parking Design.** The street, road, access and parking systems shall be designed and located on the proposed site in a safe, efficient, convenient and attractive manner that considers all modes of transportation (e.g., cars, trucks, buses, bicycles, equestrians and pedestrians), as well as emergency vehicles.

X. **Solid Waste Disposal.** An area for solid waste storage and disposal shall be designated. The size and type of containers, and disposal area, shall be sufficient to accommodate the scale and type of operations proposed. Containers shall be covered and securable. The area shall be easily accessible to waste removal services. Waste containers shall be screened in a manner so as not to be visible from adjacent streets or properties.

Y. **Summary of Limits Table.**

Table

LIMITS – Special Use/Major Development	Less than 2ac.	2 ac. or more	COMMENTS
Maximum Parcel Coverage	25%	50%	Includes buildings, parking, roadways, driveways, patios, courtyards, walkways, utilities and any other improvements, except landscaping.
Minimum Setbacks: Front Side Rear	30 ft. 30 ft. 30 ft.	75 ft. 50 ft. 50 ft.	A minimum of 75 ft. is required from the right-of-way of all public roadways, and 50ft. from all other parcel boundaries.
Minimum setback from acequia, streams, wetlands, floodplain Boundaries and springs	15ft.	15 ft.	Measured from the high water mark of both banks
Maximum Building Height	27 ft.	27 ft.	See Article 2: Definitions
Maximum slope	20%	20%	See Section 4.13
Maximum finished grade for access road(s) and driveway	12%	12%	See Appendix 1

Z. **Minimum Off-Street Parking Requirements:**

1. Hotels, Motels, and Bed & Breakfasts: one space per room, plus one space for each two employees, and adequate spaces for each accessory use.
2. Shopping Centers: one space per two hundred (200) square feet of gross floor area.
3. Office, professional, retail businesses, food establishments and public buildings: one space per three hundred (300) square feet of gross floor area.
4. Industrial, manufacturing, and wholesale establishments: one space per three hundred (300) square feet of gross floor area.
5. Multi-family/Condominium residential buildings:
 - a. Efficiency apartments: 1 space per unit.
 - b. 1 or 2 bedroom apartments: 2 spaces per unit
 - c. 3 bedroom or larger: 3 spaces per unit
 - d. 10% additional of total parking area shall be set aside as guest parking.
6. Other uses requiring a special use or major development designation shall meet parking requirements as determined by the Planning Department based upon similar uses and requirements in similar jurisdictions.

- AA. **Loading.** Should be located off-street and shall be not located within the front yard setback.
- BB. **Slope.** See Section 4.13.
- CC. **Wildland Urban Interface (WUI) Impact Areas.** Shall meet requirements developed in these regulations and by the New Mexico State Fire Marshall and/or as identified in any Community Wild Fire Protection Plan (CWPP) for areas mapped as “wildfire hazard areas”. Refer *Appendix 4 – Fire Protection*.
- DD. **Flood Plain and Elevation Certificate.** Applications for a special use permit/major development permit shall include a determination as to whether any property identified in the application is located within a Federal Emergency Management Act (FEMA) designated flood plain. If it is determined that the property does lie within the flood plain, the boundaries of the flood plain must be delineated on the project site plan map. If a special use permit/major development permit is approved by the county, applicants should be aware that construction within the FEMA flood plain may not be started until the applicant has completed and received an approved flood plain permit from the Planning Department. The applicant must comply with the provisions of the permit and the Taos County Flood Plain Regulations, Taos County Ordinance No. 2009-09, as amended.
- EE. **Archeological Sites.** The applicant shall not encroach upon registered or known archeological sites. Refer to *Appendix 5*.
- FF. **Additional Performance Standards.** Certain special use and major development projects may require additional performance standards. There may also be relevant county ordinances additional to or passed since these regulations that apply to all or portions of the project. The applicant should review all sections of these regulations and consult with Planning Department staff as to what requirements may be applicable to the specific proposal. The most current edition of the Taos County and State of New Mexico building codes and construction regulations are applicable to all new construction.

SECTION 4.8

Condominium Development and Multiple Family Development Standards

Section 4.8.1 Applicability.

- A. The references to state law contained in this section, as they pertain to condominiums, reflect state statutes in effect as of the adoption of these regulations. It is the applicant’s responsibility to conform to all relevant and current state statutes, including but not limited to the New Mexico Condominium Act [47-7A to 47-7D-20 NMSA 1978], as amended.

Section 4.8.2 Condominium Development and Multiple Family Development Standards.

- A.. Taos County regulations for condominium development and multiple family development include all of the New Mexico State Statutes for condominiums, as well as additional review and application requirements in section 4.5 or section 4.6 herein, whichever is applicable depending on the size, scope or cost of the project, and the performance standards set forth in Section 4.7 and Sections 4.8. The following performance standards shall be made a part of the application and shall be incorporated into the applicant’s condominium disclosure statement:
 1. **Density:** Density applicable to condominiums and multiple family dwellings, shall be determined by current water availability and liquid waste discharge as determined by the New Mexico State Engineer and the New Mexico Environment Department Liquid Waste Disposal Regulations, but in no event shall the maximum density for condominiums (1) exceed eight (8) units per acre or (2) in a neighborhood zoning overlay, as permitted by the overlay regulations.

2. **Water:** The applicant shall meter each unit in the condominium and include in the declaration the amount of water needed for maintaining the common area, as well as fire protection and suppression requirements for the full project. Where applicable, a permit from the New Mexico State Engineer shall be required. The application and declaration shall also identify whether the condominium will be installing a domestic well, its own approved water system, utilizing a mutual domestic water consumers association, a community water system, water and sanitation district system, or a municipal water system.
3. **Liquid Waste Discharge:** The applicant shall obtain a permit from the New Mexico Environment Department for all liquid waste discharge generated by the project and shall indicate whether the condominium will install its own liquid waste discharge system, utilize a community discharge system, a water and sanitation district discharge system, or a municipal treatment and discharge system.
4. **Fire Protection and Suppression:** The applicant shall provide a statement of fire protection and suppression, including the number of units each hydrant water tank can accommodate based on the design engineer's evaluation of construction type. Refer to *Appendix 4: Fire Protection*.
5. **Access roads and fire lanes** within the condominium shall be adequate to accommodate the unobstructed ingress and egress of all emergency and fire vehicles. Refer to *Appendix 1: Road Standards*.
6. **Any Amendment** to the disclosure statement must be submitted to the Planning Department for review and possible hearing by the Planning Commission.

Section 4.8.3 Condominium and Multi-Family Development Plan Requirements.

- A. The applicant shall indicate on the site plan the following:
 1. Boundaries, easements, spaces between buildings, garages and stand alone units, and setbacks;
 2. Fire lanes, hammerhead turnabouts, and cul-de-sacs within the condominium;
 3. Parking places for each unit;
 4. Access road(s) to the condominium project sufficient and adequate for the ingress and egress of emergency vehicles, Refer to *Appendix 1: Road Standards*;
 5. The placement of hydrant water tanks for fire suppression and the number of tanks required by the New Mexico Fire Marshall;
 6. Designation of area(s) for solid waste disposal, which shall be screened from view;
 7. In the event that the developer will exercise the development rights in phases, the applicant shall provide to the Planning Commission or Board of County Commissioners a condominium schedule of phasing and the plats and plans that are a part of the declaration.

SECTION 4.9

Wireless Communications Facility Requirements and Standards

Requirements for Location, Placement, Appearance and Design of newly placed Wireless Communications Antennas, Towers and Other Facilities:

Section 4.9.1 Telecommunications Facilities Performance and Application Requirements.

- A. **Basic Requirements.** All wireless telecommunications facilities, unless otherwise stated, in addition to the applicable performance standards set forth in Section 4.7 and Sections 4.9 and application requirements in Section 4.5 or Section 4.6, whichever is applicable, shall comply with the following:

1. **Setbacks.** A freestanding wireless telecommunications facility shall be set back a minimum of 85 feet from any property boundary, or a distance equal to at least 110% the potential fall radius (hereinafter "radius"), as certified by a registered professional engineer,, whichever is greater.
 2. **Setback Exemption for New Substation Facilities.** New freestanding wireless telecommunications facilities in electric substations are exempt from the setback requirements, but only if they are no taller than the existing utility poles in the substation.
 3. **Lighting and Signage:**
 - a. Only security lighting or lighting required by a state or federal agency is allowed. All artificial lighting shall be shaded to meet the current Dark Skies Ordinance (Taos County Ordinance No. 2006-9, as amended) except when federal or state laws or regulations make compliance impossible. All lighting shall be directed downward from the source, and the bulb shall not be visible beyond the parcel boundaries, except for motion detector lighting. The motion detector sensor cannot be activated beyond the parcel boundaries.
 - b. The only signage permitted is that required or allowed by federal, state or the Taos County Sign Code, Ordinance 1996-2, as amended.
 4. **Telecommunications Equipment Building or Cabinet:** No equipment building or cabinet shall exceed 750 square feet in area and/or 10 feet in height. All such sheds shall be screened with vegetation or other aesthetically pleasing materials. Furthermore, all such sheds shall be secured with approved fencing and a locked gate.
 5. **Abandonment:**
 - a. All wireless telecommunications facilities that are not in use for six (6) consecutive months shall be removed by the wireless telecommunications facility owner. This removal shall be completed within three (3) months after the end of such six (6)-month period. Upon removal, the site shall be re-vegetated to blend with the existing surrounding vegetation.
 - b. The owner of the property shall establish a \$10,000 bond or provide the county with an irrevocable letter of credit in the same amount to secure the cost of removing an antenna, antenna array, or tower that has been abandoned. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the county of the transfer.
 6. **.Interference:** Every wireless telecommunications facility shall meet the regulations of the Federal Communications Commission regarding physical and electromagnetic interference
 7. **Health Issues:** Every wireless telecommunications facility shall meet the health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission and any other federal, state or local agency.
- B. **Tower Locations:** The Planning Department and the Planning Commission shall apply the following hierarchy of tower locations, and applicants must demonstrate, based on technical, practical or financial considerations, the need to move down the list and locate in areas of lower preference:

1. Areas of existing commercial developments.
2. Undeveloped highway corridors, residentially-zoned areas, or residential communities.
3. Only concealed wireless telecommunications facilities are allowed within 1000 feet of traditional communities, historic districts listed in the State Register of Cultural Properties or the National Register of Historic Places, or any historic routes listed in the State or National Registers.
4. **Co-location:** In all applications for construction of a new facility, the applicant must prove that a bona fide need exists for the facility and that no reasonable combination of existing locations, techniques, or technologies will obviate the need. The applicant must further provide that it has made all reasonable efforts to procure antenna space on existing facilities and that the cost of the co-location exceeds the cost of a new facility by a least fifty percent, or that:
 - a. No existing tower, structure, or public utility structure is located within the radius that meets the applicant's engineering requirements; or
 - b. No existing tower, structure, or public utility structure is located within the radius that has sufficient structural strength or space available to support the applicant's proposed telecommunications facility and related equipment; or
 - c. The applicant's proposed telecommunications facility would cause significant, unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structure, or the antenna(s) on the existing towers, structures or public utility structures would cause interference with the applicant's proposed telecommunications facility; or
 - d. The owners of existing towers, structures, or public utility structures within the radius will not allow the applicant to place its telecommunications facility thereon, or such owners are requiring payments for the use of their tower that substantially exceed commercially reasonable rates.
 - e. The applicant shall submit evidence to the county demonstrating that a genuine effort has been made to solicit additional users for the proposed new tower. Evidence of this shall include, at a minimum, copies of notices sent by registered mail, return receipt required, to all other providers of wireless communication services within Taos County and adjacent counties, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requiring a written response within fifteen (15) working days.
 - f. The applicant shall sign an instrument, approved by the county, agreeing to encourage and promote the joint use of telecommunications towers within the county and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing, or delaying joint use of any tower where fair and reasonable compensation is offered for such use.

C. Criteria for Concealed Wireless Telecommunications Facilities: Concealed wireless telecommunications facilities must be:

1. Architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, clustering, placement, design, and shape.
2. Located to avoid a dominant silhouette of a wireless telecommunications facility on escarpments and mesas, and to preserve view corridors.

3. Located on existing vertical infrastructure, such as utility poles or public utility structures, if possible.
 4. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.
- D. **Landscaping and Screening:** The following regulations shall apply to landscaping and screening:
1. Freestanding wireless telecommunications facilities shall be surrounded by a six (6) - foot high fence or wall.
 2. Any free-standing wireless telecommunications facility facing or abutting a property used for residential purposes shall include landscaping along the outside of the required fence or wall that is planted and maintained according to a landscape plan approved by the Planning Director or his/her designee. The Planning Director may waive this requirement if the freestanding wireless telecommunications facility is not readily visible from surrounding properties or rights of way.
 3. All disturbed areas shall be re-vegetated and/or stabilized as necessary to control erosion and dust.
- E. **Horizontal Separation** of Free-Standing Wireless Telecommunications Facilities: Free-standing wireless telecommunication facilities shall be separated by a distance of five (5) miles.
- F. **Color and Camouflage:** Concealed and camouflaged facility design is encouraged:
1. All wireless telecommunication facilities, support structures, accessory buildings, poles, antennas and other external facilities shall be painted upon installation and thereafter repainted as necessary with a "flat" paint. Except where dictated by the FAA, paint color shall, at the discretion of the Planning Director, be designed to minimize visibility and blend with the surrounding environment.
 2. Improvements which will be primarily viewed against soils, trees or grasslands shall be painted colors matching these landscapes while elements that rise above the horizon shall be painted a blue or gray that matches the typical sky color at that location.
 3. Alternative and creative design, which allows the structure to blend into its surrounding area, is encouraged.
- G. **Access Roads:** All wireless telecommunications facilities shall have access roads.
- H. **Emergency Backup Power:** Emergency backup power shall be required for timed power outages and testing/maintenance only, and shall comply with those standards where technical, practical, and financial considerations permit.
- I. **Application Requirements:** In addition to information already required by Sections 4.5 or 4.6 above, each applicant for a wireless telecommunications facility shall provide the Planning Department with the following:
1. Map(s) from the County Mapping Department that are specific to the application site, drawn to scale, showing land uses and zoning designations, including those within other jurisdictions.
 2. Documentation regarding co-location as described in these regulations.
 3. A set of plans which, in addition to other requirements in these regulations, includes:
 - a. A scaled site development plan clearly indicating the location, type, color and height of any proposed wireless telecommunications facility, on-site land uses, adjacent land uses, and zoning (including when adjacent to other jurisdictions),

tower service area map, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of any wireless telecommunications facilities, topography, and parking layout;

- b. A notarized statement from the applicant that describes the facility's capacity and declares the number and type(s) of antenna(s) that it can accommodate, or an explanation of why the facility cannot be designed to accommodate other users;
- c. An engineer's stamp and registration number;
- d. The distance between any proposed tower and other telecommunications facilities and identification of the owner(s) of the other facilities;
- e. Verification that a copy of the above-proposed application material has been sent by certified mail, return receipt requested, to any other jurisdiction within one (1) mile of the proposed site; and
- f. Any other information as requested by the county needed to evaluate the application.
- g. A letter of intent committing the wireless telecommunication facility owner and its successors to allow shared use of the facility, if an additional user agrees in writing to offer terms and conditions of shared use, including provisions for payment of prevailing commercial rates.

Section 4.9.2

Exclusions: Every wireless telecommunications facility located within the county, whether upon private or public lands, shall be subject to the provisions of these regulations. The following facilities, however, shall be exempt from application of the regulations for wireless telecommunications facilities:

1. Amateur radio stations, if owned and operated by a federally licensed amateur radio station operator;
2. Any existing tower and antenna constructed prior to adoption of these regulations and the upgrading, replacement or modification of relays, antennas and towers for technological or safety reasons that do not exceed the dimensions, esthetics, or aggregate power of the original structures or equipment;
3. Wireless telecommunications facilities used exclusively for emergency services, including sheriff, police, fire, EMS, and operation of a water utility system.

Section 4.9.3

Variations: Variations may be granted subject to the variance standards and procedures set out in these regulations.

SECTION 4.10

Commercial Wind Power Generation Standards

Section 4.10.1

Permit Requirements:

- A. **Feasibility Studies.** A Special Use Permit is required for the temporary use of an anemometer to determine the feasibility of a project. The Planning Director may require, within their discretion any of the criteria under this section to be met as part of the Special Use Permit application process.
- B. **Commercial Installation.** Any anemometer proposed for permanent commercial installation shall be considered for the purposes of this application to be a major development, and shall fulfill the requirements of this section.

Section 4.10.2

Application Requirements for Permanent Installation

The applicant shall follow the requirements in section 4.5 or section 4.6, plus all applications for wind farms shall be accompanied by the following information:

- A. **Project Rationale:** Relevant background information on the project, including time frame and project life, phases of development, likely markets for the electricity produced and the possibilities for future expansion.
- B. **Plat and Development Plan:** A conceptual development plan of the proposed wind farm drawn to scale and in sufficient detail to provide a clear description of the project:
 2. Drawing sheets must show the scale, a north arrow and the number of sheets in the sequence. Twelve copies (24" X 36") of the development plan must be submitted with the application.
 3. Property description which includes a general vicinity map of the project and a legal description of the project boundary (i.e. NW1/4, SE1/4 Sec 2, T 42N, R6W), and property acreage.
 4. Structure location showing setbacks, use, and means of access for the following structures:
 - a. Existing structures within project boundary.
 - b. Existing structures outside of project boundary: All occupied and unoccupied structures within 1,000 feet of the project boundary.
 - c. Proposed Accessory Structures: Accessory structures include support offices, facilities and structures related to the operation of the wind farm. A general statement of how the developer will address potable water, sewage/waste disposal, and fire protection for these accessory structures is required.
 - d. Proposed Wind Turbine Towers: Include a conceptual site plan of a typical individual wind turbine site and a map showing the approximate location of each turbine. If the exact number or dimensions of wind turbines is not known at the time of application, the site plan shall identify a maximum number and maximum dimensions that will be expected and a range from minimum to the maximum number expected. For review purposes, all wind turbines shall be assigned a reference number.
 - e. Existing Utilities, Pipelines and Related Structures. Show the location of all existing underground and above ground utilities, electrical lines, transmission lines, pipelines and any accessory support facilities.
 - f. Proposed Utilities, Electrical Transmission Lines and Related Structures. Show all proposed utilities, electrical lines, transmission lines and any related accessory support facilities; State the approximate voltage of each electrical/transmission line and whether the facilities are proposed to be located above or below ground. Provide a general region/area-wide map clearly showing the proposed route of proposed transmission lines and their accessory facilities.
 - g. A map showing the existing topography of the project site. USGS or other topographic map sources may be utilized.
 - h. A map showing the approximate proposed drainage, grading and natural vegetation removal plan.
 - i. A map showing wind characteristics and dominant wind direction, which is the direction from which fifty (50) percent or more of the energy contained in the wind flows.

- j. A map showing the location of any delineated 100-year floodplains or wetlands.
5. **Visual Simulation:** Provide an accurate visual simulation of the project components by showing views from a reasonable number of key vantage points as determined by the applicant in consultation with staff and approved by the Planning Department. These vantage points must consider a 360-degree view of the project site.
6. **Economic Analysis:** Provide an estimated economic analysis describing the impact of the project on the local and state economy with respect to the following:
- a. The amount of property taxes to be generated by the project.
 - b. The amount of sales taxes to be generated by the project.
 - c. The amount of other applicable taxes to be generated by the project.
 - d. The construction dollars to be spent locally.
 - e. The number of construction jobs and estimated construction payroll.
 - f. The number of permanent jobs and estimated continuing payroll.
 - g. Costs associated with the impact on roads or other County infrastructure in the area.
7. **Impacts and Mitigation Measures:** In the absence of a required environment analysis by a state or federal agency, which encompasses the entire project area, provide a project impact review and a proposed impact mitigation plan. The project impact review and mitigation plan shall address all of the following:
- a. Wildlife and wildlife habitat on the site and in a biologically significant area surrounding the site.
 - b. Any endangered or threatened species on the site and in a biologically significant area surrounding the site.
 - c. Avian population, including migratory birds.
 - d. Flora on the site.
 - e. Soil erosion.
 - f. Water quality and water supply in the area.
 - g. Historic, cultural or archaeological resources within wind farm project area.
 - h. Dust from project activities.
 - i. A-weighted and C-weighted noise levels at the residence nearest to the project boundary and at the property line of such residence nearest to the project boundary.
 - j. Any wastes, either municipal solid waste or hazardous waste, generated by the project.
 - k. Electromagnetic fields and communications interference generated by the project.
 - l. Public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.
 - m. A general discussion of any potential changes to the above assessment items that could be anticipated when considering the cumulative impacts of other adjacent wind energy projects.

7. **Life of Project and Final Reclamation of Project:** Provide a statement of the useful life of the project, a general description of the decommissioning, and the final land reclamation plan in the event the project is abandoned or terminated.
8. **Evidence** acceptable to the Planning Commission or the Board of County Commissioners shall be presented demonstrating that the developer has entered into an agreement with the property owner that ensures proper final reclamation of the wind farm project. If the developer does not have a reclamation agreement with the land owner that is suitable to the board, the developer shall comply with all the provisions of Section 4.10.6 of these regulations.
9. **Conceptual Transportation Plan** for Construction and Operation Phases: Provide a conceptual construction and operation transportation plan that shows the following:
 - a. Anticipated locations of the project's service road ingress and egress access points onto state or county roads. Any proposed access onto the state or county road system must meet respective requirements.
 - b. The general layout of the proposed wind farm service road system and the extent to which roads are planned to be upgraded. All roads servicing manned or occupied accessory buildings need to be constructed to the standards of the International Fire Code.
 - c. The plan for utilizing existing roadways to service the project area. To the greatest extent possible, the applicant must make use of existing roadways. The anticipated volume and designated route for traffic including routes for oversized and heavy equipment needed for construction, maintenance and repairs.
 - d. The proposed methodology of assuring the public entities responsible for the roads that repairs and on-going maintenance of roads and bridges to be used in both the construction and operation phases of the project will be carried out.
 - e. The plan for utilizing existing roadways within the project area.

Section 4.10.3

Site Plan

1. **Site Guidelines**

The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions. The following guidelines shall be considered by the Planning Department, the Planning Commission, and the Board of County Commissioners in evaluating the appropriateness of proposed locations for wind farms and the proposed project components:

2. **Natural and Biological Resources** - Wind farms should not be located in areas that have a large potential for biological conflicts. Wind farms should not be located in large-impact areas such as wilderness study areas, areas of critical environment concern, county and state parks, historic trails, and special management areas. Wind farms should not significantly impact important wildlife habitat.

3. **Visual Impacts** - Wind farms should avoid those visual corridors that are designated by the Board of County Commissioners as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated by the board after analyzing the applicant's wind farm visual simulations and considering public hearing comments. A wind farm project should maintain visual uniformity among clusters of turbines. To promote visual uniformity, the rotors, nacelles and towers of all turbines in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried, unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically infeasible or be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.
4. **Soil Erosion & Water Quality** - Wind farms should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turn-outs are recommended. The number and size of staging areas and crane pad sites should be minimized.
5. **Historical, Cultural & Archeological Resources** - Wind farms should avoid sites with known sensitive, historical, cultural, or archeological resources.
6. **Public Safety** - Wind farms shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.

Section 4.10.4

Performance Standards

The following standards along with the applicable performance standards in section 4.7 and section 4.10 are to be achieved by each wind farm project without exception. The final decision on whether or not a particular standard is achieved by a wind farm project shall be made by the Planning Commission or the Board of County Commissioners.

- A. **Noise Management** - The noise level caused by the operation of the project, measured at five (5) feet above ground level at the property line coincident with or outside the project boundary, shall not exceed 65 decibels (A-weighted) and shall not exceed 50 decibels (A-weighted) if it is determined that a pure tone noise is generated by the project. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms. Upon receipt by the Planning Department of a complaint regarding noise from an existing wind farm project, the Planning Department will investigate the complaint. If the Planning Department determines the complaint to be reasonable, the project owner shall be required, at the owner's expense, to have prepared, by an independent acoustical consultant approved by the Planning Department, an acoustical study that shall demonstrate compliance with the above noise standard on the basis of equivalent sound pressure levels. "Equivalent sound pressure levels" means the steady sound level that, over 10-minute measurement periods, would produce the same energy equivalence as the fluctuating sound level actually occurring.

- B. **Wind Farm Design:** Wind farms that are not designed in "accordance with proven good engineering practices" or not purchased from a national manufacturer with a proven track record shall be prohibited. Wind farms designed with the following characteristics shall be deemed "in accordance with proven good-engineering practices":
1. Up wind rotor.
 2. No furling, where "furling" means that the wind turbine is designed to limit its power output in high winds by changing the rotor's plane of rotation to a plane that is not perpendicular to the prevailing wind direction.
 3. Tapered and twisted blades.
 4. A well-designed braking system.
- C. **Natural & Biological Resources** - Noxious weed control is required. Appropriate fire measures as required by the county Emergency Management Services shall be implemented. No perches are permitted on the nacelles of turbines. Wind farm towers shall not use lattice-type construction or other designs that provide perches for avian predators.
- D. **Visual Impacts** - To provide visual order to a wind farm project, all individual turbines shall have the same number of rotor blades and all rotor blades shall spin in the same direction (i.e., clockwise or counter-clockwise) in relation to the wind. To promote visual uniformity, all turbines at a similar ground elevation shall have the same height from blade tip to the ground. Except during construction, re-construction or removal, outdoor storage is not permitted within the project boundary except at locations that are screened from view.
- E. **To avoid cluttering the skyline**, inverters and pendant power cables shall be located inside the wind turbine tower, nacelle or structure. No telecommunications dishes, antennas, cellular telephone repeaters or other similar devices shall be attached to wind turbine towers. Aircraft obstruction markings of the turbines by use of alternating red and white bands shall be prohibited. No billboards, logos and advertising signs of any kind shall be located on the turbines.
- F. **Soil Erosion & Water Quality** - Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the special use permit application so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction in areas not occupied by the wind farms and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded to the land owner's or manager's requirements. Dust control on the project site is required.
- G. **Safety** - Individual wind turbines shall be set back from all property lines coincident with or outside of the project boundary a distance equal to 1.5 times the turbine hub height. Individual wind turbines shall be set back from all public roads a distance equal to at least 1.5 times the turbine hub height. Individual wind turbine heights and markings shall comply with Federal Aviation Administration (FAA) regulations. If lighting of turbines, or other structures, is required, "daytime white-nighttime red" shall be the only type of lighting allowed unless prohibited by law. All turbines and towers shall be a shade of white in color.

Section 4.10.5

Review and Approval

- A. The developer shall submit to the Planning Department a complete special use permit application or major development application as per section 4.5 or Section 4.6.
- B. The term of a wind farm special use permit or major development permit expires within five (5) years of its date of approval by the Planning Commission or Board of County Commissioners unless:
 1. The developer has substantially commenced wind farm construction under an approved construction/use permit; or,
 2. The developer has submitted evidence acceptable to the Planning Commission or Board of County Commissioners that the wind farm project is still viable and the delay in construction is caused by project management or coordination issues that are pending resolution in the near future.
- C. The reviewing commission or board may renew the special use permit or major development permit **once** for a period determined in its discretion of up to five (5) years. If the project is still not complete after the renewal period has ended, and the applicant still wishes to proceed with the project, a new special use permit or major development permit must be applied for.

Section 4.10.6

Final Project Reclamation

If, in the assessment of the board, the applicant cannot provide acceptable evidence demonstrating that the applicant has entered into an agreement with the property owner that ensures proper final reclamation of the wind farm project, the applicant shall comply with the following final project reclamation requirements:

- A. A reclamation bond shall be furnished to Taos County not later than 30 calendar days before commencement of project construction that will be used to restore the site surface to a condition consistent with the pre-construction environment. The purpose of the reclamation bond is to assure that adequate funding is available to pay the costs of site reclamation, including removal of individual turbines and other above-ground project improvements subject to permit in the event of abandonment of individual turbines or the entire project.
- B. The reclamation bond shall be in an amount equal to one hundred percent (100%) of such costs, where such amount is determined by the Board of County Commissioners based upon estimates from knowledgeable contractors, except that the landowner should be given the option to maintain access roads for demonstrated ranching or farming purposes as approved by the Board of County Commissioners. The reclamation bond may not be cancelled, released or in any way terminated, without prior written approval from Taos County, and shall continue as long as such turbines or other above-ground improvements exist.
- C. The reclamation bond must be written so as to survive any sale or other form of transfer of ownership of such turbines and other improvements. The company providing the reclamation bond must be authorized to provide bonds in the State of New Mexico and be acceptable to the Board of County Commissioners.
- D. All underground equipment and foundation systems of wind farms shall be removed.

SECTION 4.11

Commercial Solar Generation Requirements and Standards

These requirements and standards require an applicant's conformance to the provisions of NMSA 1978 Section 47-3-1, et seq. the NM Solar Rights Act and NMSA 1978, Section 47-3-6 et seq. the NM Solar Recordation Act.

Section 4.11.1

Application Requirements In addition to the requirements set forth in section 4.5 or section 5.6, an applicant shall submit the following:

- A. **Project Rationale:** Relevant background information on the project, including time frame and project life, phases of development, likely markets for the electricity produced, and the possibilities for future expansion.
- B. **Plat and Development Plan:** A conceptual development plan of the proposed project drawn to scale and in sufficient detail to provide a clear description of the project, including structure location showing setbacks, use, and means of access for the following structures:
 1. Existing structures within the project boundary.
 2. Existing structures outside of project boundary. All occupied/manned structures and all non-occupied structures within 1000 feet of the project boundary.
 3. **Proposed Accessory Structures:** Accessory structures include support offices, facilities and structures related to the operation of the solar project. A general statement of how the developer will address potable water, sewage/waste disposal, and fire protection for these accessory structures is required.
 4. **Existing Utilities, Pipelines, and related structures.** Show the location of all existing underground and above ground utilities, electrical lines, transmission lines, pipelines and accessory support facilities.
 5. **Proposed Utilities, Electrical/transmission lines and related structures.** Show all proposed lines, transmission lines, electrical lines, and any related accessory support facilities. The applicant must submit a statement that states the approximate voltage of each transmission line and whether the facilities are proposed to be located above or below ground. Provide a general region/area-wide map clearly showing the proposed route of proposed transmission lines and their accessory facilities.
 6. A map showing the existing topography of the project site. USGS or other topographic map sources may be utilized.
- C. **Visual Simulation:** Provide an accurate visual simulation of the project components by showing:
 1. Views from a reasonable number of key vantage points as determined by the applicant in consultation with staff and approved by the Planning Department. These vantage points must consider a 360 degree view of the project.
 2. Reviewing the project in the local and state economy with respect to the following:

- a. Amount of property taxes to be generated by the project.
- b. Amount of sales taxes to be generated by the project.
- c. Amount of other applicable taxes to be generated by the project.
- d. Construction dollars to be spent.
- e. Number of construction jobs and estimated construction payroll.
- f. Number of permanent jobs and estimated continuing payroll.
- g. Costs associated with the impact on roads or other infrastructure.

D. Conceptual Transportation Plan for Construction and Operation Phases:

Provide a conceptual construction and operation transportation plan that shows the following:

- 1. Anticipated locations of the project's service road ingress and egress access points onto state or county roads. Any proposed access onto the state or county road system must meet respective requirements.
- 2. The general layout of the proposed solar project service road system and the extent to which roads are planned to be upgraded. All roads servicing manned or occupied accessory buildings need to be constructed to the standards of the International Fire Code.
- 3. The plan for utilizing existing roadways to service the project area. To the greatest extent possible, the applicant must make use of existing roadways. The anticipated volume and designated route for traffic including routes for oversized and heavy equipment needed for construction, maintenance and repairs.
- 4. The proposed methodology of assuring the public entities responsible for the roads that repairs and on-going maintenance of roads and bridges to be used in both the construction and operation phases will be carried out
- 5. The plan for utilizing existing roadways within the project area.

Section 4.11.2 Site Guidelines

The following guidelines shall be considered by the Planning Department, the Planning Commission or the Board of County Commissioners in evaluating the appropriateness of proposed locations for solar projects and the proposed project components. The purpose of these guidelines is to assist decision-makers in uniformly analyzing the site-specific impacts of each proposed project and thereby arrive at consistent and balanced decisions.

- A. **Natural and Biological Resources** - Solar projects should not be located in areas that have a large potential for biological conflicts. Solar projects should not be located in large impact areas such as wilderness study areas, areas of critical environmental concern, county and state parks, historic trails, and special management areas. The project should not impact wildlife.
- B. **Visual Impacts** - Solar projects should avoid those visual corridors that are designated by the Planning Commission or the Board of County Commissioners as essential view sheds or scenic areas. Essential view sheds or scenic areas are those areas designated by the reviewing board after analyzing the applicant's solar project visual simulations and considering public hearing comments. A solar project should maintain visual unity among clusters of solar panels. To promote visual uniformity, the solar panels in an array should appear similar. To avoid visual clutter, intra-project power lines having a voltage of 34,500 volts or less, should be buried unless the applicant can sufficiently demonstrate that burying the lines will violate other guidelines/standards, violate applicable law, render the project economically unfeasible or otherwise be hidden from public view. To avoid cluttering the skyline, transformers and other electric equipment should be hidden from view or otherwise constructed in harmony with the surrounding landscape.

- C. **Soil Erosion & Water Quality** - Solar projects should avoid erosion. Disturbance and construction on erodible slopes should be minimized. The number of improved roads and construction staging areas should be kept to a minimum. The grading width of roads should be minimized. One-lane roadways with turn-outs are recommended. The number and size of staging areas and crane pad sites should be minimized.
- D. **Historical, Cultural & Archeological Resources** - Solar projects should avoid sites with known sensitive historical, cultural or archeological resources.
- E. **Public Safety** - Solar projects shall be developed in a manner that utilizes sound engineering practices and considers public safety in regard to the potential hazards to adjacent properties, public roadways, communities, aviation, etc. that may be created.

Section 4.11.3 Performance Standards

The applicable standards in section 4.7 and sections 4.11 and the following standards are to be achieved by each solar project without exception. Because they are standards, they are considered to be requirements of any solar project. The final decision on whether or not a particular standard is achieved by a solar project shall be made by the Planning Commission or the Board of County Commissioners.

- A. **Natural & Biological Resources** - Noxious weed control is required. Appropriate fire measures as required by the county Emergency Management Services shall be implemented. Solar project towers shall not use lattice-type construction or other designs that provide perches for avian predators.
- B. **Soil Erosion & Water Quality** - Construction and maintenance shall be done in strict accordance with the erosion and sediment control plan submitted with the special use / major development permit application so as to minimize soil erosion and damage to existing vegetation. If vegetation is damaged during construction, in areas not occupied by the solar projects and related facilities and roads, it shall be restored after construction is complete. Disturbed areas shall be reseeded as to Taos County Water and Soil Conservation District requirements. Dust control on the project site is required.
- C. **Safety** - Individual solar panels shall be set back from all property lines coincident with or outside of the project boundary a distance equal to fifty (50) feet. Individual solar panels shall be set back from all public roads a distance equal to at least fifty (50) feet.

Section 4.11.4 Review and Approval

The developer will submit to the Planning Department a complete Taos County special use application or major development application as per section 4.5 or section 4.6, which includes all of the following:

- A. Final transportation plan coordinated with the land owner and the Taos County Public Works Department or New Mexico Department of Transportation must be provided. This plan must show final road locations and standards to which roads will be constructed. Roadways serving all occupied or manned buildings must meet the International Fire Code. Access permits onto the public system must be obtained from the appropriate public agency.

- B. Utility plan that shows and complies with all standards for crossing or utilizing Taos County road right-of-ways or New Mexico Department of Transportation right-of-ways.
- C. Final decommissioning and reclamation plan.
- D. Documentation of the establishment of the account/bond for reclamation; and documentation that the project is in compliance with all of the requirements of all jurisdictional state and federal agencies.
- E. Fee for the special use or major development permit.
- F. As-built drawings, prepared by a New Mexico licensed surveyor, verifying the location and setbacks of all structures must be submitted to the county prior to solar project operation.

Section 4.11.5 Expiration and/or Continuance

- A. The term of a solar project special use or major development permit expires within five (5) years of its date of approval by the Planning Commission or the Board of County Commissioners unless:
 - 1. The developer has substantially commenced the solar project construction under an approved Taos County building permit; or
 - 2. The developer has submitted evidence acceptable to the Planning Commission or the Board of County Commissioners that the solar project is still viable and the delay in construction is caused by project management or coordination issues that are pending resolution in the near future.
- B. The Board may renew the special use / major development permit once up to one additional five (5) year term. If the project is still not complete after the Board's renewal has ended, and the applicant still wishes to proceed with the project, a new special use / major development permit must be applied for.

Section 4.11.6 Project Reclamation Requirements

If, in the assessment of the Board, the applicant cannot provide acceptable evidence demonstrating that the applicant has entered into an irrevocable and enforceable agreement with the property owner or an appropriate enforcement entity of jurisdiction that ensures proper final reclamation of the solar farm project, the applicant shall be required to comply with the following final project reclamation requirements:

- A. A reclamation bond shall be furnished to Taos County not later than 30 calendar days before commencement of project construction that will be used to restore the site surface to a condition consistent with the pre-construction environment. The purpose of the reclamation bond is to assure that adequate funding is available to pay the costs of site reclamation, including removal of individual solar structures and other above-ground project improvements subject to permit in the event of abandonment of individual solar structures or the entire project.
- B. The reclamation bond shall be in an amount equal to one hundred (100) percent of such costs, where such amount is determined by the Board of County Commissioners based upon estimates from knowledgeable contractors, except that the landowner should be given the option to maintain access roads for demonstrated ranching or farming purposes as approved by the Board of County Commissioners. The reclamation bond may not be cancelled, released or in any way terminated, without prior written approval from Taos County, and shall continue as long as such solar structures or other above-ground improvements exist.

- C. The reclamation bond must be written so as to survive any sale or other form of transfer of ownership of such solar structures and other improvements. The company providing the reclamation bond must be authorized to provide bonds in the State of New Mexico and be acceptable to the Board of County Commissioners.
- D. All underground equipment and foundation systems of solar farms shall be removed.

SECTION 4.12
Mining Requirements and Standards

Section 4.12.1

Additional Requirements. In addition to meeting major development application requirements set forth in section 4.6 of these regulations, an applicant for a new mining operation or the expansion or change in use of an existing mining operation, shall also meet the following application requirements:

- A. **The application for a major development permit for a mining operation must be filed with the Taos County Planning Department.** Application for renewal of a permit must be made 90 calendar days prior to the termination of the previous permit. The application must be made in the name(s) of the operator of the mine and owner of the land to be mined.
- B. **The application shall be accordance with section 4.6 and contain the following:**
 - 1. The name and address of the operator and owner of land.
 - 2. An accurate legal description of the property where the mining shall occur.
 - 3. Names of the adjacent landowners including all those within a one-half mile radius of the property.
 - 4. A map of the property where the mining is to occur that clearly indicates the property lines and the limits of the proposed excavation. Topographic data including contours at 10-foot vertical intervals. Watercourses, marshes, wooded areas, rock outcrops, power transmission poles and lines, and other significant features shall also be shown.
 - 5. A narrative outlining the type of material to be excavated, mode of operation, and estimate of amount of material to be removed, plans for blasting, and other pertinent information to explain the request in detail.
 - 6. Payment of the application fee.
 - 7. A general location map showing the proposed mining site in relation to any city within two miles.
 - 8. A map showing access routes between the property and the nearest arterial road.
 - 9. Location of roads or streets: show name, right-of-way width, and traveled portion width, railroads, and trails.
 - 10. Easements: show widths and identify utility or other purposes.
 - 11. Natural land features: show locations of watercourses and drainage ways, floods of record, wetlands, sinks, basins, and wooded areas.
 - 12. Man-made features: show buildings and other structures, dams, dikes, and impoundments of water.
 - 13. Adjacent land features: all of the standards above shall apply to delineation of the area within 300 feet of the perimeter of the mined area.
- C. **In addition**, show all platted subdivision lots, metes and bounds parcels, and all homes within one-quarter mile of the property boundaries.

1. Groundwater: A plan for groundwater quality protection shall be submitted with the application. The plan shall include a minimum of three borings showing depth to groundwater. If groundwater is not encountered at a depth of 15 feet below the bottom of the proposed pit floor, the applicant need not extend borings any farther.
2. Cross-sections: A minimum of three cross-sections showing the extent of overburden, extent of sand and gravel deposits, the water table, and any evidence of the water table in the past. The Planning Department reserves the right to require additional borings if necessary.
3. Processing areas shall be identified and boundaries shown to scale.
4. Access road to processing and mining areas shown to scale.
5. An estimate of the life expectancy of the proposed operation including sequences of operation showing approximate areas to scale and serially numbered with a description of each.
6. Location of screening berms shall be shown to scale, and notes shall be provided indicating when they will be used as reclamation material. In the same manner, overburden storage areas shall be identified and noted.
7. Fences and gates shall be shown on the site map, and their type or construction shall be described.
8. Proposed location of principal service or processing buildings or enclosures shall be shown, as well as location of settling basins and process water ponds.
9. Site drainage features shall also be shown and flow directions indicated.
10. Lighting: set forth the planned lighting of the area and any other equipment or structures that will be installed or built.
11. Reclamation plan in conformance with Section 4.12.3.
12. The operator must indicate if blasting is proposed as part of the mining operation and frequency of blasting.
13. The applicant shall submit grading plans and phased rehabilitation plans to the Taos Soil and Water Conservation District and the appropriate watershed district or water management organization.
14. Any other information or reports the Planning Director or Planning Commission deem necessary for purposes of evaluating environmental or aesthetic impacts.

D. **Environmental assessment.** A mandatory environmental assessment by a licensed professional recognized to practice in the State of new Mexico shall be required for development of a facility for the extraction or mining of sand, gravel, rock, soil, or other deposits that will excavate 40 acres or more of land to a mean depth of 10 feet or more during its existence. Costs associated with the preparation of an environmental assessment shall be borne by the applicant.

E. **Protection of Water Tables.** The maximum depth of excavation shall be established so that groundwater quality is protected. This depth of excavation shall be established by the Board of County Commissioners and will be based, in part, upon soil characteristics, depth to water table, and nature of mining proposed and local use of the aquifer. Mining shall not occur in confined aquifers. Excavation into unconfined aquifers must be closely monitored and conducted according to the conditions of the permit. No extraction operations shall be conducted in such a manner as to permanently lower the water table of surrounding inhabited properties or any other water body.

F. **Provisions of the New Mexico Environment Quality Board Environment Review Program.** All Provisions of the New Mexico Environment Quality Board Environment Review Program must be complied with, and the application must be within the guidelines of the Federal Clean Water Act (CWA).

- G. **Permits from the New Mexico Environment Department.** Permits from the New Mexico Environment Department may be required for a mining operation in relation to air and water quality. An air quality permit may be necessary for smokestack discharges from processing plants or fugitive dust from operating areas. If the mining operation discharges water (from pit de-watering and/or gravel washing), a state disposal system permit or a national pollutant discharge elimination system permit may be necessary to obtain from the New Mexico Environment Department. As a condition of any permit issued pursuant to this ordinance, no mining will be allowed until evidence is shown that the operator has obtained these permits or that none are necessary.
- H. **Permits from the New Mexico Department of Natural Resources** may be required in the event any type of work is proposed in public waters or if there is a need for de-watering the pit to gain access to sand, gravel, and rock. A permit may also be needed for a well in connection with a washing facility. As a condition of any permit issued pursuant to this ordinance, no mining will be allowed until evidence is shown that the operator has obtained these permits or none are necessary.
- I. **Any mining operation having access from a state or county highway** must obtain an access permit from the respective agency. A turn lane and/or bypass lane may be required by the respective agency to reduce the risk of traffic safety hazards. The cost of construction of a turn or bypass lane shall be the sole expense of the operator.
- J. **Abandoned wells** must be sealed in accordance with state and county requirements.

Section 4.12.2 Operating Conditions

- A. The following operating conditions and standards must be met for all mining operations:
 - 1. **Setbacks.** No mining, stockpiling, or land disturbance shall take place within:
 - a. 30 feet of an adjoining property line.
 - b. 500 feet of any existing occupied structures not owned by the operator or owner.
 - c. 500 feet to the boundary of an adjoining property that is residentially zoned or contiguous property that is subdivided into residential lots.
 - d. 30 feet to the right-of-way line of any existing or platted street, road, or highway, except that excavating may be conducted within such limits in order to reduce the elevation thereof in conformity to the existing or platted street, road, or highway. Such excavation shall require written approval of the Planning Department and applicable road(s) authority.
 - e. 50 feet from the berm of any public or private ditch system.
 - f. If two or more mining operations are contiguous to one another, the common boundary may be mined if the Board of County Commissioners approves the respective restoration plans.
 - g. 100 feet from the high water mark of any public water.
 - B. **Hours of Operation.** Those portions of the mining operation consisting of excavating, stockpiling, processing, or hauling shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless other hours or days of operation are specifically authorized by the Board of County Commissioners. Blasting shall only take place between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday.

- C. **Dust Control.** The owner/operator must construct, maintain, and operate all equipment in such a manner as to minimize on-site and off-site dust conditions. All operations shall meet the standards of the New Mexico Environment Department. The driveway access to the operation must be set back at least 25 feet from neighboring property lines unless property owners agree to a lesser distance.
- D. **The owner/operator** shall maintain all ways and roads within the site in a dust-free condition, provided that the treatment produces no potential pollution hazards to the ground and surface waters of the area. All gravel pit access roads shall be provided and maintained with a dustless non-oiled surface. Access roads shall also be constructed and maintained in such a manner that the deposit of earth materials on public roads is minimized. The Board of County Commissioners may require a blacktopped road if deemed necessary.
- E. **Noise.** All equipment and other sources of noise must operate so as to be in accordance with federal, state, and county noise standards.
- F. **Depth of Excavation.** The maximum depth of excavation may be regulated based on groundwater protection and the ability to restore the property.
- G. **Site Clearance.** All stumps and other debris resulting from the excavation or related activities should be disposed of by approved methods.
- H. **Appearance/Condition.** The owner/operator must maintain buildings and plants in a neat condition. Weeds and other unsightly or noxious vegetation shall be controlled as necessary to preserve the appearance of the landscaped area. Existing trees and topsoil along existing public right-of-way shall be preserved, maintained, and supplemented for the depth of the setback or as stipulated in a permit.
- I. **Waste Disposal.** Any waste generated from the mining operation, including sewage, hazardous waste, or waste from vehicle or equipment maintenance, shall be disposed of in accordance with federal, state, and county requirements.
- J. **Water Quality Monitoring.** Water quality monitoring when required shall conform to the following standards:
1. Water from monitoring wells and water collected or discharged from the mining area shall be analyzed until one year after reclamation is completed. Samples from monitoring wells shall be taken and testing results submitted prior to permit renewal. The Board of County Commissioners may require more frequent monitoring. Sampling and testing shall be done by an independent testing laboratory or an agency chosen by the Board of County Commissioners.
 2. Monitoring wells shall be sealed one year after reclamation efforts are complete, if the site is determined to be uncontaminated. Water samples shall be analyzed to determine the level of nitrates, pesticides, herbicides, and volatile organic compounds specified by the Board of County Commissioners of Commissioners.
- K. **Added Provisions.** The operator must comply with such other requirements that Taos County, from time to time, may find necessary to adopt for protection of the health, safety, and welfare.
- L. **Processing.** Any mining operation in which processing is proposed must meet the following additional performance standards:

1. A special use / major development permit is required for any new or existing mining operation that desires to add processing equipment on-site.
2. The application must include the nature of the processing and equipment, location of the plant, source of water, disposal of water, and reuse of water.
3. Operators who wish to have processing equipment shall meet the following criteria:
 - a. Crushing equipment must be placed in the bottom of the pit area, if practical, or otherwise located in such a manner as to have the least environmental and aesthetic impact.
 - b. All federal, state, and local air, water, and noise quality standards must be met.
 - c. Setback requirements as set forth in these regulations must be met.
4. A temporary processing plant in conjunction with a specific road project, located in close proximity to the subject road, will be allowed subject to the following conditions:
 - a. All federal, state, and local air, water, and noise quality standards must be met.
 - b. A permit must be obtained.
 - c. The processing equipment must be located so as to minimize the effect on surrounding property owners.
 - d. Site selection shall not have a negative effect of the public health, safety, and welfare.
 - e. No materials, outside of the designated right-of-way, may be excavated or removed from the site without a permit for mining.
 - f. A bond, in an amount determined by the Board of County Commissioners, must be posted to assure restoration of the site.

M. Recycling. The crushing/processing or storage of used aggregate, concrete, and asphalt will be permitted subject to the following additional conditions:

1. A special use / major development permit is obtained.
2. The processing equipment must be located so as to minimize the effect on surrounding property owners.
3. Site selection shall not have a negative effect on the public health, safety, and welfare.
4. All federal, state, and local air, water, and noise quality standards must be met.

N. Trucking Operations. The operator shall ensure all loads leaving any pit are loaded in compliance with state law. Trucks used in hauling materials from the site of excavation shall be loaded in such manner as to minimize spillage onto public highways. Any spillage resulting from overloading or from truck tires shall be removed at regular intervals.

O. Temporary Asphalt and Concrete Plants. A special use / major development permit shall be required for all temporary asphalt and concrete plants. Temporary asphalt and concrete plants may be allowed, if the following additional conditions are met:

1. All setbacks set forth in these regulations must be met.
2. All federal, state, and local air, water, and noise quality standards must be met. An air quality permit must be obtained from the New Mexico Pollution Control Agency.

3. The owner/operator must provide a plan to prevent surface and groundwater contamination.
4. Equipment must be located in such a manner so as to have the least environmental and aesthetic impact.
5. Site selection shall not have a negative effect on the public health, safety, and welfare.
6. No materials may be excavated or removed from the site without a special use / major development permit for mining.
7. A bond, in an amount determined by the Board of County Commissioners, must be posted to assure restoration of the site.

P. **Fuel Storage.** All on-site storage of fuel must meet federal, state, and local standards.

Section 4.12.3

Reclamation

A. **Reclamation.** A reclamation plan shall contain the following information:

1. Intent of reclamation.
2. Methods and processes of reclamation.
3. Initial condition of mining site.
4. Limits of various operational areas.
5. Phasing and timing of operation and reclamation including areas to be stripped of overburden.
6. Final condition of site, including proposed contours and potential development plan.
7. Relation of final site condition to adjoining landforms and drainage features.
8. Relation of reclaimed site to planned or established uses of surrounding land.

B. **Timing.** Restoration should proceed in a continuous manner and must be subject to review and approval at each inspection and at the end of the permit period.

C. **Excavations** resulting in the accumulation of substantial water areas after rehabilitation must meet the following requirements:

1. The water depth must not be less than three feet measured from the low water mark, unless a plan for creation of a wetland or marsh has been approved.
2. All banks shall be sloped to the water line at a slope that shall not be steeper than four feet horizontal to one foot vertical.
3. All banks shall be surfaced with soil of a quality of at least equal to the topsoil of land areas immediately surrounding and to a depth of at least four inches. Sod or seeding and mulching are also required. Mulch must be properly anchored.
4. The topsoil shall be planted with trees, shrubs, legumes, or grasses.
5. Slopes on reclaimed areas shall not be steeper than four feet horizontal to one foot vertical. Exceptions may be made in cases where non-erodible conditions are present.
6. In man-made groundwater lakes, the bottom contour shall be gradually sloping from the shoreline to the deepest portion of the water body a maximum slope of three feet horizontal to one foot vertical for at least 30 feet from the proposed shoreline toward the center of the water body.
7. All groundwater lakes or wetlands classified by the Department of Natural Resources shall be subject to these regulations.

D. **Excavations not resulting in water areas** after rehabilitation, but which must be graded or backfilled, shall meet the following requirements:

1. Fill shall be inspected and certified as being clean (free of volatile organic compounds and heavy metals) before being used for reclamation. Organic soil shall be used only for topsoil.

2. Such grading or backfilling shall be made with non-noxious, nonflammable, noncombustible solids.
3. The graded or backfilled area shall not collect or permit stagnant water to remain therein.
4. The peaks and depressions of the area shall be reduced to a gently rolling topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
5. Such graded or backfilled areas shall be surfaced with soil of a quality at least equal to the topsoil of immediately surrounding land areas to a depth at least four inches
6. Such topsoil (See 4.12.3.D.5.) shall be planted with trees, shrubs, legumes, or grasses.
7. Slopes on reclaimed areas shall not be steeper than four feet horizontal on one foot vertical. Exceptions may be made in cases where non-erode conditions are present.
8. All rehabilitation areas that are planned for building purposes shall have a final elevation at least 10 feet above the normal ordinary groundwater level. If public sewer is not available, plans for on-site septic systems must be considered. If the area is backfilled for purposes of future development, the soil must be compacted and subsequently tested by a registered soils engineer and approved.
9. Drainage. Reclamation shall proceed in such a way that natural and storm drainage, where it enters and leaves the premises, shall be altered only to the least degree necessary to carry out excavation and related activities. Any alteration of natural and storm drainage shall not adversely affect public roads or neighboring uses.
10. Cover and Planting. The reclamation area shall be planted with grass, trees, shrubs, or other vegetation to prevent erosion and provide for screening and natural beauty. Technical assistance and soils data should be obtained from appropriate state and federal officials, conservation districts, and the nearest soil conservation service office.
11. Topsoil. When topsoil is stripped or removed, an adequate amount must be retained and set aside on the site for re-spreading over the excavated area according to the reclamation plan. These overburden stockpiles must be used to minimize the effects of erosion of wind or water upon public roads, streams, or adjacent land uses and shall not be sold or removed from the property.
12. Final Restoration/Removal of Structures. Within a period of 12 months after the termination of a mining operation, or within 12 months after abandonment of such operation for a period of 12 months, or within 12 months after expiration of special use / major development permit, all buildings and other structures not otherwise allowed under the Taos County Land Use Regulations must be removed from the property and the property restored in conformance with the reclamation plan.

Section 4.12.4 Insurance, Financial Guarantees, Fees, and Inspections

- A. **Insurance.** The operator shall provide proof of bodily injury, property damage, and public liability insurance in the amount of \$1,000,000 for any occurrence, including blasting insurance if blasting is allowed as part of the permit.
- B. **Bond.** An operator must post a bond, cash deposit, or other security in such form and sum as the Board of County Commissioners may require covering the cost of reclamation of the property. Bonds shall be for a minimum of one year and shall include a provision for notification to the County at least 30 calendar days prior to cancellation or on-renewal.

- C. **Fees.** Permit fees will be charged as per these regulations. Fees cover administrative costs associated with the permit application, annual review, and costs of inspections.
- D. **Inspections.** As a condition of approval of a mining permit, Taos County staff has the right to go on the subject property after providing reasonable notice to the operator.

Section 4.12.5

Termination of Permit

- A. Any permit granted pursuant to Article 4 of these regulations may be revoked for a violation of the regulations or any conditions of the permit.
- B. Revocation shall not occur earlier than 10 county working days from the time written notice of revocation is served upon the permittee or, if a hearing is requested, until written notice of the Board of County Commissioners' action has been served on the permittee. Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. The written notice of revocation shall contain the effective date of the revocation, the nature of the violation or violations constituting the basis of the revocation, the facts which support the conclusions that a violation or violations have occurred, and a statement that if the permittee desires to appeal, a request for a hearing must be filed within 10 working days, exclusive of the day of service. The hearing request shall be in writing, stating the grounds for appeal, and served personally or by registered or certified mail on the Taos County Planning Department by midnight of the tenth county working day following service. Following the receipt of a request for hearing, the Board of County Commissioners shall set a time and place for the hearing.

SECTION 4.13

Development on Slopes Greater than 20%

Section 4.13.1

Development on Steep Slopes. In order to protect the landscape and environment from dangerous and inappropriate construction, a development proposed to be located on steep slopes of more than twenty percent (20%) must meet the application requirements in section 4.5 or section 4.6 and the standards listed below, in addition to those set forth above in section 4.7 and section 4.13. See *Appendix 11, Terrain Management Regulations*:

- A. Any outdoor parking must be obscured from public view by means of an a landscaping plan approved by the Planning Director.
- B. No grading, filling or excavation of any kind on a steep slope building site shall be allowed without first having obtained a grading permit from the Taos County Building Inspector. All such work shall meet the provisions of the applicable building code adopted by the county.
- C. Required storm water runoff collection facilities shall be designed so as to retain and direct storm water runoff caused by the development on the site for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods.
- D. In order to prevent erosion resulting from grading and excavation, and to maintain the wooded and forest nature of Taos County's steep slopes, a vegetation preservation and restoration plan must be submitted. The plan must be submitted emphasizing drought-tolerant plants, and show the location and species of trees, large shrubs, groves, dense undergrowth and ground cover to be destroyed, removed, thinned and/or transplanted, and the timeframe and types of plantings for restoration of vegetation on ground surfaces after grading.
- E. The application shall be reviewed and commented on by Taos County Soil and Water Conservation District.

SECTION 4.14
Sustainable Development Testing Site Standards

Section 4.14.1 **Purpose:** It is the purpose of these regulations to promote the safe, effective, efficient and sustainable use of land and to encourage the testing of alternative methods of sustainable development, i.e. “a live-in environment composed of structures and systems that inherently produce utilities and life-support systems free of existing conventional grids and disposal systems,” as defined in the New Mexico Sustainable Development Testing Site Act, Sections 71-8-1 et. seq., NMSA 1978.

Section 4.14.2 **Application Requirements.** The applicant shall submit a Special Use or Major Development Application consistent with these land use regulations and pursuant to section 4.5 or section 4.6, as deemed appropriate by the Planning Director. Additionally, the applicant must comply with the applicable performance standards of section 4.7 and section 4.14, as well as the following:

- A. Letter from the Office of the New Mexico State Engineers that it has reviewed and approved the proposal.
- B. Letter from the New Mexico Environment Department that it has reviewed and approved the proposal.
- C. Letter from all local, state and federal agencies that will be affected by the test site that they have reviewed and approved the proposal.
- D. Reclamation plan shall be submitted indicating how the site will be reclaimed to its original state prior to the test site.
- E. The reclamation of the test site shall be in accordance with local, state and federal regulations

ARTICLE 5: NEIGHBORHOOD ZONES

SECTION 5.1 Neighborhood Associations Role

Section 5.1.1 Roles of County, Neighborhood Associations:

- A. **County Role:** Taos County encourages neighborhood associations, property owners and residents to become involved in defining neighborhood association boundaries, planning neighborhood land use, and recommending zoning. The County Planning Department provides technical assistance as needed to assist neighborhood associations in the development, approval and implementation of their vision, goals and objectives.
- B. **Recognition:** To be a County recognized neighborhood association, the association must be organized as an unincorporated association or a non-profit corporation under the laws of the State of New Mexico, with by-laws that include a membership provision for property owners and residents, filed with and recognized by Taos County. Evidence that the association and its meetings are open to all residents of the neighborhood, an outreach plan for assuring a representative and informed membership, a copy of the articles of association or incorporation and rules or by-laws, a map and written description of the neighborhood and contact information for all officers must be filed with the County Planning Department and recorded with the County Clerk. The association must then be recognized by a resolution of the Board of County Commissioners. For the association to maintain status in good standing with the County, the approved association will provide a copy of the minutes of its annual meeting and updated membership and officers list. The County Planning Department will respond within 60 days with a certificate of good standing with the County for the neighborhood association to the current chairman or president of record.
- C. **Jurisdiction.** Only one neighborhood association shall be recognized by the County to serve any area. Neighborhoods shall not overlap in their jurisdiction. Established neighborhoods or neighborhood associations may voluntarily combine to form a single, or combined, neighborhood zoning district.
- D. **Revocation:** County recognition of neighborhood associations may be revoked upon 30 days written notice to the association chairman for failure to comply with the above provisions, failure to hold annual elections, loss of recognition by the State or IRS (if applicable), financial insolvency, failure to adequately involve, educate or represent the residents and property owners of the neighborhood, failure to respond within the 30 days allocated for review and comment on development or rezoning applications, or failure to participate in neighborhood plan or zone updates from the County.
- E. **Comprehensive Plan:** Consistent with this purpose, the Taos County Comprehensive Plan endeavors to incorporate the evolving long range vision statements, goals and recommendations of neighborhood associations, property owners and residents.
- F. **Neighborhood Zoning Overlay:** Further, Taos County welcomes the participation of recognized neighborhood associations in the development of neighborhood zoning and development standards (known as neighborhood overlay zones) that will provide a mechanism for directing development in a way that preserves and promotes the values and character of each neighborhood, and serves as a mechanism for implementing the broader goals and recommendations of the Comprehensive plan. A Neighborhood Zone Overlay must be reviewed by the County Planning Department for consistency with the Taos County Land Use Regulations and county ordinances, and subsequently adopted as an element of the Land Use Regulations by the Board of County Commissioners.

G. **Review:** Once a neighborhood plan has been incorporated into the County Comprehensive Plan and a Neighborhood Zone Overlay has been adopted, the role of the neighborhood associations in the overall planning process includes reviewing and advising the County on applications for zoning changes and development within their neighborhood, as well as recommending updates to the neighborhood plan and regulations.

Section 5.1.2 Neighborhood Association Notification. The Planning Department shall require the applicant to notify the Neighborhood Association in writing within five (5) working days of any Special Use or Major Development application within the Neighborhood's approved boundaries. The Neighborhood Association may submit comments and/or findings of fact to the Planning Department for its consideration within 30 calendar days of notification.

Section 5.1.3 Neighborhood Overlay Zone Standards. A Neighborhood Overlay Zone approved by the Board of County Commissioners set forth the standards to be applied in that Neighborhood. The applicant within a Neighborhood Overlay Zone shall comply with all applicable review procedures set forth in these Regulations.

Section 5.2

Provisions Applicable to All Neighborhood Zones

Section 5.2.1 Applicability of County Regulations within Neighborhood Zones.
All review processes of the Taos County Land Use Regulations shall apply throughout the County, however, additional or modified conditions and development standards are applicable in those neighborhoods with approved Neighborhood Zoning Overlays.

Neighborhood Zone Overlay Performance Standards may not be less restrictive or relieve any party from conformance with the underlying county zoning and land use regulations, as outlined in this code or by any county ordinance.

Section 5.2.2 Regulations That Apply to All Neighborhood Zones

- A. **Consistent with County Code.** *Article 1, Section 2.3. Permit Exemptions and Legal Non-Conforming Uses* of the Taos County Land Use Code shall apply in all Neighborhood Zones.
- B. **Residential Permitted Uses.** Permitted uses under these Neighborhood Land Use Regulations shall be reviewed administratively, as per *Section 3.2, Administrative Review Application Procedures and Performance Standards*, and, *Section 3.3, Administrative Review Performance Standards*, and are not required to obtain a Special Use Permit under the current Taos County regulations.
- C. **Non-residential Permitted Uses.** All permitted non-residential land uses will be reviewed administratively and need to show substantial compliance with the substantive provisions, but the procedural provisions of *Article 2, Section 3.5, Special Use Application and review Procedures*, and, *Section 3.6, Major Development Application and Review Process*, and/or *Article 2, Section 3.14 Manufactured Housing*, of the Taos County Land Use Code, as applicable.

The Planning Director, in his or her sole discretion, may waive any informational requirement of an applicant for a Non-residential Permitted Use under the Neighborhood Zoning Regulations. The waiver may include otherwise required studies, maps, surveys, records, reports and other submission materials within the application that may be not applicable, are redundant or unnecessary for the Planning Dept. staff to evaluate or make a finding with regards to the application. A waiver of any such requirement must be requested in writing by the applicant, agreed to by the reviewing staff member and approved in writing by the Planning Director, with a copy of the request and reasons for the approval forwarded to the County Attorney's Office and the Neighborhood Association Board of Directors. The waiver approval shall state the reasons the requirement(s) are waived.

- D. **Non-permitted Uses.** Approval for land uses not allowed within these designations would be required to obtain a bulk variance and approval as a Special Use Permit, and must be consistent with the Taos County Growth Management Plan.
- E. **Interpretation.** For a proposed use that does not specifically fit the definitions for a permitted use, the Planning Director, in consultation with the Neighborhood Association, shall make an interpretation whether a proposed use fits within a permitted use for that designation, or if the proposed use will require a rezoning. If it does not fit, the use is not allowed unless an amendment to this ordinance, or a rezoning to another district, is approved. The Planning Director's decision will be made in writing and is appealable as outlined in the Taos County Land Use Regulations.

Section 5.3

Performance Standards Applicable to All Zones

Section 5.3.1

Performance Standards

- 1. The following performance standards are applicable to the Neighborhood Overlay and all neighborhood zones therein. All proposed development within those zones must comply with these standards, in addition to any other requirements.
 - A. **Off-Street Loading.** Any use 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.
 - B. **Utility Trailers.** Trailers that are unattended, abandoned and not attached to a vehicle, metal storage units or containers (on or off wheels) and franchise units shall not be located within 100 feet of the highway right of way and shall be partially screened with a minimum of a 6-foot fence from view of neighbors and the highway. If located on the property more than 6 months they shall be painted an earth tone color.
 - C. **Signage.** Signage shall comply with the following provisions:
 - 1. Signage is restricted to signs up to a maximum of 7% of the face of the building or 100 square feet, whichever is less, per business (or as established by the individual neighborhood performance standards). This figure includes all exterior signs whether attached or free standing.
 - 2. Signage is restricted to that which applies only to the business on the property.
 - 3. All signage shall comply with state regulations and the existing Taos County Signage Ordinance.
 - 4. Neon signs may be installed only inside the building and shall not be any larger than 8 square feet.
 - 5. Billboard signs are not allowed.
 - D. **Home Occupations.** Home occupations are permitted in all districts, where determined by the County Planning Department to be consistent with Article 2, Section 3.3.2 Home Occupation (Cottage Industry) Standards, of the Taos County Land Use Regulations, and all other applicable laws and regulations including the State and County Building and Fire Code.
 - E. **Underground Utilities.** All new utilities installed after the date this ordinance becomes effective shall be underground and comply with all county, state and federal government regulations. Propane tanks are to be screened from view or camouflaged by methods acceptable to the County.

- F. **Noise.** No improvement or use is permitted that emits noises louder than 100dB(A scale) measured at the perimeter of the property, or as determined by the performance standards of the individual neighborhoods.
- G. **Non-residential Outdoor Storage.** No permanent (longer than 6 months) outdoor storage is allowed except for commercial neighborhoods and where the proposed storage is integral to the use of a business located on the same property, and which does not present a fire, environmental, health, safety or significant negative visual impact on the surrounding neighborhood. Upon completion of construction of a business or residence, all construction equipment and surplus building materials shall be promptly removed from the premises, stored in an appropriate storage room, or adequately screened from view of neighbors and roadways.
- H. **Floodplains.** All structures and improvements proposed within or adjacent to (within one lot) or 100 feet of a FEMA determined floodplain or flood hazard area will require a Floodplain Permit, as required by the Taos County Flood Plain Ordinance, as amended.
- I. **Building Height.** The building height is measured as the vertical distance to the top of the highest roof beams on a flat or shed roof, the deck level of a mansard roof, and the average distance between the eave and ridge level for gable, hip and gambrel roofs. The height shall be measured from the average point of the highest and lowest undisturbed ground elevation or grade next to the proposed building site.
- J. **Agriculture.** Agriculture is encouraged throughout the County. Stables, feedlots, barns and other areas that may collect concentrations of manure, urine, silage, soiled hay and other biologically degradable by-products generated by agricultural operations, kennels or equine facilities must be maintained in a manner that represents good pasture, property and animal management practices, is consistent with community public health concerns, does not overburden the natural absorption capacity of the area of property used to contain the animals, does not present a health hazard to humans or animals, or impose on neighboring property owners by virtue of run-off, excessive odor, insects or other vermin, an infringement on the reasonable enjoyment of their property. Manure and composting piles are required to observe, at minimum, the designated setback requirements for the zone in which they are located. Manure, composting materials, urine, and other biological, waste disposal or agricultural processes shall not be located so as to or permitted to contaminate wells, acequias, streams, ponds or any other surface or subsurface water source or body, including naturally collecting standing water on the property of the owner or adjacent to it.
- K. **Vehicles.** Motor vehicles, trailers or recreational vehicles, sports trailers, trailers, boats, horse or cattle trailer, and/or campers may be stored on the property only if currently registered with a state Motor Vehicle Department.
1. No more than two inoperable vehicles may be stored outside, unless the approved use of the property is related to vehicle repair or salvage. Any inoperable vehicles shall be repaired, stored in a garage, fenced from view of neighbors or removed from the premises within 30 days. An exception can be granted by the neighborhood association for antique or collectable vehicles.

2. None of the aforementioned vehicles may (a.) be used for human habitation, while parked, for more than eleven (11) weeks in a calendar year and all human and solid waste must be properly disposed of in conformance with all laws (b.) be connected to a private utility system, such as gas, water or electricity, (c.) parked on the public thoroughfare or right-of-way (except as qualified in the following section).
3. The use of vehicles shall be restricted to roads and driveways provided for their use. In order to preserve native vegetation, no motorcycle, ATV or other vehicle shall be permitted to make new roads or trails except to drive across any open field or pasture within the property in the course of maintenance of fencing, pastures or corrals, or otherwise conducting agricultural operations.
4. RVs, campers, or other non-permanent housing may be used during construction provided that the temporary residential use does not exceed the period of construction, with a maximum of fifteen (15) months allowed. Any addition, extension, remodeling shall be completed as defined by a receipt of a certificate of occupancy, in six (6) months. After completion of construction, all large amounts of surplus construction materials shall be promptly removed from the premises, stored in an appropriate storage room or fenced from view of any neighbors. The temporary structure may only be used as a single family temporary residence of the property owner and immediate family. For longer construction projects the owner must apply for a temporary structure extension if the timeline is extended. Extensions are valid for 12 months and are granted by the County provided adequate justification and evidence of progress is submitted.

L. **Temporary Uses.** The following temporary uses are allowed upon written approval of the Planning Director, in consultation with the Neighborhood Association.

1. Arts & Craft Shows: the outdoor display and sale of arts and crafts materials.
2. Circuses & Carnivals: circuses and carnivals operated for the entertainment of the public or paying customers.
3. Flea Markets & Swap Meets: non-recurring events held for the purpose of the sale or trade of primarily used merchandise.
4. Live Entertainment Events: musical or other entertainment events held outdoors or under a temporary structure.
5. Outdoor Exhibits: outdoor exhibits sponsored by a school, civic organization, government, or for-profit organization.
6. Recreation Events: non-recurring recreation events such as a marathon race.
7. Religious Assembly: non-recurring religious events held outdoors or under a temporary structure.

8. Retail Sales–Outdoor Temporary: the temporary outdoor sales of merchandise not otherwise allowed.
9. Seasonal Fruit & Vegetable Stands: the sale of fruit and/or vegetables produced on-site or within one mile of the stand.
10. Seasonal Sales Lots: the sale of Christmas trees, pumpkins, and similar seasonal merchandise.
11. Street Fairs: events sponsored by neighborhood or civic organizations that feature educational displays, small items for sale, food and beverages, entertainment, and similar activities

Section 5.4

Neighborhood Overlay Zones

Section 5.4.1

Approved Neighborhood Zones

The following zoning designations and their respective development restrictions are approved for use within recognized neighborhood zone overlays.

- A. **RR-1: Rural Residential:**
1 residence per acre maximum density. This zone does not allow the Cluster Development option. Generally reflects an existing low density residential development with limited services.
- B. **RR – 1 C Rural Residential:**
1 residence/acre, or 2 residences/acre with a County approved Cluster Development Option
- C. **RR-1.3 C: Rural Residential:**
1 residence/1.3 acre, or 2 residences/acre with a County approved Cluster Development Option
- D. **RR -2.: Rural Residential:**
1 residence/2. acres (with no clustering option)
- E. **RR -2.25: Rural Residential:**
1 residence/2.25 acres (with no clustering option)
- F. **RR-5: Rural Residential:**
1 residence/5 acres (or 1 residence/2.25 acres when utilizing the County Cluster Development
- G. **RR-8: Rural Residential:**
1 residence/8 acres
- H. **RR-10: Rural Residential:**
1 residence/10 acres
- I. **ADR: Agriculture/Development Reserve:**
1 residence per 36 acres. This zone reflects an area that is presently under agricultural uses such as grazing or dry land farming, and that has low development sensitivity. The area may be appropriate for future development but due to distance from services and infrastructure the area should remain as undeveloped and re-evaluated when there are adequate roads or the area is comprehensively master planned.

- J. **IA-1: Irrigated Agriculture:**
Development is limited to 1 residence/parcel within the buildable area as described in Section VI: Irrigated Agricultural Land and Acequias.
- K. **IA-2: Irrigated Agriculture:**
1 residence/2 ac or 1 residence/parcel with parcel set-aside as buildable area. These are areas that historically or are presently irrigated by ground or surface water (typically acequias) that are to be protected and maintained in this use. Site plan/building permit will be reviewed by Acequia Assoc. for location of acequia and building placement.
- L. **IA-3: Irrigated Agriculture:**
1 residence/3 acres or 1 residence/parcel within the buildable area as described in Section V: Irrigated Agricultural Lands. For those parcels, or any portion of a parcel, within this district that doesn't possess water rights, the provisions of the RR (Rural Residential) district will apply.
- M. **SC: Sustainable Community:**
These are areas that should be developed in a manner that encourages sustainable community practices such as clustered housing, community infrastructure (alternative water, wastewater and energy systems), a mix of land uses and densities, and adequate community facilities such as schools, parks, community centers and neighborhood retail. These areas should encourage multi-modal transportation (bicycling, equestrian, ride-share, park and ride and transit) and walkability (pathways and connectivity). Development is limited to 1 residence per acre (may be increased by using Cluster development options provisions in Section VII).
- N. **SC-.75: Sustainable Community:**
1 residence/.75 acre (or up to 3 residences/acre when meeting performance standards). These areas should be developed in a manner that encourage sustainable community practices such as clustered housing, community infrastructure (alternative water, wastewater and energy systems), neighborhood services, a mix of land uses and densities, and adequate community facilities such as schools, parks, community centers and neighborhood retail. They should encourage multi-modal transportation (bicycling, equestrian, ride-share, park and ride and transit) and walkability (pathways and connectivity).
- O. **CE: Commercial/Employment:**
These are areas that contain larger commercial retail, industrial, institutional/civic uses that are clustered along highway corridors to serve the region. Development is limited to 2 residences per acre (may be increased by using clustering provisions in Section VII) and a maximum of 70% lot coverage for non-residential uses.
- P. **CE -4: Commercial/Employment:**
4 to 12 residences/ac; up to 70% lot coverage non-residential uses
- Q. **TV Traditional Village:**
A maximum of 4 residences/acre (or up to 10 residences/acre when meeting performance standards): These are existing historical villages that typically have a plaza and a mix of land uses associated with them, that are intended for future growth in a manner that represents the traditional settlement pattern. This pattern is of a clustered mixed use around a public space or church with residential housing in compounds close to the street (no setback) and on the dry uplands away from the irrigated agriculture lands.
- R. **SHC Scenic Highway Corridor Overlay:**
Designated corridors to a depth of either 100 or 200' from right of way edge, consistent with the Development Standards of the applicable neighborhood overlay zone.

These are corridors with high scenic values and high sensitivity to strip development. These corridors allow cluster development with limitations on building heights, side or

rear parking areas, landscaped buffers along street setbacks, and monument signage. Outdoor storage or accessory (uninhabitable) buildings are not allowed within corridor zone, except by application to the County for a Temporary or Special Use Permit.

Noise walls higher than 6 feet facing a federal, state, or county highway are prohibited. Increased setbacks or landscaped berms may be used to reduce noise impact.

1. **Applicability of SHC Zone Provisions.**

The provisions of the Highway Corridor (HC) Overlay Zone apply in addition to the provisions of the underlying zoning. In any situation where the provisions conflict, the provisions of the Highway Corridor (HC) Overlay Zone apply. The following provisions (subsections 2 through 5) apply only within the Highway Corridor (HC) Overlay Zone.

2. **SHC Zone Setbacks from Highways**

a. **Mixed Use Residential Highway Corridor.**

Any building containing a residential unit shall be set back a minimum of 100, 50, 25 or 20 feet from the greater distance as measured from the edge of the property line, road surface or right-of-way from all state or county highways to any development, as specified within the development standards for the applicable neighborhood overlay zone. Native vegetation should be retained or replanted in this setback area and/or a professional landscape plan submitted with all development applications. Pedestrian walkway and access shall be located at the front of the building and parking will be located on the side and/or rear of the building.

b. **Non-residential Highway Corridor.** Any building containing only non-residential uses shall be set back a minimum of 50 or maximum of 20 feet from the edge of the right-of-way of a state or county highway, as indicated within the development standards for the applicable neighborhood overlay zone. Native vegetation should be retained or replanted in this setback area. Pedestrian walkway and access shall be located at the front and the majority of the parking is located on the side and/or rear of the building, with not more than 25% of the required parking space permitted in the front.

c. **Undeveloped Highway Corridor.** If a parcel in existence at the time of the adoption of this ordinance does not contain a building site meeting the required setbacks, a single family residence may be permitted if the County determines that the residence will be adequately buffered from highway noise, and the application meets all applicable Neighborhood Development Standards. Berms, landscaping and use of existing terrain, separately or in combination, are acceptable methods for meeting buffering requirements of the County.

3. **Screening**

a. **Service areas.** Service areas, loading areas, outdoor storage areas, and trash receptacles for other than single-family houses shall be screened with buildings, walls, berms, vegetation, and/or existing terrain. The screening for loading areas and outdoor storage areas shall be a minimum of 6 feet in height and a maximum of 8 feet in height. All screening shall provide protection of the enclosed area from animals and wind.

b. **Parking areas.** Parking areas for non-residential, multi-family and mixed-use development shall be screened from adjacent residences by walls, berms, or a combination thereof that are a minimum of 3 feet in height to a maximum of 6 feet in height.

- c. **Perimeter Landscaping.** Perimeter landscaping will be required for non-residential uses at the following minimum widths:
 - (1) Front: 20 feet
 - (2) Side and Rear: 10 feet (20 feet if adjoining residential uses).
- d. **Site Landscaping:** Landscaping will be planted at the average density within the perimeter landscape buffers:
 - (1) One tree/500 s.f. (minimum of 15 gal container native/drought-tolerant species);
 - (2) One shrub/300 s.f. (minimum of 5 gal container, native/drought-tolerant species).

4. Signage

- a. **Billboards.** Billboards or other signs advertising a product, service, or business not located on the same legal lot as the sign are prohibited.
- b. **Size.** Signs shall not exceed either 32 or 60 square feet in total area, as identified within the respective neighborhood overlay zone, and are limited to one (1) sign per business.
- c. **Mounting.** Business identification and advertising signs shall be permanently mounted or affixed to the ground as a monument sign, to a building or in an approved manner as a permanent structure.
- d. **Height.** Pole signs will not exceed the lesser of maximum of 20 feet, or the height of the building it serves.
- e. **Lighting.** Neon, flashing, and intermittently lit signs are prohibited. All lighting must meet Dark Sky Ordinance requirements.

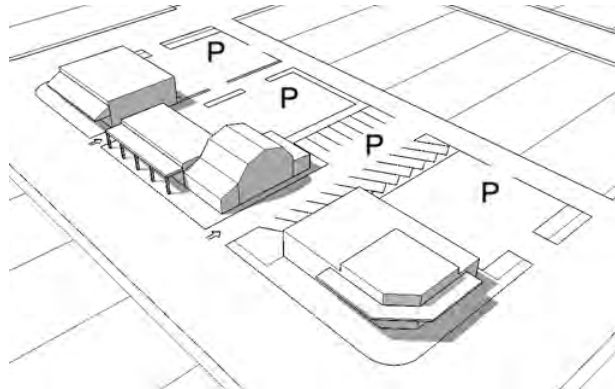
5. Building Facades – Non-residential Properties

- a. **Front.** The front façade will be constructed of stucco or southwestern materials (split-face block, adobe, rammed earth, etc).
- b. **Sides.** Side facades will be constructed of similar stucco or southwestern materials to a minimum depth of 50% the length of the side building façade.
- c. **Windows.** Front facades will have transparent or translucent fenestrations (windows, clerestories, etc) on a minimum of 30% of building front elevation, but may be exempt from this requirement by demonstrating that the applicable version of the ICC/State of New Mexico Energy Code in force at the time of application can not otherwise be met.

6. Building Type and Placement

- a. The following site development and building placement template is required for all new development within the TV (Traditional Village) and SHC (Scenic Highway Corridor) zoning designations.
- b. This template describes the general form and placement of the buildings on the lot for Neighborhood overlay zones, though each neighborhood may permit or require slight variations as outlined in their respective Development Standards. The template is not a regulation of the architectural design of individual buildings, but instead provides guidance on massing, setbacks, parking, and access.

- c. Non-residential buildings shall be built to the street with pedestrian access in front and parking on the side and/or rear yards. If a parcel cannot accommodate service loading on the side or rear yard, a variance can be requested for front yard loading.



Section 5.4.2.

Split Zones -

1. When a lot is divided by two or more zoning districts or neighborhood zones, or by county zoning and a neighborhood zone, the zoning district which has jurisdiction of the largest portion of a parcel shall be considered to be the default zoning.
2. If a parcel is divided into two or more equal portions by zoning districts, the total area of the bisected lot shall be presumed by default to be the same zoning classification as that portion abutting the front lot line.
3. Alternatively, consistent with this section, a rezoning may be sought by any of the parties identified in Section 15.11.1 to make the zoning for the entire parcel or parcels consistent with neighborhood
4. or district borders, intent or existing conditions, however, the new zoning may not exceed in intensity the highest level of zoning of any of the parcels within the area to be rezoned.

Section 5.5
Approved Neighborhood Zones and Regulations

Section 5.5.I Approved Neighborhoods.

The following neighborhoods are represented by neighborhood associations recognized by the County and have approved neighborhood plans that include zoning and performance standards, which serve as an overlay to the County Rural Area zoning and regulations.

The neighborhood boundaries for each neighborhood, as well as the individual land use zones contained therein are as defined by the County within the County Zoning Map.

- A. Canon Neighborhood
- B. Hondo Mesa Neighborhood
- C. Las Colonias West Mesa Neighborhood
(Las Colonias West Mesa Preservation Association)
- D. Latir and Versylvia Neighborhood
- E. Lower Des Montes Neighborhood
- F. Ranchos de Taos Neighborhood
- G. Taos Canyon Neighborhood
- H. Montoso Neighborhood
- I. Cerro Neighborhood
- J. Stagecoach
- K. Upper Las Colonias

Section 5.6

Cañon Neighborhood Zone

Section 5.6.1 Establishment, Boundaries and Purposes of the Cañon Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Cañon Neighborhood and Cañon Neighborhood Association within the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Cañon. The boundaries of this neighborhood and the boundaries of zoning districts established herein are described and shown on the Cañon Neighborhood Land Use Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Cañon Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Preserve and protect the unique historic and rural character of El Cañon de Taos through the preservation of Cañon's pastoral lifestyle, agricultural land-use, acequia systems, historic buildings and properties, and integral traditional and historic by-ways and easements. Cañon's unique contribution to the regional history of Taos shall be sustained and enhanced through the preservation of historic religious, social, residential and pastoral structures, as well as the preservation of traditional land-use and settlement patterns that convey the acequia dependent agrarian heritage of the community.
 2. Preserve the rural character and open spaces of Cañon by establishing and maintaining low-density residential development. Parcel improvements shall not interfere with acequias and traditional easements established for the benefit of the community. The general community welfare shall be promoted by protecting the air and water quality, the rural quietude, night skies and local agricultural production.
 3. Preserve and promote traditional integrative agricultural land-use throughout Cañon in a way that supports local food production and growers, protects traditional irrigated agricultural lands and enhances the natural resource base and wildlife habitat, corridors and flyways. Residents shall maintain the right to own, breed, raise, and trade/sell produce, livestock, fowl and fish.
 4. Preserve surface and subsurface water quality and quantity by protecting and supporting the two acequia systems in Cañon. Maintain the connectivity of water rights with land title and agricultural land-use to protect acequias, surface and subsurface waters. Water conservation shall be promoted through guidelines and incentives.
 5. Promote traditional village land uses that provide neighborhood services along the State Highway corridors.
 6. Promote pedestrian and biking paths to schools, churches, parks and neighborhood gathering places.
 7. Preserve and encourage neighborhood gathering places and facilities that facilitate interaction and promote neighborhood events and festivals that are an essential element of rural life.
 8. To plan for and regulate future development in an orderly manner so as to promote the public health and safety and general welfare within the neighborhood.

Section 5.6.2 Cañon Neighborhood Permitted Land Uses

A. Land Uses

P = Permitted Blank = Not permitted

	IA-1	SHC-100	Comments
Bed and Breakfast	P	P	
Livestock Raising	P	P	
Single-Family Attached	P	P	Permitted when used in conjunction with Irrigated Agriculture Special Provision Sec V.A.
Single-Family Detached	P	P	
Arts & Cultural Enterprises		P	
Dance & Fitness Studios		P	
Day Care- Residential		P	
Farmers Market		P	
Restaurant		P	
Home Occupation	P	P	

Section 5.6.3. Cañon Neighborhood Development Standards

A. Lot Size

	IA	SHC	Comments
Lot Area - Minimum	2 ac		*No min. lot area when Irrigated Agriculture (IA) set-aside provision is utilized (see Sec V. A.).

B. Setback

	IA	SHC	Comments
Minimum Front Setback	25'		Min. 20 ft from edge of public road ROW if residential Max 20 ft from edge of public road ROW if non-commercial *No min setback when IA set-aside provision is utilized.
Minimum Side Setback	15'		*No min. when IA set-aside provision is used
Minimum Rear Setback	25'		
Minimum setback from acequia	15'		Site plan will be reviewed by Acequia Assoc for location of acequia and building.
Maximum Sq footage of heated living space in building	3,000*		Habitable accessory buildings will not exceed square footage of principal residence. *Max. square footage of residence can be increased to 4,000 s.f. when two of the five Section V: Special Provisions performance standards are incorporated at the time of building construction and the building form is articulated with multiple rooflines and wall facades as per Canon Architectural guidelines.

C. Height

	IA-1	SHC-100	
Principal Building Maximum	27'	27'	
Accessory Building Maximum	27'	27'	

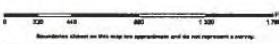
D. SIGNAGE

SHC-100
32 s.f. max



Taos County Growth Management Plan
CANON NEIGHBORHOOD ZONING BASEMAP

- | | |
|---------------------------|---------------------------------|
| Land Ownership | Other Layers |
| State Land | SHC Overlay District |
| Bureau of Land Management | Irigated Agriculture Zone (IAZ) |
| Former Service Watersheds | Major Arroyos |
| Former Service | Arroyos |
| Pueblo Lands | |



Section 5.7
Hondo Mesa Neighborhood Zone

Section 5.7.1 Establishment, Boundaries and Purposes of the Hondo Mesa Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Hondo Mesa Neighborhood and Hondo Mesa Neighborhood Association within the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Hondo Mesa. The boundaries of this neighborhood and the boundaries of zoning districts established herein are described and shown on the Hondo Mesa Neighborhood Land Use Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Hondo Mesa Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Protect the neighborhood's low density rural character; including the horse and animal sanctuary areas of the neighborhood.
 2. Provide neighborhood commercial areas that serve to create community and provide for the neighborhood needs.
 3. Develop a roadway network that creates connectivity, provides alternate modes of transportation, protects the neighborhood and arroyos, and minimizes erosion.
 4. Create a sustainable neighborhood that provides for a mix of residential densities with supporting commercial and open space areas.
 5. Maintain the open space and rural character of the neighborhood by protecting and promoting agricultural uses.
 6. Protect the natural resources, water resources, quietude, night sky, arroyos, wildlife habitats and soils.
 7. Encourage and promote renewable energy production and alternative energy uses at an individual and neighborhood scale.
 8. Develop a pathways and trails network that utilizes arroyos and provides access to the Rio Grande gorge.
 9. Protect the Rio Grande gorge vistas and scenic quality of the neighborhood.
- D. **Neighborhood Constraints.** Excluded from the Hondo Mesa Neighborhood Land Use Regulations are the historic lands and land grant properties of the Sinforosa Santistaven Estate, and those properties contiguous and non-contiguous currently owned by heirs and families of the heirs of Sinforosa Santistevan.

Section 5.7.2. Hondo Mesa Neighborhood Permitted Land Uses

A. Land Uses

P = Permitted S= Special Use SUB= Subdivision

Residential Uses	RR	Comments/Limitations
Bed and Breakfast	P	
Day Care	P	
Livestock Raising	P	
Mobile Home Parks	SUB	
Multiple Family/Apts./Condos	S	
Private- Preschool	S	
Residential Care Facilities	S	
Single-Family Attached	P	Habitable accessory structure will be less than the square footage of Principal residence.
Single-Family Detached	P	Habitable accessory structure will be less than the square footage of Principal residence.
Non-Residential Uses	RR	
Farming/Ranching/Agriculture	P	
Agricultural Commercial	*P	*In accordance with limitations as per definition.
Animal Boarding	S	
Animal Care	S	
Assisted Living	S	
Arts and Cultural Enterprises	S	
Churches	S	
Day Care Facilities	P	
Equestrian Facility	P	Max 3 equines on 1st acre; one additional equine/0.5 acre thereafter
Plant Nursery	S	
Recycling- Neighborhood	S	
Schools-Private/Public	P	
Home Occupation	P	

Section 5.7.3. Hondo Mesa Neighborhood Development Standards

A. Lot Size

	RR-2.25	RR-5	Comments
Minimum Lot Area	2.25 ac	5.0 ac 2.25 with CDO	No min. lot area when Cluster Development Option (CDO) provision is utilized.

B. Setbacks

	RR	Comments
Minimum Front Setback	25' or 25% of lot depth, whichever is less	Measured from private access easement.
Min Setback from an acequia	15'	
Minimum Side Setback	10'	*when minimum of 10' is provided on one side yard **20' when non-residential use abutting residential uses
Minimum Rear Setback	15' or 25% of lot depth, whichever is less	

C. Height

	RR	Comments
Building Max Height	27'	

D. SIGNAGE

RR
Defer to County standards



**Taos County Growth Management Plan
HONDO MESA NEIGHBORHOOD ZONING BASEMAP**

<p>Zoning</p> <ul style="list-style-type: none"> Rural Residential 2 (RR2) Rural Residential 1 (RR1) 	<p>Land Ownership</p> <ul style="list-style-type: none"> State Land Bureau of Land Management Forest Service Wilderness Forest Service Public Lands 	<p>Misc. Boundaries</p> <ul style="list-style-type: none"> Subarea Boundaries Incorporated Town Limits Neighborhood Association Boundaries Parcels 	<p>Hydrology</p> <ul style="list-style-type: none"> Major Arroyos Acequias
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Planning & Development Department, Inc.
 1000 S. Main Street, Suite 200
 Taos, NM 87570

0 500 1,000 2,000 3,000 4,000 Feet

Boundaries shown on this map are approximate and do not represent a survey.

N

Map Date: 08/2018

Section 5.8
Las Colonias West Mesa Neighborhood Zone

Section 5.8.1 Establishment, Boundaries and Purposes of the Las Colonias West Mesa Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Las Colonias West Mesa Neighborhood and recognizes the Las Colonias West Mesa Preservation Association as within the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Las Colonias West Mesa. The boundaries of this neighborhood and the boundaries of zoning districts established herein are described and shown on the Las Colonias West Mesa Neighborhood Land Use Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Las Colonias West Mesa Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Create land use standards for commercial, residential, and agricultural land interests that result in compatibility between both existing and future land uses.
 2. Encourage the development of community center/facilities, and open space and recreational uses that serve the neighborhood.
 3. Encourage the development of an inter-modal transportation and roadway network within the neighborhood that is efficient and offers alternatives to the automobile.
 4. Provide regulatory and land use incentives for green building and renewable energy production (solar, water, wind energy, etc.).
 5. Protect arroyos, flood zones and floodplains from encroachment in order to preserve the surface water quality and reduce soil erosion.
 6. Protect the dark skies, noise quality, views, solar access, ground water and wells, acequias and irrigated agricultural land, and aesthetics that sustain the current sense of community and quality of life for its current and future residents.
 7. Promote traffic control and safety within the neighborhood for pedestrians and bicyclists.
 8. Preserve the culture, traditions and rural nature of the neighborhood.
- D. **Neighborhood Constraints.** The Las Colonias West Mesa neighborhood has serious public safety issues related to the length of dead end roads that lack connectivity for emergency access or egress by residents in the event fire, flood, accident or other hazards, or road conditions that may close or impede a roadway. Several roads south of Highway 64 are nearly four miles long with no other connecting access to Highway 64. Any future approved development that exacerbates this problem should be discouraged and the planning of future subdivisions and public roads should be designed to correct this issue by establishing inter-connecting roads to provide secondary emergency access for residents and businesses.

Section 5.8.2. Las Colonias West Mesa Neighborhood Land Uses

A. Las Colonias West Mesa Neighborhood Permitted Land Uses

P = Permitted SUB= Subdivision S= Special Use Permit Blank = Not allowed

Residential Uses	IA-1	ADR 10	RR-1	SC	CE	SHC-200	Comments
Accessory Structure or building	P	P	P	P	P	P	Only one is permitted per parcel and will be less than sq footage of principal residence, and not to exceed 12,00 sq ft.
Bed and Breakfast			P	P	P	P	
Day Care Residential		P	P	P	P	P	
Duplex	P		P	P	P	P	Minimum parcel size is 1.5 acres
Home Occupation	P	P	P	P	P	P	Agricultural and/or agindustry are not applicable
Mobile Home Parks			SUB	SUB	SUB	SUB	
Multiple Family/Apts.			S	P	P	P	
Private- Preschool			S	P	P	P	
Residential Care Facilities			S	P	P	P	
Single-Family Attached	P	P	P	P	P	P	Habitable accessory structure will be less than the square footage of principal residence and not to exceed 1200sqft.
Single-Family Detached	P	P	P	P	P	P	Habitable accessory structure will be less than the square footage of principal residence and not to exceed 1200sqft.
Non-Residential Uses	IA-1		RR-1	SC	CE	SHC-200	Comments
Agricultural	*P	P	*P	P	P	P	*Consistent with limitations as per definition.
Alcoholic Beverage Sales					P	P	
Animal Boarding		P	S	S	P	P	
Animal Care		P	S	P	P	P	
Animal/Livestock processing		P			S	S	Mobile Matanzas are permitted in all zones
Assisted Living			S	P	P	P	
Arts and Cultural Enterprises			S	P	P	P	
Automotive- Repair					P	P	
Automotive- Car Sales					P	P	
Automotive-Parts Sales					P	P	
Automotive-Service Stations					P	P	
Building Material Sales				P	P	P	
Business & Prof. Services				S	P	P	
Café/Coffeehouse				P	P	P	
Churches			P	P	P	P	
Dance & Fitness Studios				P	P	P	
Day Care Center			P	P	P		
Energy Production-Renewable					S		
Equestrian Facility	P	P	P	P	P		Max 3 equines/acre; one additional/0.5 acre thereafter
Farmers Markets		P			P		
Green House - Commercial		S		P	P	P	Larger than 2000 sq ft
Green House - Residential	P	P	P	P	P	P	Less than 2000 sq ft
Food & Beverage Sales				P	P		
Hospitals & Medical Clinics					P		
Livestock Raising	P	P	S	S	P	P	
Lodging					P	P	
Maintenance Yards					P	P	
Manufacturing					S	S	Excessive or sustained vibration, smoke, noise and odor emissions not allowed.
Mining- sand and gravel					S	S	Excessive or sustained vibration, smoke, dust, noise and odor emissions not allowed.

Non-Residential Uses	IA-1	ADR10	RR-1	SC	CE	SHC-200	Comments
Plant Nursery		P	S	S	P	P	
Offices/Personal Services				P	P	P	
Recycling- Commercial					P	P	
Recycling- Neighborhood		P	P	P	P	P	
Repair Services-General					P	P	
Repair Services-Limited					P	P	
Research & Development					S	S	
Restaurants-General				S	P	P	
Retail Sales-General				P	P	P	
Retail Sales-Regional					S	S	
Schools-Private/Public			S	S	P	P	
Storage-Personal					P	P	

Section 5.8.3. General Development Standards

A. Lot Size

	IA-1	ADR10	RR-1	SC	CE	SHC-200	Comments
Minimum Lot Area	NA*	10AC	1 ac	1 ac	NA	NA	*No minimum lot area when irrigated agricultural land 75% set-aside provision is utilized

B. Setbacks

	IA	ADR10	RR	SC	CE	SHC-200	Comments
Minimum Front Setback	10'	10'	25' or 25% of lot depth, whichever is less	10'	25'	25'	Minimum 100' from edge of public ROW for residential, 50' for non-residential, as measured from the private access easement.
Minimum Setback from an acequia	15'	15'	15'	15'	15'	15'	
Minimum Side Setback	*0' or 5' each side	10'	10'	*0 or 5' each side	**10'	10'	*when minimum of 10' is provided on one side yard **20' when abutting residential uses
Minimum Rear Setback	10'	10'	15' or 25% of lot depth, whichever is less	15'	20'	20'	
Maximum Lot Coverage (Buildings, driveways and parking)				70%	70%	70%	Non-residential uses only Pedestrian walkway and access is on the front and the majority of the parking is located on the side and/or rear of the building with up to 25% of the required parking spaces permitted in the front.

C. Height

	IA	ADR	RR	SC	CE	Comments
Principal Building Maximum	27'	27'	27'	27'	*27'	*40' maximum building height can be requested as a Special Use process in the CE and SHC district only.

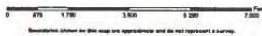
D. Signage

SHC-200
60 s.f. maximum



Taos County Growth Management Plan
LAS COLONIAS WEST MESA NEIGHBORHOOD ZONING BASEMAP

- | | | | |
|----------------------------|---------------------------|-------------------------------------|------------------|
| Zoning | Land Ownership | Misc. Boundaries | Hydrology |
| Irrigated Agriculture (IA) | State Land | Subarea Boundaries | Major Arroyos |
| Rural Residential (RR) | Bureau of Land Management | Incorporated Town Limits | Arroyos |
| Commercial/Employment (CE) | Forest Service Wilderness | Neighborhood Association Boundaries | |
| Sustainable Community (SC) | Forest Service | Parcels | |
| Highway Corridor (HC) | Public Lands | | |



Boundaries shown on this map are approximate and do not represent a survey.



Section 5.9 Latir and Versylvia Neighborhood Zone

Section 5.9.1 Establishment, Boundaries and Purposes of the Latir and Versylvia Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Latir and Versylvia Neighborhood and recognizes the Latir and Versylvia Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Latir and Versylvia. The boundaries of this neighborhood, which in general reflect those of the Latir Fire District, and the boundaries of zoning districts established herein are described and shown on the Latir and Versylvia Neighborhood Land Use Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Latir and Versylvia Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Maintain the rural character of the neighborhood while accommodating future development to the extent that it is in balance and harmony with the existing community and environment.
 2. Foster and maintain a diverse, cooperative and healthy sustainable community that encourages freedom of creative expression.
 3. Preserve and support a vibrant local economy to sustain the community by encouraging neighborhood-owned businesses and cooperatives.
 4. To influence growth in a manner that protects our pristine air, water, dark skies and quietude.
 5. Protect and maintain trail access to public lands.
 6. To encourage the development of venues and facilities for community functions.
 7. Preserve the quality of life and natural beauty of our area.
 8. Promote traditional and sustainable agricultural practices.
 9. Promote renewable energy production and water conservation practices that serve the neighborhoods within the Latir Fire District.
 10. Encourage alternative transportation modes and transit/ride-sharing that increases work, housing and transit options for residents of the community.
 11. Encourage land uses that reflect the continuity of adjacent and community-wide uses and contribute to the viability and tax base of the community
- D. **Neighborhood Constraints.**
- The neighborhood is somewhat isolated from public services and transportation, retail and employment opportunities that might stabilize the community long-term and prevent erosion of its status as a traditional neighborhood center/community and multi-generational, mixed-use agricultural community. It is the goal of the neighborhood to preserve and enhance its historic status as a self sufficient neighborhood and agricultural center.

Section 5.9.2. Latir and Versylvia Neighborhood Land Uses

A. Latir and Versylvia Permitted Land Uses

P = Permitted

S= Special Use Permit

Residential Uses	ADR	RR-5	RR-2.5	Comments
Bed and Breakfast		P	P	
Day Care		P	P	
Agriculture/Livestock Raising	P	p*	p*	*A max of 3 equines/acre for the first acre; one additional equine/0.5 acres thereafter. Commercial arenas require an SUP.
Multiple Family/Condos		S	S	
Private- Preschool		P	P	
Residential Care Facilities		P	P	
Single-Family Attached		P	P	
Single-Family Detached	P	P	P	

Non-residential	ADR	RR-5	RR-2.5	
Arts and Cultural Enterprises		P	P	
Animal/Livestock processing	S			
Café/Coffeehouse			S	
Churches/Community Centers	P	P	P	
Energy Production-Renewable	S			
Recycling Services-Consumer	P	P	P	
Schools-Private/Public			S	
Home Occupations	P	P	P	

Section 5.9.3. Latir and Versylvia Neighborhood Development Standards

A. Lot Size

	ADR	RR-5	RR-2.5	
Minimum Lot Area	36 ac	*5 ac	**2.5 ac	*1 ac min with Cluster development option **1.5 ac min with Cluster development option

B. Setback

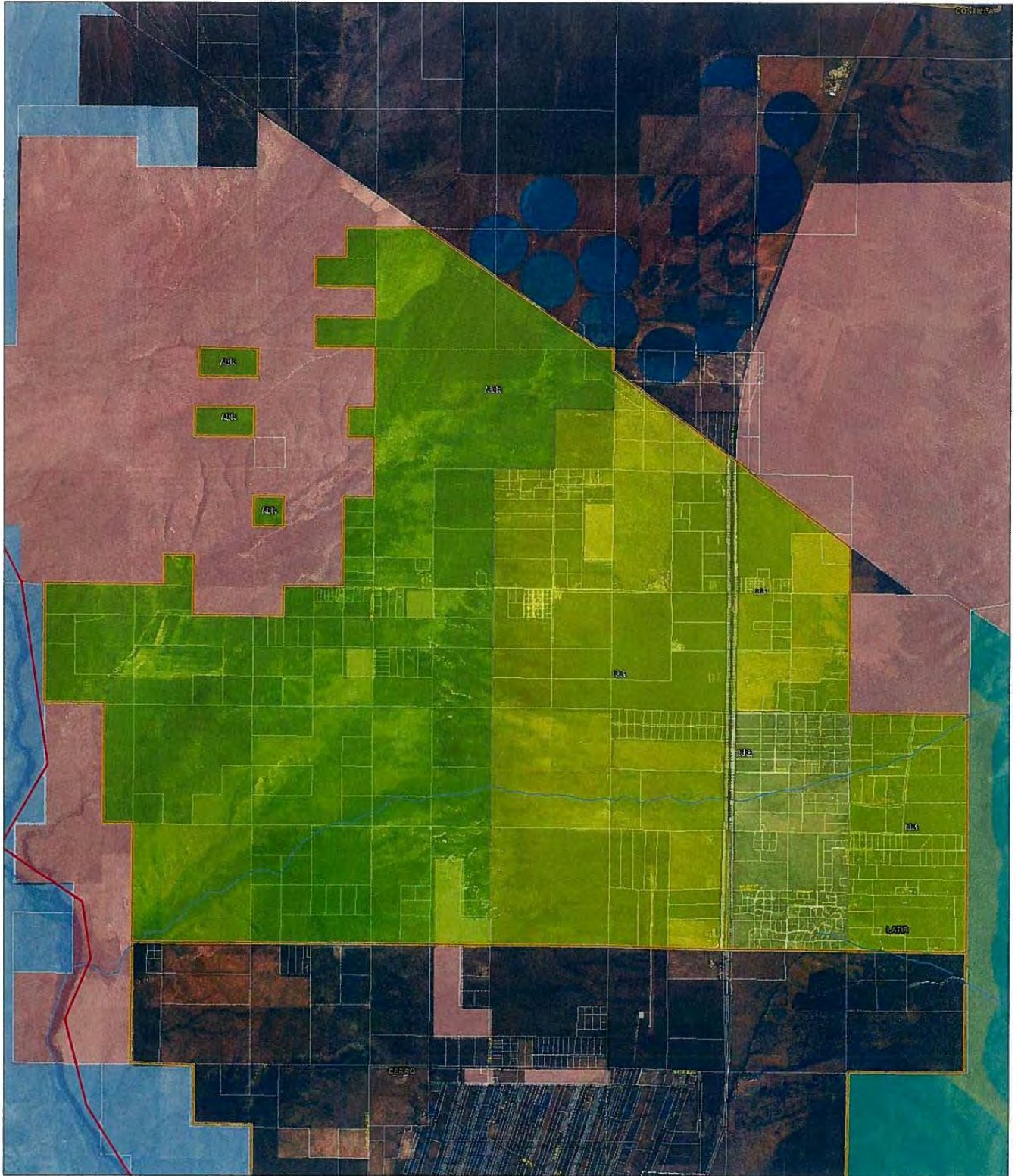
	ADR	RR-5	RR 2.5	Comments
Min Front Setback	50'	A B when CDO is utilized	A B when CDO is utilized	50' from public ROW for non-residential A=20' from County Rd ROW 50' from private easement centerline B=10' from County Rd ROW 25' from private easement centerline
Minimum Side Setback	50'	*30'	*30'	*0' with CDO and 30' from a site perimeter parcel line.
Minimum Rear Setback	50'	*30'	*30'	*15' with CDO

C. Height

	ADR	RR-5	RR-2.5	Comments
Maximum structure height	27'	20'	20'	

D. Signage

All Zones
60 s.f. max



**Taos County Growth Management Plan
LATIRVERSILVA NEIGHBORHOOD ZONING BASEMAP**

<p>Zoning</p> <ul style="list-style-type: none"> Rural Residential 2 (RR2) Rural Residential 1 (RR1) Agriculture/Development Reserve Highway Corridor Overlay (HCO) 	<p>Land Ownership</p> <ul style="list-style-type: none"> State Land Bureau of Land Management Forest Service Wilderness Forest Service Pueblo Lands 	<p>Misc. Boundaries</p> <ul style="list-style-type: none"> Subarea Boundaries Incorporated Town Lines Neighborhood Association Boundaries Parish
<p>Hydrology</p> <ul style="list-style-type: none"> Major Arroyos Arroyos 		

Taos County, New Mexico
Planning and Economic Development
1000 N. 1st St., Suite 200
Taos, NM 87570

Scale: 1 inch = 1000 feet

Boundaries shown on this map are approximate and do not represent a warranty.

Map Date: 08/2018

Section 5.10 Lower Des Montes Neighborhood Zone

Section 5.10.1 Establishment, Boundaries and Purpose of the Lower Des Montes Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Latir and Versylvia Neighborhood and recognizes the Lower Des Montes Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Lower Des Montes. The boundaries of this neighborhood and the boundaries of zoning districts established therein are as described and shown on the Lower Des Montes Neighborhood Land Use Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Lower Des Montes Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Guiding growth while maintaining the character and of the existing rural agricultural community.
 2. Maintain the quality of the surface water and acequias; to include erosion control measures and environmental protection for drinking water, wildlife and agricultural purposes.
 3. Encourage the development of safe foot/bike paths and routes to schools for youth and senior citizens throughout the neighborhood.
 4. Protect the groundwater quality through enforcement of compliance with septic regulations.
 5. Encourage growth in a manner designed to promote public safety and security in the neighborhood.
 6. Encourage the preservation of open space, viewsheds and night skies in the neighborhood.
 7. Encourage sustainable agricultural practices and agricultural-related cottage industries.
 8. Promote development in a manner that supports a regional public transportation system that includes the Lower Des Montes neighborhood, to increase housing transportation and workforce opportunities.
 9. Encourage land uses that preserve the current housing stock and expand economic opportunities for residents and the community, as well as preserve and increase the tax base.
 10. Encourage growth that supports or facilitates the development of community facilities.
- D. **Neighborhood Constraints.** Like many traditional rural neighborhoods, Lower des Montes faces the task of preserving its identity as a regional community center for the surrounding agrarian activities, while creating viable and affordable employment, housing, public services and transportation options to encourage its local population to stay within the community.

Section 5.10.2. Lower Des Montes Neighborhood Land Uses

A. Lower Des Montes Neighborhood Permitted Land Uses

P = Permitted S= Special Use Permit SUB= Subdivision

Residential Uses	IA-3	RR-1.3	SC-.75	SHC	
Agriculture/Farming	P	P	P		
Bed and Breakfast	P	P	P		
Day Care	S	S	P		
Livestock Raising	P	P	P		
Mobile Home Parks	SUB*	SUB*	SUB		*Limited to no more than 2 units
Multiple Family/Condos			S		
Private- Preschool	S	S	S		
Residential Care Facilities	S	S	S		
Single-Family Attached			S		
Single-Family Detached	P	P	P		
Non-Residential Uses	IA-3	RR-1.3	SC-.75	SHC	
Animal Boarding	S	S	S		
Animal Care	S	S	S		
Animal/Livestock processing			S		Mobile manzanita unit permitted in all designations.
Assisted Living			S		
Arts and Cultural Enterprises	P*	P*	P		Max 4000 sf building

Non-Residential Uses	IA-3	RR-1.3	SC-.75	SHC	
Automotive- Repair			S		
Automotive-Service Stations			S		
Building Material Sales			S		
Business & Professional. Services	P	P	P		Max 4000 sf building
Café/Coffeehouse	P	P	P		
Churches	P	P	P		
Dance & Fitness Studios	P	P	P		Max 4000 sf building
Day Care Facilities	S	S	S		
Renewable Energy	S	S	S		
Equestrian Facility	S	S	S		Max 3 equines/acre for the first acre; one additional/0.5 ac res thereafter. Commercial arenas will require a Special Use permit.
Farmers Markets	P	P	P		Limited to goods produced in Taos County
Food & Beverage Sales	S	S	S		Max 4000 s.f. building
Maintenance Yards	S	S	S		
Medical Clinics	S	S	S		Max 4000 s.f. building
Plant Nursery	P	P	P		
Recycling Services-Consumer	S	S	S		
Repair Services	P	P	P		Max 4000 s.f. building
Restaurants-General			P		
Retail Sales-General			P		Max 4000 s.f. building
Schools-Private/Public	S	S	S		
Storage-Personal			S		
Home Occupations	P	P	P		

Section 5.10.3. Lower Des Montes Neighborhood Development Standards

A. Lot Size

	IA	RR	SC	SHC	
Minimum Lot Area	*3 ac	1.3 ac	0.75 ac		*0.75 ac minimum with set-aside area as per Sec V. Irrigated Agricultural lands.

B. Setback

	IA	RR	SC	SHC	
Minimum Front Setback	10'	10'	10'		50' minimum from edge of public ROW
Minimum Side Setback	10'	20'	10'		
Minimum Rear Setback	10'	20'	10'		

C. Height

	IA	RR	SC	SHC	
Maximum height for all structures	20'	20'	20'	20'	Building height can be increased to 24' with minimum of 100' setback from parcel line.

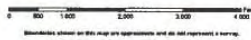
D. Signage

SHC
60 s.f. max



Taos County Growth Management Plan
LOWER DES MONTES NEIGHBORHOOD ZONING BASEMAP

- | | | | |
|---------------------------------------|---------------------------|-------------------------------------|------------------|
| Zoning | Land Ownership | Other Boundaries | Hydrology |
| Impaired Agricultural (IA) | State Land | Adverse Boundaries | Major Arroyos |
| Rural Residential (RR) | Bureau of Land Management | Unincorporated Town Limits | Arroyos |
| Sustainable Community (SC) | Forest Service Wilderness | Neighborhood Association Boundaries | |
| Scenic Highway Corridor Overlay (SHC) | Forest Service | Pavels | |
| | Public Lands | | |



Boundaries shown on this map are approximations and do not represent a survey.



Section 5.11 Ranchos de Taos Neighborhood Zone

Section 5.11.1 Establishment, Boundaries and Purpose of the Ranchos de Taos Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Ranchos de Taos Neighborhood and recognizes the Ranchos de Taos Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Ranchos de Taos. The boundaries of this neighborhood and the boundaries of zoning districts established therein are as described and shown on the Ranchos de Taos Neighborhood Land Use Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Ranchos de Taos Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Protect and preserve the rural landscape, agricultural land use and the acequia system as essential and inseparable components of our history, economy and culture.
 2. Preserve and protect the historic buildings, landmarks and traditional neighborhoods.
 3. Encourage the traditional plaza mixed-use model for local commercial and residential development.
 4. Ensure a safe and healthful environment for all residents, where families can thrive, children’s education and welfare is a priority, elders are respected, local business and agricultural interests are supported, and traditional ways are honored and passed on to future generations.
 5. Natural resources will be protected and maintained in perpetuity using the methods of traditional land use that have been part of our history and culture that preserve open lands, wetlands, park areas, wildlife corridors and habitats, natural light and nighttime sky, maintain clean air, and ensure rural quietude.
 6. Improve the quality of roadways and pedestrian safety while preserving the rural character of the roads and providing for alternative modes of travel.
 7. Develop roadway drainage systems that protect the quality, quantity, and flow of water in the acequias.
 8. Encourage the development of community places and facilities through the adaptive reuse of existing buildings.
- D. **Neighborhood Constraints.** The neighborhood is a large and diverse community, with urban strip commercial highway corridors, areas of small home businesses, traditional acequia supported agriculture, internationally recognized historic churches and plazas, and probably the most culturally, racially and economically diverse population in the County.

Section 5.11.2 Ranchos de Taos Neighborhood Land Uses

A. Ranchos de Taos Neighborhood permitted Land Uses

P = Permitted

S = Special Use Permit

Residential Uses	IA	TV	C/E	RR1	SHC	
Bed and Breakfast	S	P	P	S	P	
Day Care - Residential	P	P	P	P	P	
Livestock Raising	P		P	P		
Manufactured Homes	P	P*	P	P	P	*Except with frontage on the Ranchos Plaza
Mobile Home Parks						
Multiple Family/Condo		S	S	S	S	
Multiple Family Development		S	S	S	S	
Private- Preschool		P	P	S	P	
Residential Care Facilities	S	P	P	S	P	
Single-Family Attached	P	P	P	P	P	
Single-Family Detached	P	P	P	P	P	
Non-residential uses	IA	TV	C/E	RR-1	SHC	
Alcoholic Beverage Sales		S	S		S	
Animal Boarding	P		P	P	P	
Animal Care	P	P	P	P	S	

Non-residential uses	IA	TV	C/E	RR-1	SHC	
Arts and Cultural Enterprises	S	P	P	S	S	Building size limited to 10,000 sq ft
Automotive- Repair		S	P	S	S	Painting and body work not permitted
Automotive-Service Stations			P		S	
Business & Professional Services		P	P	S	P	Building size limited to 3,000 sq ft
Café/Coffeehouse		P	P	S	P	
Churches		P	P	S	P	
Dance & Fitness Studios	S	P	P	S	S	Building size limited to 5,000 sq ft
Day Care Facilities		S	S	S	S	Building size limited to 3,000 sq ft
Farmers Markets	P	P	P	P	P	
Food & Beverage Sales		S	P	S	P	Building size limited to 10,000 sq ft
Home Occupation	P	P	P	P	P	
Hospitals & Clinics		S	P	S	P	
Lodging			P		P	
Plant Nursery	P	S	P	S	P	
Offices		P	P	S	P	Building size limited to 3,000 sq ft
Research & Development			P		P	Building size limited to 7,000 sq ft
Restaurants-General		P	P	S	P	Building size limited to 8,000 sq ft
Retail Sales-General		P	P	S	P	Building size limited to 10,000 sq ft
Schools-Elementary/Secondary		S	P	S	P	

Section 5.11.3. Ranchos de Taos Neighborhood Development Standards

A. Lot Size

	IA-3	TV	CE-1	SHC	RR1	Comments
Lot Area - Minimum	*3 ac	1 ac	NA			*Minimum lot area is 1.0 acre when Irrigated Agricultural (IA) set-aside provision is utilized.

B. Setback

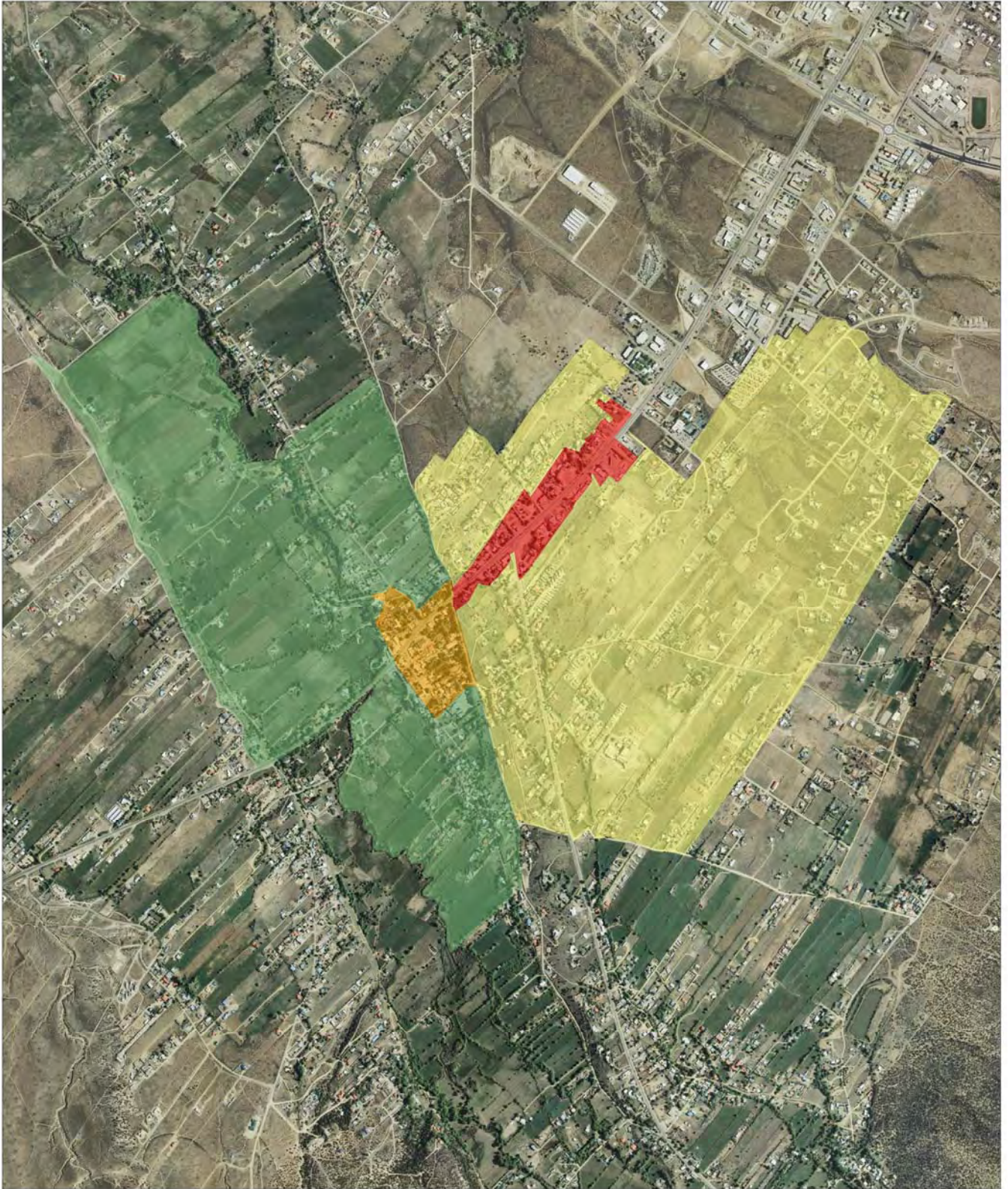
	IA-3	TV	CE-1	SHC	RR1	Comments
Front Setback	*25' min	25' max	25' min		25' min	20' minimum *Or no min setback when IA set-aside provision is utilized.
Minimum Side Setback	*10'	10'	0'		10	
Minimum Rear Setback	20'	20'	25'		20'	
Minimum setback from acequia centerline	15'	15'	15'		15'	Site plan will be reviewed by Acequia Association for location of acequia and building.
Percentage of Building Built to Front Setback		60%				
Maximum Lot Coverage	NA	*70%	*70%		NA	*Non-residential uses only

C. Height

	IA-3	TV	C/E-1	SHC	RR1	Comments
Principal Building Max	27'	27'	27'	20'	27'	

D. Signage

SHC
60 s.f. max



- Zoning**
- Commercial/Employment
 - Irrigated Agriculture
 - Rural Residential
 - Traditional Village

**Taos County Growth Management Plan
Ranchos de Taos Neighborhood**



2009 NAIP Imagery 1/21/2011

Section 5.12
Taos Canyon Neighborhood Zone

Section 5.12.1 Establishment, Boundaries and Purpose of the Taos Canyon Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Taos Canyon Neighborhood and recognizes the Taos Canyon Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Taos Canyon. The boundaries of this neighborhood and the boundaries of zoning districts established therein are as described and shown on the Taos Canyon Neighborhood Land Use Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Taos Canyon Neighborhood in achieving the following objectives with regards to the consideration of future development:
 - 1. Preserve Taos Canyon as a quiet, clean, safe and beautiful scenic byway in which residents enjoy a high quality of life.
 - 2. Maintain the natural beauty and wildlife of the canyon as a Scenic Byway Corridor.
 - 3. Establish and support the safety of the Canyon’s residents through adequate fire protection and traffic control.
 - 4. Enhance the Canyon’s quietness and serenity through protecting dark skies and implementing noise level limitations.
 - 5. Provide adequate public safety through police presence and emergency services.
 - 6. Maintain the rural, diverse and eclectic character of the Canyon and the sense of community.
 - 7. Encourage development that promotes the arts, historical and cultural traditions in the Canyon.
 - 8. Protect the water quality of the Rio Fernando watershed through cooperation and partnerships with private landowners, state and federal jurisdictions.
 - 9. Promote outdoor recreation opportunities and accessibility to the Carson National Forest through approved public access points without jeopardizing wildlife corridors.
 - 10. Promote specific guidelines with Taos County, NM Department of Transportation and the Federal Highway Administration to ensure safety on US Highway 64 and local county roads.
- D. **Neighborhood Constraints.** Due to steep slopes, high fuel loads, limited access and a lack of water for fire protection within the neighborhood, the following fire protection guidelines are needed in order to reduce fire hazards and increase safety. For access, a minimum 12’ fire lane is needed to the residence. All bridges or access across the river should structurally be constructed to sustain an 80,000 pound vehicle. All residences should be no more than 200’ from the access road to the residence (maximum hose length).

Section 5.12.2. Taos Canyon Neighborhood Land Uses

A. Taos Canyon Neighborhood Permitted Land Uses

P = Permitted S= Special Use

Residential Uses	RR	SHC	
Bed and Breakfast	P		
Day Care	P		
Livestock Raising	P		
Multiple Family	S		
Private- Preschool	P		
Residential Care Facilities	P		
Single-Family Attached	S		
Single-Family Detached	P		

Non Residential Uses	RR	SHC	
Alcoholic Beverage Sales	S		
Assisted Living	P		
Arts and Cultural Enterprises	P		
Automotive-Service Stations	S		
Business/Professional Services	P		< 10,000 sq. ft./building
Café/Coffeehouse	P		
Churches	S		
Dance & Fitness Studios	S		
Day Care Center	S		
Food & Beverage Sales	P		
Hospitals & Clinics	P		
Lodging	S		
Plant Nursery	P		
Offices	S		
Restaurants-General	P		
Retail Sales-General	S		
Schools-Private/Public	P		
Home Occupations	P		

Section 5.12.3. Taos Canyon Neighborhood Development Standards

A. Lot Size

	RR-1	SHC	
Lot Area - Minimum	1 acre		

B. Setback

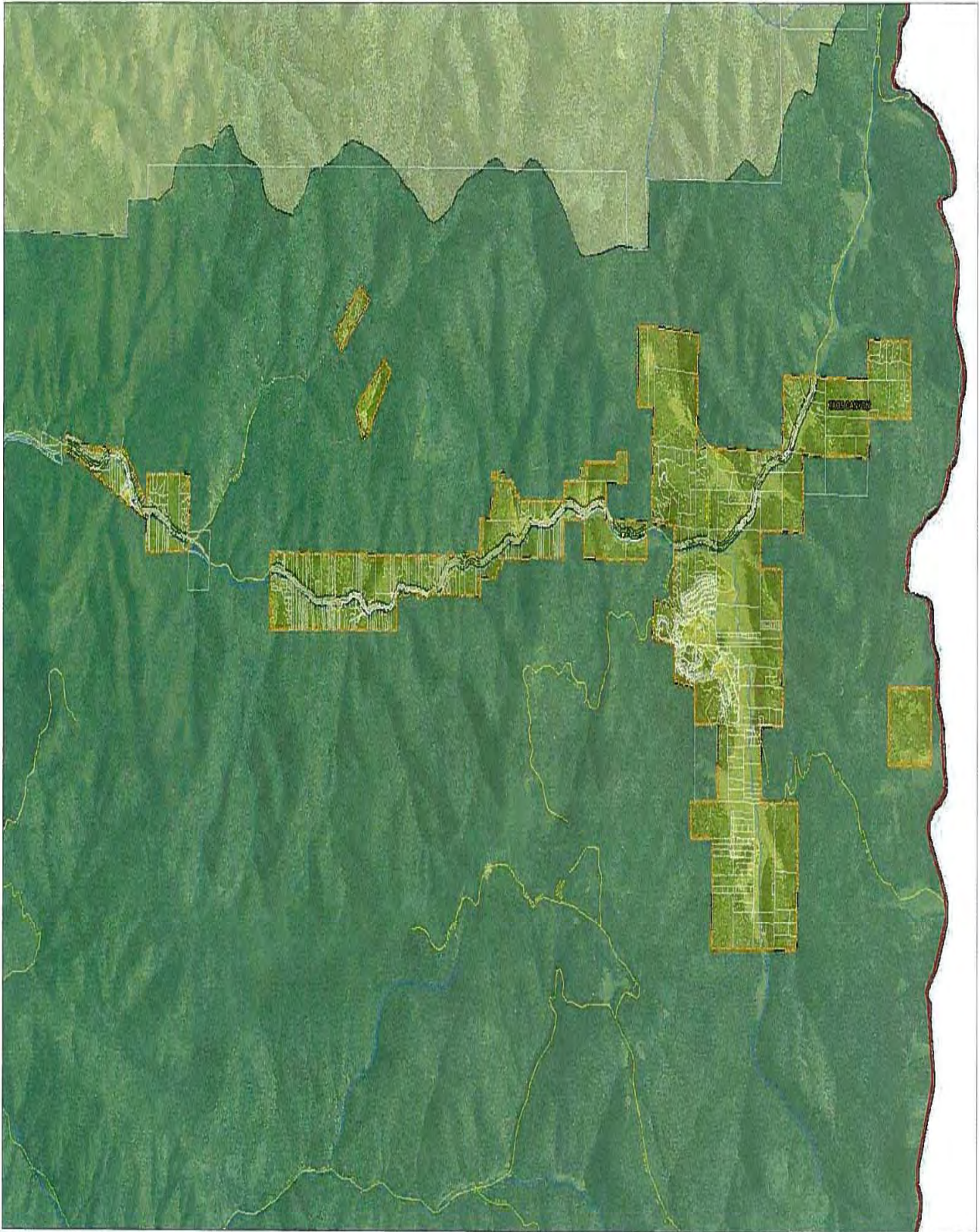
	RR-1	SHC	
Min Front Setback	25'		25' min. from public ROW
Minimum Side Setback	15'		
Minimum Rear Setback on inhabitable structure	15'		
Minimum Rear Setback on non-inhabitable structure	5'		

C. Height

	RR-1	SHC	
Principal Building Max	27'	16'	

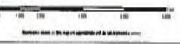
D. Signage

	SHC	
	60 s.f. max	



Taos County Growth Management Plan
 Low canyon
NEIGHBORHOOD ZONING BASEMAP

- | | | |
|---------------------------|-------------------------------------|-----------------------------|
| State Land | Misc. Boundaries | Other Layers |
| Bureau of Land Management | Subarea Boundaries | City/County District |
| Forest Service Wilderness | Incorporated Town Limits | Rural Residential Zone (RR) |
| Forest Service | Neighborhood Association Boundaries | High-Acreage |
| Public Lands | Parks | |



Map Date: 10/2014

Section 5.13 Montoso Neighborhood Zone

Section 5.13.1 Establishment, Boundaries and Purpose of the Montoso Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Montoso Neighborhood and recognizes the Montoso Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Montoso. The boundaries of this neighborhood and the boundaries of zoning districts established therein are as described and shown on the Montoso Neighborhood Zoning Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Montoso Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Preserve the existing and historic character of the neighborhood.
 2. Encourage all development to be consistent with both the resources and general character of the neighborhood as a rural residential community, with associated small scale agricultural activities such as crops, livestock, gardening, or ranching.
 3. Encourage the use of passive and active solar energy, greenhouses and other opportunities for on-site self-sufficiency and sustainability. No improvement or use should reduce solar or wind energy/rights available to adjacent properties.
 4. Encourage development that recognizes and is sensitive to the existing environmental conditions and constraints.
 5. The view of adjacent parcels and existing improvements should be preserved to the maximum extent possible in accordance with the performance standards.
- D. **Neighborhood Constraints.** There is a lack of available infrastructure to accommodate dense development, such as commercial, industrial, or multi-family

Section 5.13.2. Montoso Neighborhood Land Uses

A. Montoso Neighborhood Permitted Land Uses

P = Permitted S= Special Use

Residential Uses	RR - 8	RR - 10	Comments
Bed and Breakfast	S*	S*	*On-site resident manager required, 5 guestrooms maximum
Day Care	S	S	
Livestock Raising	P	P	
Multiple Family			
Private- Preschool	S	S	
Metal Buildings, Quonset huts	*	*	*Not permitted by property covenants and deed restrictions
Manufactured Homes	*	*	*Not permitted by property covenants and deed restrictions
Single-Family Detached	P*	P*	*A County approved house, guest house or studio may be rented
Non-residential Uses	RR - 8	RR - 10	
Alcoholic Beverage Sales			
Assisted Living	S	S	
Arts and Cultural Enterprises			
Automotive-Service Stations			
Business/Professional Services			
Café/Coffeehouse			
Churches	S	S	
Dance & Fitness Studios			
Day Care Center	S	S	

Non-residential Uses	RR - 8	RR - 10	
Lodging			
Plant Nursery	S	S	
Offices			
Restaurants-General			
Retail Sales-General	S*	S*	*Farmer's market or artist sales 6 hrs./day, 2 days/wk. maximum
Schools-Private/Public			
Home Occupations	P	P	

Section 5.13.3. Montoso Neighborhood Development Standards

A. Lot Size

	RR-8	RR - 10	Comments
Lot Area - Maximum	8 acres*	10 acres*	*300 ft. minimum lot depth and width required for all lots
Buildable area	2 acres*	2 acres*	*300 ft. minimum lot depth and width required for all lots

B. Setback

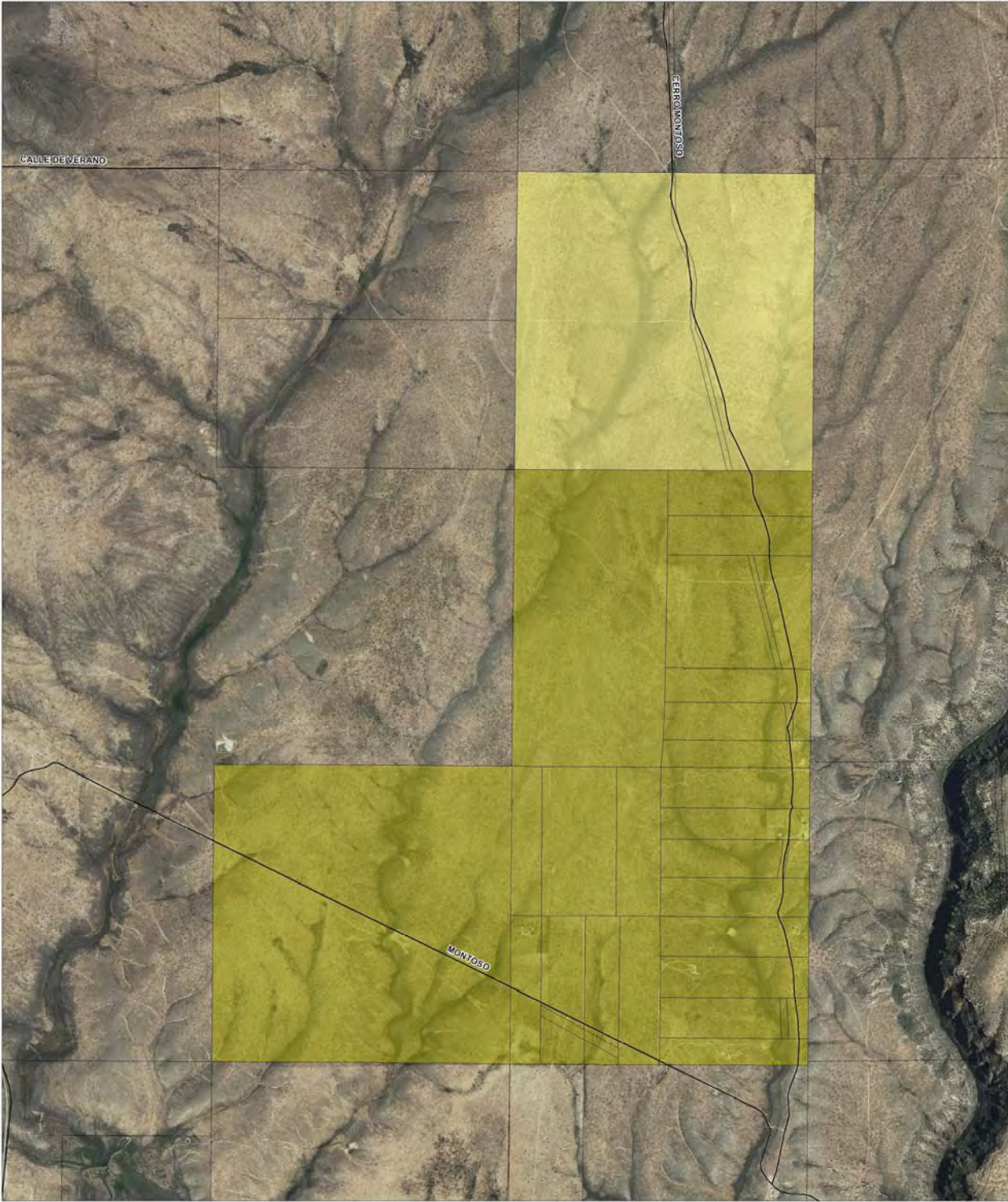
	RR-8	RR - 10	Comments
Min Front Setback	50'	50'	10' for all setbacks from lot lines which border public lands
Minimum Side Setback	50'	50'	
Minimum Rear Setback on inhabitable structure	50'	50'	
Minimum Rear Setback on non-inhabitable structure	50'	50'	

C. Height

	RR-8	RR-10	Comments
Principal Building Max	27'	27'	

D. Signage

All Zones
4 s.f. max



Zoning

- Rural Residential 10
- Rural Residential 8

Taos County Growth Management Plan
Montoso Neighborhood

2009 NAIP Imagery 1/21/2011

Section 5.14
Cerro de Guadalupe Neighborhood Zone

Section 5.14.1 Establishment, Boundaries and Purpose of the Cerro de Guadalupe Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Cerro Neighborhood and recognizes the Cerro de Guadalupe Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Cerro. The boundaries of this neighborhood and the boundaries of zoning districts established therein are as described and shown on the Cerro de Guadalupe Neighborhood Zoning Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Cerro Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Protect and preserve the agricultural land use and the acequia system as essential and inseparable components of our history and culture.
 2. Preserve and protect water, landmarks and traditional neighborhoods.
 3. Encourage the traditional farming community model for local commercial and residential development.
 4. Ensure a safe and healthful environment for all residents, where families can thrive, children's education and welfare is a priority, elders are respected, local business and agricultural interests are supported, and traditional ways are honored and passed on to future generations.
 5. Natural resources will be protected and maintained in perpetuity using the methods of traditional land use that have been part of our history and culture that preserve open lands, wetlands, park areas, wildlife corridors and habitats, natural light and nighttime sky, maintain clean air, and ensure rural quietude.
 6. Revitalize the community commerce and establish areas for business that will not adversely impact the overall community or its agriculture
 7. Develop roadway drainage systems and community water system that protect the quality, quantity, and flow of water in the acequia.
 8. Create community facilities through the adaptive reuse of existing buildings.
 9. The Cerro De Guadalupe Neighborhood Association will be notified of all development applications for non-residential uses.
- D. **Neighborhood Constraints.** The Cerro neighborhood's highest priority is to create Land Use Regulations to discourage annexing by municipalities any of the Cero De Guadalupe Neighborhood boundaries. The creation of regulations would demonstrate to the municipality unity within the Cero Neighborhood Association.

Section 5.14.2. Cerro Neighborhood Land Uses

A. Cerro Neighborhood Permitted Land Uses

P = Permitted S= Special Use/Major development Blank = Not Permitted SUB = Subdivision

Residential Uses	IA	RR1	RR5	ADR	CE	SHC	Comments/Limitations
Accessory Dwelling	P	P	P	P	P	P	Accessory Dwelling will be less than the square footage of principal residence.
Bed and Breakfast	P	P	P	P		P	
Day Care-residential	P	P	P	P		P	
Livestock Raising	P	P	P	P		P	
Mobile Home Parks		SUB	SUB	SUB		SUB	
Multiple Family/Apts	S	S	S	S		S	
Private- Preschool		S	S	S		S	
Residential Care Facilities	S	S	S	S		S	
Single-Family Attached	P	P	P	P		P	Habitable accessory structure will be less than the square footage of principal residence.
Single-Family Detached	P	P	P	P		P	Habitable accessory structure will be less than the square footage of principal residence.
Non Residential Uses	IA	RR1	RR5	ADR	CE	SHC	Comments/Limitations
Agricultural	P	P	P	P		P	*In accordance with limitations as per definition.
Alcoholic Beverage Sales		S	S			S	
Animal Boarding	P	S	S	P		S	
Animal Care	S	S	S			S	
Residential Uses	IA	RR	RR	ADR	CE	SHC	Comments/Limitations
Airport					S		Could only land and take off from the north
Animal/Livestock processing Feedlots						S	Mobile matanza permitted in all designations
Assisted Living		S	S				
Arts and Cultural Enterprises	P	P	P	P		P	
Automotive- Repair		S	S			S	
Automotive-Car Sales		S	S			S	
Automotive-Parts Sales		S	S			S	
Automotive-Service Stations		S	S			S	
Building Material Sales		S	S	S		S	
Business & Prof. Services		S	S	S		S	
Café/Coffeehouse		S	S	S		P	
Churches		S	S	S		P	
Dance & Fitness Studios		S	S	S		S	
Day Care Facilities		S	S	S		S	
Energy Production-Renewable		S	S	S		S	
Equestrian Facility	P	P	P	P		P	Max 3 equines/acre; one additional/0.5 acre thereafter
Farmers Markets	P	P	P	P		P	
Food & Beverage Sales		S	S	S		S	
Hospitals & Clinics		S	S			S	
Lodging		S	S	S		S	
Maintenance Building	P	S	S	P	P	S	
Non Residential Uses	IA	RR1	RR5	ADR	CE	SHC	Comments/Limitations
Manufacturing		S	S			S	Excessive or sustained vibration, smoke, noise and odor emissions not allowed.
Mining- sand and gravel		S	S	S		S	Excessive or sustained vibration, smoke, dust, noise and odor emissions not allowed.
Plant Nursery	S	S	S	S		P	Buildings 1500 sf or larger

Non Residential Uses	IA	RR1	RR5	ADR	CE	SHC	Comments/Limitations
Offices/Personal Services		S	S			S	
Recycling- Commercial		S	S			S	
Recycling- Neighborhood		P	P			P	
Repair Services-General		S	S			S	
Repair Services-Limited		P	P			P	
Research & Development		S	S			S	
Restaurants-General		S	S			S	
Retail Sales-General		S	S			S	
Retail Sales-Regional		S	S			S	
Schools-Private/Public		S	S	S		S	
Storage-Personal		S	S	S		S	

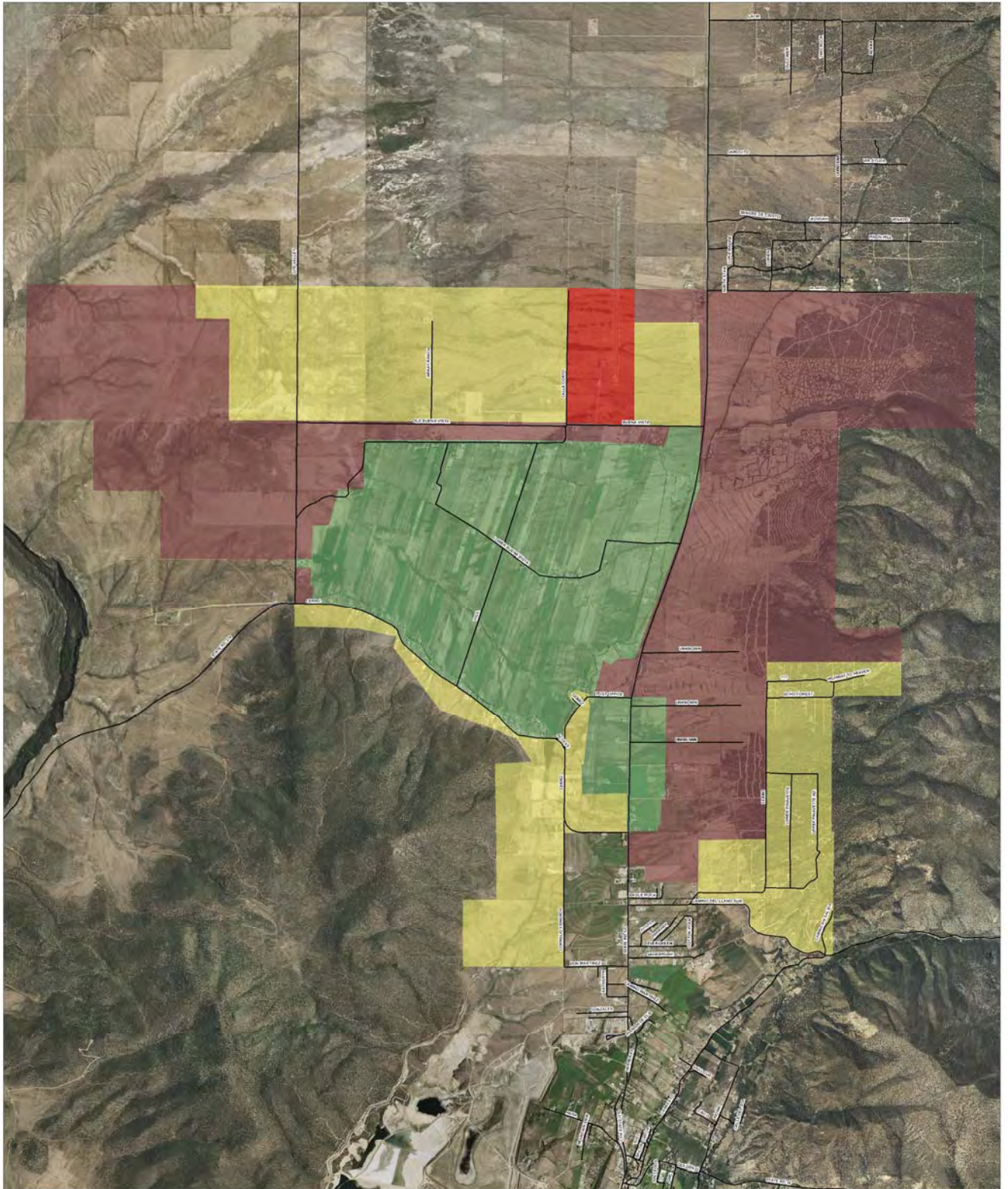
Section 5.14.3. Cerro Neighborhood Development Standards

A. Building Placement

	IA	RR1	RR5	ADR	SHC	CE	
Front Setback	20'	20'	20'	20'	20' min	50' min	*Or no min setback when IA set-aside provision is utilized.
Minimum Side Setback	10'	10'	10'	10'	10'	50'	
Minimum Rear Setback	10'	10'	10'	10'	10'	50'	
Minimum setback from acequia easement	50'	50'	50'	50'	50'	50'	Site plan will be reviewed by Acequia Association for location of acequia and building.

B. Building Heights

	IA	RR1	RR5	ADR	SHC	CE
Principal Building Max	27	27	27'	30'	27'	27



- Zoning**
- Agricultural 10
 - Commercial/Employment
 - Irrigated Agriculture
 - Rural Residential 5

**Taos County Growth Management Plan
Cerro de Guadalupe Neighborhood**



2009 NAIP Imagery 1/24/2011

Section 5.15
Stagecoach Neighborhood Zone

Section 5.15.1 Establishment, Boundaries and Purpose of the Stagecoach Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Stagecoach Neighborhood and recognizes the Stagecoach Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use Regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Stagecoach. The boundaries of this neighborhood and the boundaries of zoning districts established therein are as described and shown on the Stagecoach Neighborhood Zoning Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Stagecoach Neighborhood in achieving the following objectives with regards to the consideration of future development.
1. Encourage safe and orderly development in a manner that retains the architectural styles of the Taos valley and to retain an appropriate mix of traditional rural uses.
 2. Improve pedestrian, animal and vehicle safety within the neighborhood by restricting or reducing the number of highway entrances and exits along Highway 64, as a high speed intrastate highway.
 3. To encourage or preserve small scale, neighborhood-oriented commercial activities that supply goods and services to the neighborhood residents and their activities.
 4. Encourage and preserve low density, single family residential development with appropriate property sizes that reflect the historical, cultural and rural character of the neighborhood.
 5. Protect and preserve the quality and availability of the neighborhood and area surface and underground water supply for existing and necessary human, ranching and agricultural uses.
 6. Protect and promote the existing and traditional agricultural and ranching uses of the neighborhood and its lands.
 7. Protect and preserve the viewsheds of the neighborhood and adjacent parcels through development guidelines regarding structure height and placement, including orientation, roof designs, clustering, use of the natural topography and other performance criteria and design standards.
- D. **Neighborhood Constraints.**

The neighborhood is served almost exclusively by Highway 64; a regional high speed highway. For both public safety and in order to preserve the character of this predominantly ranching community from undesirable commercial strip growth, existing highway accesses should be utilized where possible and secondary feeder roads or parallel service roads should be developed to accommodate any additional growth.

Water is also a limited resource in a delicately balanced ecosystem reflected in the neighborhood, and the impact of any growth needs to be balanced with its impact on the existing agrarian, ranching, traditional human habitation and wildlife of the neighborhood.

- E. The Stagecoach Neighborhood Association (SNA) shall:
1. Form a Development Standards Advisory Board (DSAB) with a representative from each of the five zones.
 2. Provide analysis and findings to the Taos County Planning Department or Taos County Commission on any proposed improvements, subdivisions, special use permits or other activities affecting this neighborhood.
 3. Provide analysis and findings for each permit application in the Stagecoach area.

Section 5.15.2. Stagecoach Neighborhood Land Uses

A. Stagecoach Neighborhood Permitted Land Uses

P = Permitted S= Special Use/ Major Development Blank = Not permitted SUB = Subdivision Review

Residential Uses	RR .75	RR 2.5	AR 20	LC	CE	SHC 100	Comments
Bed and Breakfast Large	S*	S*			P*		*Not more than five (5) rooms are available for guest lodging The manager resides in and occupies Bed and Breakfast
Bed and Breakfast Small	S*	S*		P*			*Not more than two (2) rooms per acre and a maximum of three (3) rooms are available for guest lodging, The manager resides in and occupies Bed and Breakfast
Day Care-Residential	S	S	S	S	P	S	
Duplex	S	S		S	S		
Green House - Residential	P	P	P				Residential use only, less than 1500 sq ft
Guest House	P*	P*	P*				*Habitable accessory structure will be less than the square footage of Principal residence
Home Occupations	P	P	P	P		P	
Manufactured Homes	P	P	P				
Mobile Home Parks				SUB			
Modular homes	P	P	P		P		
Multiple Family				S	S		
Outdoor Storage	P*	P*	P*				*Outside storage of items which are not normal to a family residence is not allowed.
Single-Family	P*	P*	P*		P*		*All surplus building materials and construction equipment shall be promptly removed from the premises, stored in an appropriate storage room or adequately screened from view of neighbors and roadways within 30 days of completion of construction
Tempoary Farm and Ranch Labor housing			P*				
Non Residential Uses	RR .75	RR 2.5	AR 20	LC	CE	SHC 100	Comments
Adobe Brick Making					P	S	
Agricultural-Grazing			P				
Alcoholic Beverage Sales					S	S	
Automotive-Service, Gas Stations, Repairs					P		
Batching Plants*							*Asphalt, Cement, and Screening plant are not allowed
Business/Professional Services	S	S		P	P	S	
Car wash , Automotive Sales and Parts sales					S		
Churches				S	S	S	
Day Care-Commercial	S*	S*		P	P	S	*Not be operated out of a residence.
Department Store- Supermarkets					S	S	
Dry Cleaning					P	S	
Family Amusement and Recreation Parks				S	S	S	
Feed or Farming Store					S	S	
Golf Course/Driving Range				S	P	S	
Non Residential Uses	RR .75	RR 2.5	AR 20	LC	CE	SHC 100	Comments
Hospitals & Clinics				S	S		
Livestock Raising			P				
Lodging					P	S	
Manufactured Home Sales					S	S	
Night Club Bar or Lounge					S		
Motor Vehicle storage Dismantling, Recycling					P		

Non Residential Uses	RR .75	RR 2.5	AR 20	LC	CE	SHC 100	Comments
Open Sewage Lagoons*							*Not allowed
Pawn shop*							*Not allowed
Plant Nursery/Green House - Commercial			S	S	S		Square footage not to exceed the main residence square footage by 150%;
Photographic Studio				P	P		
Restaurants				S	S	S	
Retail Establishments				S*	S	S	LC - with a square footage of no larger than 2,000 square feet
Riding Stables-Equestrian Facility			P				
RV Park					S	S	
Schools-Private/Public	S	S					
Solar or Wind Farms					S	S	
Storage Facility-Personal / Mini				S	P	S	
Theater					S	S	
Well Drilling					S	S	
Wildlife/Non Domestic Animals			S				
Whole sale or Distribution Operation					P	S	

Section 5.15.3. Stagecoach Neighborhood Development Standards

A. Lot Size

	RR- .75	RR - 2.5	ADR 20	LC	CE	SHC 100	Comments
Lot Area - Minimum	.75 acres	2.5 acres	20* acres	1 acre	2 acre	.25 acre	*1.5 acre single family dwelling.
Lot Widths - Minimum	75ft	100ft		70ft		70ft	

B. Setback

Minimum	RR- .75	RR 2.5	AR 20	LC	CE	SHC 100	Comments
Front Setback	(10ft or (7) 20ft	50'	30'	20'	10ft	20ft	SHC: with the front eight (8) feet of the lot landscaped. (6) Lots of less than one (1) acre or lots with a width of less than eighty (80) feet (7) All other lots
Side Setback	10'	30'	30'	7'	15ft commercial & 10 ft residential (1)	15'ft commercial & 10 ft residential	(1) SHC: If the rear or side yard abuts a residential zone, an additional setback is required. This setback shall be five (5) feet 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.
Rear Setback	10'	30ft	30ft	15ft	20ft (1)	20ft	

C. Height

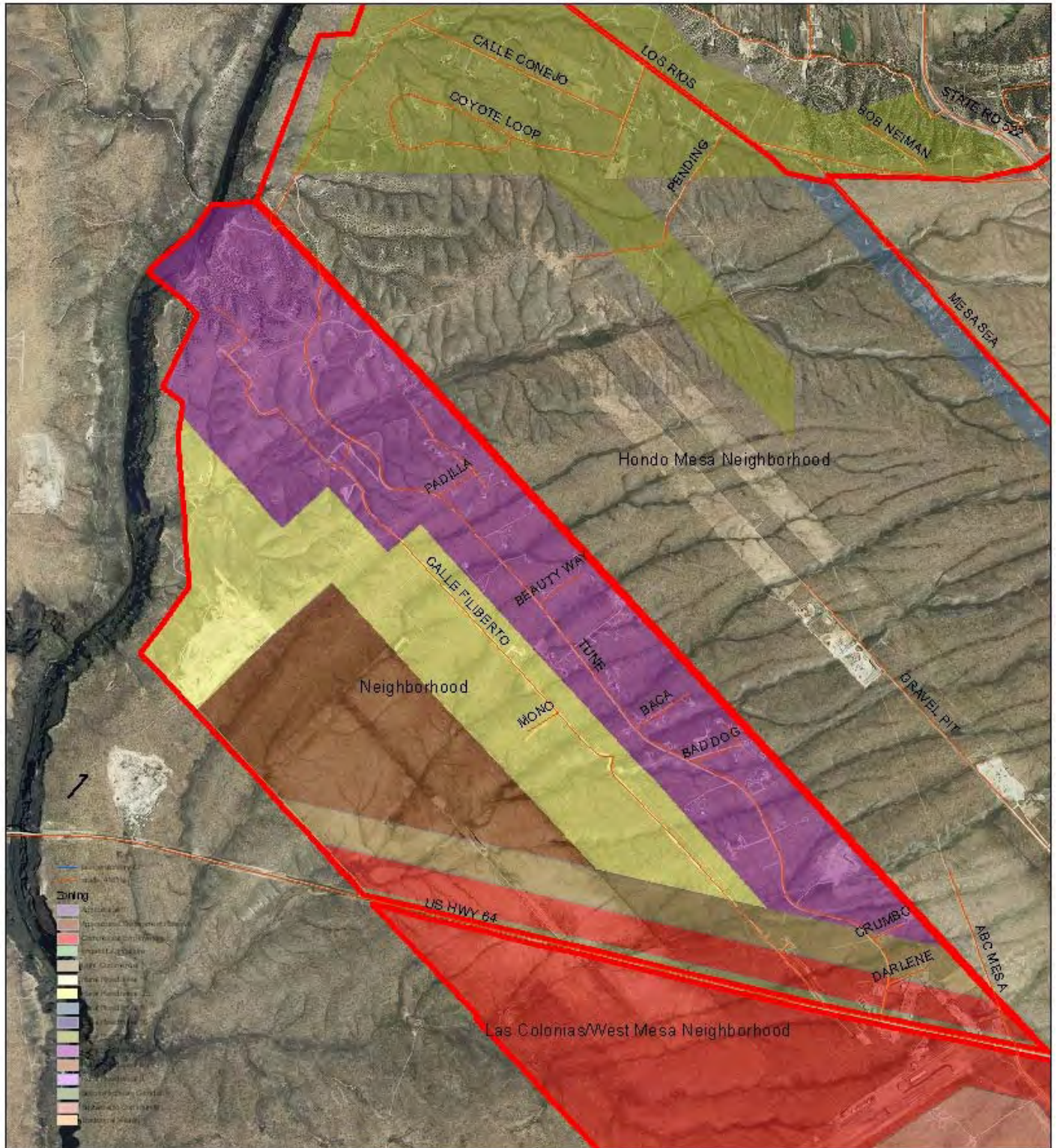
	RR .75	RR- 2.5	AR 20	LC	CE	SHC1 00	Comments
Principal Building Max	27ft	27ft	27ft	27ft	27ft	20ft	


A. Maximum Density

	RR-.75	RR 2.5	ADR 20	LC	CE	SHC	Comments
Maximum Density	30% by all structure for lots less than 2 acres and 20% by all structure for all lots 2 acres or larger.	(5)		(4)	(3)	(3)	<p>SHC, C/E, & TRRLC: The maximum coverage on any parcel of all improvements, including buildings, parking, roadways, driveways, patios, courtyards, etc is limited to no more than: Buildings 40%, and 60% for parking, setbacks, landscaping and all other authorized uses. Parcels larger than one (1) acre, once improved to the maximum coverage, shall not be further subdivided or improved.</p> <p>ADR: Maximum lot coverage by all structures shall be no more than twelve (12) percent of the lot.</p> <p>(3) Eight (8) dwelling units per acre for two-family attached, semi-attached or multi-family residence. Unimproved land is land used for parking, driveways, landscaping, and general open space.</p> <p>(4) Eight (8) dwelling units per acre with a special use permit for two-family attached, semi-attached or multi-family residence.</p> <p>(5) Twenty percent (20%) by all structures.</p>
Lot Widths- Minimum	75ft	100ft		70ft		70ft	


D. Signage

	RR .75	RR-2.5	ADR 20	LC	CE	SHC 100	Comments
Principal Building Max				(1)	(1)	(1)	(1) Signage is restricted to signs up to a maximum of 7% of the face of the building or 100 square feet, whichever is less per business. This figure includes all exterior signs whether attached or free standing. Neon signs must be installed inside the building and any larger than 8 square feet are prohibited.





Taos County Land Use Regulations 2011-03
Stagecoach Neighborhood Zoning Districts

N

2009 NAIP Imagery 1/21/2011

Section 5.16
Upper Las Colonias Neighborhood Zone

Section 5.15.1 Establishment, Boundaries and Purpose of the Upper Las Colonias Neighborhood

- A. **Establishment.** This section, by ordinance, establishes and recognizes the Upper Las Colonias Neighborhood and recognizes the Upper Las Colonias Neighborhood Association as the neighborhood representative for purposes of the Taos County Land Use regulations.
- B. **Boundaries.** This section establishes the Neighborhood Land Use Overlay and Regulations for the neighborhood of Upper Las Colonias. The boundaries of this neighborhood and the boundaries of zoning districts established therein are as described and shown on the Upper Las Colonias Neighborhood Zoning Map in the Taos County Planning Department.
- C. **Purposes.** The intent of the neighborhood overlay is to assist the Upper Las Colonias Neighborhood in achieving the following objectives with regards to the consideration of future development:
1. Preserve Upper Las Colonias as a quiet, clean, safe and beautiful scenic byway in which residents enjoy a high quality of life.
 2. Create land use standards for commercial, residential and agricultural land uses that promote compatibility.
 3. Promote the development of community infrastructure as a part of future development; including community centers, recreational uses and open space.
 4. Promote the development of an efficient intermodal transportation and roadway network that offers transportation and recreational alternatives to automobile travel.
 5. Promote green building and renewable energy production through development and land use incentives.
 6. Protect arroyos, flood zones, floodplains, acequias, wells, ground water and irrigated lands from encroachment in order to preserve water quality and reduce erosion.
 7. Enforce dark sky protections, noise protections, protection of scenic viewsheds, and environmental quality.
 8. Promote land use practices that preserve the rural character, traditions and character of the neighborhood.
- D. **Neighborhood Constraints.** The Las Colonias neighborhood has serious issues related to length of dead end roads that have no connectivity for emergency access or egress by residents in the event fire, flood, accident or other hazards that may close the roadway. Several roads south of Highway 64 are nearly four miles long with no other connecting access to Highway 64. Any future approved development that exacerbates this problem should be discouraged and the plating of future subdivisions and public roads should be designed to correct this issue by establishing inter-connecting roads to provide secondary emergency access for residents and businesses.
- E. The Upper Las Colonias Neighborhood (ULCNA) shall:
- a. Form a Development Standards Advisory Board (DSAB)
 - b. Provide analysis and findings to the Taos County Planning Department or Taos County Commission on any proposed improvements, subdivisions, special use permits or other activities affecting this neighborhood.
 - c. Provide analysis and findings for each permit application in the ULCNA area.
 - d. Respond to all inquiries in 30 calendar days or less.

Section 5.16.2. Upper Las Colonias Neighborhood Land Uses

A. Upper Las Colonias Neighborhood Permitted Land Uses

P = Permitted Sub = Subdivision S = Special Use Blank = Not permitted

Residential Uses	RR 1M	RR 2	RR 3	RR 3A	CE 1	CE 1A	IA 4	Comments
Apartments		S			S	S		
Bed and Breakfast					P	P		
Condominiums		S			S	S		
Day Care Residential	P	P	P	P	P	P	P	
Day Care Commercial		S			P	P		
Duplex		P	S	S	P	P		
Green House Residential	S	P	P	P	P	P	P	Residential use only, less than 1,500 sq ft
Green House Commercial					S	S	S	
Home Occupation	P	P	P	P	P	P	P	
Manufactured Home	P				P	P	P	
Mobile Home Park	SUB				SUB	SUB		
Modular Home	P	P	P	P	P	P	P	
Multiple Family		P			P	P		
Outdoor Storage		P	P		P	P		
Single-Family	P	P	P	P	P	P	P	
Single-Family/Guest Detached		P	P	P	P	P	P	
Temporary Farm and Ranch labor housing					P	P	P	
Non-residential Uses	RR 1M	RR 2	RR 3	RR 3A	CE 1	CE 1A	A4	Comments
Alcoholic Beverage Sales					S	S		
Amusement/Recreational parks					S	S		
Assisted Living					S	S		
Arts and Cultural Enterprises					P	P		
Automotive-Service Station /car wash					S	S		Noise level at perimeter limited to 70dB during hours of 6am to 8pm, intermittent exceptions allowed
Business/Professional Services, Offices					S	S		
Carnivals/Thrill rides					S	S		
Churches					S	S		
Dance & Fitness Studios					S	S		
Eating /drinking Establishments					S	S		
Livestock Raising					P	P	P	No feedlots or large scale agricultural operations permitted
Lodging					S	S		
Manufactured home sales					S	S		
Motor vehicle storage, dismantling service, repair					S	S		Noise level at perimeter limited to 70dB during hours of 6am to 8pm, intermittent exceptions allowed
Night club, Bar or Lounge					S	S		
Package liquor sales					S	S		
Plant Nursery					S	S	P	
Photographis Studio					S	S		
Retail Sales-General					S	S		
RV Park					S	S		
Schools-Private/Public					S	S		

Non-residential Uses	RR 1M	RR 2	RR 3	RR 3A	CE 1	CE 1A	A4	Comments
Solar or Wind Farm					S	S		
Well Drilling					S	S		
Wholesale or Distribution					S	S		

Section 5.16.3. Upper Las Colonias Neighborhood Development Standards

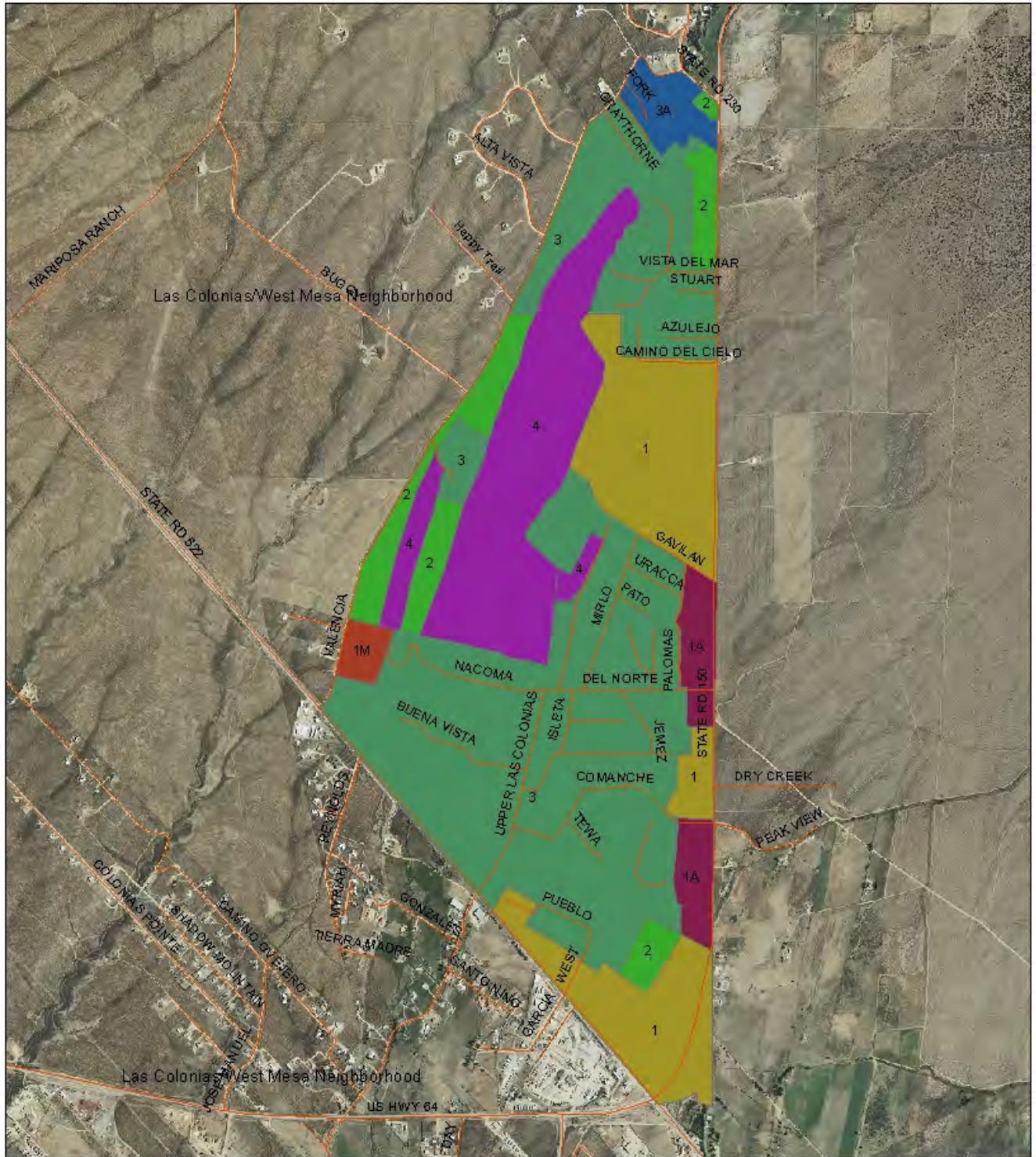
Lot Characteristics	RR1M	RR2	RR3	RR3A	CE1	CE1A	AR	Comments/Limitations
Minimum Lot Area, measured in Acres.	2	1	1	0.75	2	2	10	Once the lot has been improved to the maximum, no further subdivision is permitted.

Building Placement

	RR1M	RR2	RR3	RR3A	CE1	CE1A	AR	Comments/Limitations
Minimum Front Setback	75 ft	30ft	30ft	20ft	75 ft	75	20ft	SHC is same as CE
Minimum Side Setback	50 ft	30ft	30ft	10ft	50 ft	50ft	10ft	SHC is same as CE
Building Placement	RR1M	RR2	RR3	RR3A	CE1	CE1A	AR	Comments/Limitations
Parcels larger than 30 acres								Parcels in CE1 and CE1A larger than 30 acres can built up to 33 ft max if the setbacks are increased by 100ft.
Buffer Walls height between CE1, CE1A and other zones if adjacent	6ft min	6ft min			6ft min	6ft min		If the improved portions of the parcel are adjacent to land in Zone 3 or 3A, a 4 ft to 6 ft "adobe" style wall as required to screen this interface, e.g., dumpsters, vehicles, stored materials, propane tanks, etc.

Building Requirements

	RR1M	RR2	RR3	RR3A	CE1	CE1A	AR	Comments/Limitations
Building Max height	23 ft	23ft	27ft	23 ft	23 ft	17 ft	27 ft	Parcels in CE1 and CE1A larger than 30 acres can build up to 33 ft max if the setbacks are increased by 100ft.
Signage	2 sq ft	2 sq ft	2 sq ft	2sq ft	32 sq ft	32 sq ft	32 sq ft	
Parking	2 vehicles max per unit	2 vehicles max per unit	5 vehicles max, unless garaged	5 vehicles max, unless garaged	TBD by SUP process.	TBD by SUP process.	10 vehicles max, unless garaged	
*Fences, height.	6ft	6ft	6ft	6ft	6ft	6ft	6ft	<p>*Architectural standards of a "Plaza", typical of many northern New Mexico communities.</p> <ul style="list-style-type: none"> a. entry and an exit through openings in an "adobe" style wall that defines the boundary of the development on at least the boundary of the development that faces the access roadway. b. color of the "stucco" style wall will be typical of Northern New Mexico plazas, light tan, brown, off white, etc. c. "stucco" style wall will be a minimum of 4 ft high and a maximum of 5 ft high. d. architectural standard for any buildings is territorial-revival, Spanish pueblo revival or creative variations on these traditional styles. e. parking must be inside the wall



**Taos County Land Use Regulations 2011-03
Upper Las Colonias Neighborhood Zoning Districts**



2009 NAIP Imagery 1/21/2011

Section 5.17

Irrigated Agricultural (IA) Land and Acequias

Section 5.17.1 Application: The provisions of this Section apply to properties in the areas of County approved Neighborhood Zones designated as Irrigated Agriculture.

A. **Purpose.** The purpose of this section is to facilitate the protection and preservation of the County's agricultural lands, the acequia systems, and the ground and surface water resources by establishing criteria for review and approval of development, subdivisions, or division of land located within irrigated agricultural lands. Applications for development subject to the provisions of this Section shall be consistent with the following objectives of the Land Use Code, Growth Management Plan and Comprehensive Plan:

1. To promote the sensitive placement of lots, homes and structures on irrigated agricultural in order to protect agricultural uses and cultural values while accommodating new development.
2. To ensure the integrity and availability of irrigated agricultural lands for future generations.
3. To promote the conservation and efficiency of the water resources for sustained and beneficial use and maintain the viability and health of the historic acequia system.
4. To minimize and reduce potential contamination of underground and surfaces water supplies from the proliferation of septic systems associated with new development.
5. To protect the water supply by regulating land use development, subdivisions or division of land, homes and other structures, private and community wells, and liquid wastewater disposal systems on irrigated agricultural land.
6. To require more compact development with irrigated agricultural land set aside to protect the historic settlement patterns and important visual qualities which make Taos County a special place to live.
7. To protect the agricultural uses from the negative impacts of development and from uses that is not compatible with irrigated agriculture.
8. To create development criteria that allows for harmonious development within irrigated agricultural land.
9. To reduce development and infrastructure costs by reducing the distance of extending utilities such as streets, water and sewer lines.
10. To provide for and protect the community's health, safety and welfare.

B. **Areas within the IA District.** When the Irrigated Agricultural (IA) District is utilized, the lands within the district are separated into the following areas:

1. **Buildable area:** A consolidated and contiguous land area that may be used for buildings and associated development purposes, and
2. **Agricultural area:** A consolidated and contiguous land area set aside as permanent agricultural land.

C. **Buildable Area**

1. **Purpose.** The purpose of the buildable area is to provide housing and accessory structures directly associated with agricultural uses; such as a parking, greenhouses, and garages for farm equipment, corrals, barns or other similar uses.
2. **Calculation of Size of Area.** The maximum size of the buildable area permitted for irrigated agricultural lots existing as of the effective date of this Section is set

forth in the following table:

Size of Lot	Percentage of Lot Defined as Buildable Area
Less than 1.0 acre	Not Applicable
1.0 to 5.99 acres	30
More than 6.0 acres	25

3. **Characteristics.** Only one buildable area is allowed on a parcel.
4. **Permitted Uses.** The following uses are permitted within IA zones, but are subject to review and approval by the County Planning Director, consistent with Section 3.2 and 3.3:
 - a. Single Family Residence
 - b. Agricultural
 - c. Home Occupation (Cottage Industry)
 - d. Manufactured Housing
 - e. Non Commercial Wind Power Generation
 - f. Non-Commercial Solar Power Generation
 - g. Non-Commercial Excavation and Grading
 - h. Temporary Uses
5. **Development Standards.**
 - a. When a shared alternative liquid waste disposal system is proposed, a 20-foot wide ingress/egress easement (as well as any easements required utilities) connecting the buildable area to the agricultural area shall be designated on the plat.
 - b. A shared well shall be required for lots less than 0.75 acre in size within the buildable area. A 20ft Utility easement shall be provided between the well and all buildings serviced. Individual domestic wells may be allowed for lots which are 0.75 acre or larger, if all State requirements are met, but shared wells are strongly encouraged.
 - c. Impervious surfaces within the buildable area should be minimized. Shared driveways and access are encouraged.
 - d. The buildable area should be placed on the non-irrigated or driest portion of the parcel and closest to the access and utilities to minimize disturbance of the irrigated lands and reduce development costs.
6. **Administrative Review.** All development shall be reviewed and approved by the Planning Director for the purpose of ensuring that it complies with the provisions of this Section. As a condition of approval of a Buildable Area and the development within that area, the property owner shall provide the County a recorded deed restriction enforceable by the County designating the balance of the Agricultural area as in compliance with **Section 5.12, Irrigated Agricultural (IA) Land and Acequias** of the Taos County Land Use Regulations, or a recorded conservation easement on the Agriculture area to a non-profit conservation organization.

D. Irrigated Agricultural Area

1. **Purpose.** The purpose of the agricultural area is to retain land in productive agricultural uses, encourage locally grown produce and livestock, and provide economic stability for future generations. Irrigated Agricultural Land are those lands listed as “Irrigated Agricultural Land” by the Taos County Assessor on the effective date of this Section; those lands identified by hydrographic survey that are described as having historically been used for irrigated agriculture; or those lands that are shown to be irrigated by acequia, mitigation wells or groundwater-pumped irrigation systems in the records of the acequia association and Office of the State Engineer.
 2. **Calculation of Size of Area.** The size of the agricultural area is determined by subtracting the size of the buildable area from the size of the total irrigated agricultural land lot.
 3. **Permitted Uses.** Permitted Uses shall be limited to agriculture, livestock, corrals and liquid waste disposal systems required for development in the buildable area.
 4. **Administrative Review.** All development within a designated Irrigated Agricultural (IA) area by the County Land Use Regulations shall be reviewed and approved by the Planning Director to ensure that it complies with the provisions of this Section. The property owner shall provide the County a recorded deed restriction enforceable by the County designating the Agricultural area as in compliance with this subsection (Subsection D), or a recorded conservation easement for the Agriculture area to a non-profit conservation organization.
- E. **Incentives.** The intent of this regulation is to preserve the lands for irrigated agricultural purposes. There are also a number of incentives available to keep the irrigated agricultural lands in production. These include:
1. Irrigated Agricultural Land property tax exemptions;
 2. Community Supported Agriculture (CSA) program;
 3. Farm to Table Programs;
 4. Conservation Stewardship Organizations (CSO);
 5. Rural Historic Landscape Districts; and
 6. Conservation Easements tax credits.

F. Acequias

1. All applications for development on a parcel containing an acequia, or a parcel within 20 feet of an acequia, shall be submitted by the applicant for review by the applicable Acequia Association.

The applicable acequia(s) and acequia association(s), their contact information and proof of and a copy of notification to them by the applicant must be included with the applicant’s site plan and in the application.

2. Acequias shall remain open and uncovered, have readily available access for use and maintenance, be unobstructed from fences or other impediments, and retain or be provided a minimum 12-foot maintenance easement on at least one

side.

3. No development shall occur, nor structure be erected, within 12 feet of the nearest edge of an acequia or any other manmade or natural waterway.
4. No development or structure shall be permitted in a manner that results in increased run-off into an acequia or any other manmade or natural waterway.



Red line= Property line Purple line = Buildable Area Yellow line= Parcel split(s) or subdivision

Section 5.18
Cluster Development Option

Section 5.18.1 Establishment, Purpose and Applicability: This section establishes the purpose and application of the Cluster Development Option as a development alternative under which density bonuses may be granted by the County within those zones that indicate the availability of this option.

A. Purpose. It is the purpose of these provisions to encourage the clustering of development on a portion of the larger land area (cluster development area) while preserving the remainder in open space (open space area) in order to:

1. Encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;
2. Protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features, and agricultural lands;
3. Promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets;
4. Facilitate a sense of community and reduce the need for vehicle trips by having residential and non-residential uses within walking distance of each other; and
5. Provide opportunities for social interaction, walking and hiking in open space areas.

B. Applicability. Cluster development proposals shall be permitted as a development option within the following zone categories, but are only permissible where approved as part of these regulations by the individual neighborhood association representing the proposed area of development:

1. RR (RR-1C, RR-1.3C, RR-5) Rural Residential
2. TV Traditional Village
3. SC (SC, S-.75) Sustainable Community; and
4. CE (CE, CE-4) Commercial/Employment.

C. Open Space Area – Characteristics. The open space area should include and be utilized to preserve lands with the highest environmental value and the highest level of natural hazards from development.

1. Areas that should be included within the open space area include the following:
 - a. Wetlands;
 - b. Floodplains;
 - c. Creeks and rivers;
 - d. Riparian buffers;
 - e. Agricultural lands;
 - f. Acequias;
 - g. Arroyos;
 - h. Well-protection areas (public wells);
 - i. Habitats;
 - j. Habitat corridors;
 - k. Natural drainage areas;

- n. Scenic ridgelines and hilltops; and
 - o. Cultural features and archaeological sites.
2. The configuration of the open space area should comply with the following principles:
- a. The open space should be contiguous if possible;
 - b. The open space should maximize common boundaries with other open space;
 - c. The open space should maximize trail connections;
 - d. No single area of open space shall be less than 100 feet in its smallest dimension and designated open space areas should be contiguous ;
 - e. The boundaries of the open space area should be marked by natural features wherever possible; and
 - f. If marking boundaries of the open space area by natural features is not possible, landscaping or fences should be used to distinguish the open space from private land.

D. **Open Space Area – Size.** The percentage of the gross area to be retained in open space is shown in the following table:

District	Percent Open Space
RR Rural Residential	50%
SC Sustainable Community	60%
TV Traditional Village	35%
CE Commercial/Employment	35%

E. **Open Space Area - Uses.** The following are allowable uses within the open space area:

- 1. Agriculture;
- 2. Community gardens;
- 3. Trails, parks, playgrounds, and athletic fields;
- 4. Stormwater detention and/or retention;
- 5. Natural areas; and
- 6. Other similar low-impact uses.

F. **Cluster Development Area: Characteristics.** The cluster development area should be the portion of the land that is most suitable for development. Some criteria for selecting this area are:

- 1. The area has already been disturbed;
- 2. The area has good access to a public road(s); and
- 3. The area possesses none or a minimum of the characteristics of an open space area (see Subsection F, above).

G. **Cluster Development Area: Uses.** All principal and accessory uses otherwise allowed by right or by special use permit shall be allowed in the cluster development. In addition, the following uses are allowed without a special use permit:

- 1. Two-family dwellings (duplexes);
- 2. Townhouses (two or more single-family dwelling units physically connected on one or both sides); and
- 3. Commercial uses less than 3,000 square feet.

H. Cluster Development Area: Amount of Development.

1. The maximum density within the cluster development area is:
 - a. RR-1C: up to 2 residential units/acre
RR-1.3C: up to 2 residential units/acre
RR-5: up to 1 residential unit/2.23 acres
 - b. SC: 4 residential units/acre, unless modified as provided below;
SC-.75: up to 3 residential units/acre
 - c. CE: up to 12 residential units/acre
CE-4: up to 6 units/acre, to a maximum of 70% lot coverage for non-residential uses
 - d. 6 residential units per acre within the CE Commercial/Employment district.
2. The maximum density for the cluster development area within the SC Sustainable Community district may be increased to 6 units per acre if at least two of the following facilities are accessible within 0.25 miles from the cluster development:
 - a. A park with a minimum size of 2 acres;
 - b. A transit stop or facility;
 - c. A public school;
 - d. A civic facility serving the residents of the cluster development;
 - e. A community center serving the residents of the cluster development;
 - f. A post office.
3. There is no minimum lot size requirement within the cluster development area.
4. Development within the cluster development area shall comply with the coverage requirements of the underlying district.
5. Dwelling units that are not clustered shall comply with the lot size requirements of the underlying district.

I. Cluster Development Area: Standards. Development shall comply with the following standards.

1. The number of driveways leading to and from the public right-of-way shall be minimized in favor of common driveways and internal streets;
2. Parking requirements may be applied to the entire cluster development site rather than to any individual lot;
3. No minimum size, width, or depth of an individual lot shall apply;
4. A minimum separation of 10 feet shall be provided between all principal buildings and structures;
5. A minimum yard or common open space of a least 25 feet in depth shall be provided as measured from all public streets and from the boundary of the open space area; and
6. More than one principal building or structure may be placed on a lot.

J. Protection of Open Space Areas

1. The open space area will be a contiguous and consolidated area and be owned by any of the following:
 - a. A homeowners association;

- b. A governmental agency;
 - c. A non-for-profit conservation organization; or
 - d. An individual.
2. Regardless of the ownership, the open space area shall be restricted in perpetuity to open space uses by a conservation easement, deed restriction, or other legal instrument that runs with the land.
 3. The legal instrument shall clearly state if the public, residents of the cluster development, or both have access to the open space area, and any limitations (hours, days, activities, membership conditions, etc.) on access.
- K. **Application.** A site plan for a cluster development shall be submitted for approval to the County Planning Department and must be approved in writing before any ground disturbance or construction takes place.
1. The site plan shall include, but shall not be limited to, the following information:
 - a. The maximum number and type of dwelling units proposed;
 - b. The size and description of non-residential buildings proposed;
 - c. The areas of the site on which the buildings are to be constructed or are currently located and their size (this may take the form of the footprint of the building or a building envelope showing the general area in which the dwelling unit is to be located);
 - d. The calculations for the permitted number of dwelling units or non-residential space;
 - e. The areas of the site designated for common open space and their size;
 - f. The areas of the site designated for parking and loading, and the size of individual spaces;
 - g. The vehicular access to the public right-of-way and the internal street system;
 - h. The location of sidewalks, trails, and bike paths;
 - i. The number and percentage of dwelling units, if any, that are proposed to be affordable; and
 - j. The number of acres that are proposed to be preserved as common open space.
 2. The proposed ownership and management plan for the common open space shall be submitted with the site plan.
- L. **Approval Process.** The Planning Director shall review and approve, approve with conditions, or disapprove a cluster development in the manner provided for in the Taos County Land Use Regulations.
1. The review criteria are as follows:
 - a. The site plan satisfies the requirements of Section L above;
 - b. The project meets the requirements of this Chapter Clustering Provisions;
 - c. The project is consistent with any adopted plan for the area;
 - d. Vehicular access to public rights-of-way is minimized;
 - e. Parking is adequate but not excessive;
 - f. Individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography;
 - g. Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets;

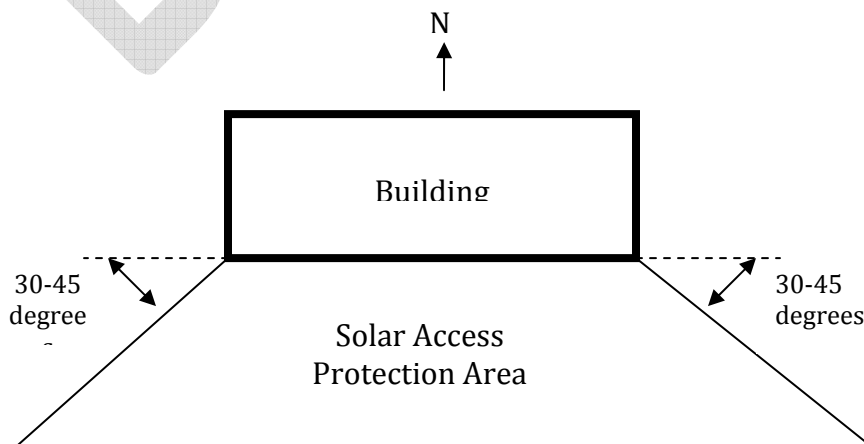
- h. Historic, cultural, and archaeological features of significant value are preserved;
 - i. Floodplains, wetlands, and other environmental features of significant value are protected from development;
 - j. Pedestrians can easily access the open space area, if such access is ; and
 - k. The ownership and management plan for the open space area is feasible, will ensure that the area is properly maintained, and will protect the open space area from development.
2. The Planning Director may apply such special conditions to the approval of a cluster development as may be required to promote the objectives and purposes of any adopted plan or ordinance applicable to the area, but shall identify to the applicant the source document and specific language for invoking any requirement not specifically identified with the Taos County Land Use Regulations.

Section 5.19 Solar and Wind Energy Generation

Section 5.19.1 Applicability. Nothing in these regulations shall be interpreted to require the installation of a solar energy or wind energy device. This Section only applies to Solar and Wind generation for small-scale private individual or neighborhood cooperative production and not to large-scale or for-profit commercial applications.

A. Solar Energy

1. **Defined:** For purposes of this Land Use Code solar energy shall be defined as photovoltaic (PV) systems those systems used to produce hot water or hot air (solar thermal systems).
2. **Codes.** The solar energy system shall meet all applicable county and state building, plumbing, and electrical codes, including the 2006 Uniform Solar Energy Code (USEC)
3. **Interconnections.** A photovoltaic system intended to be connected to the electric utility grid shall not be operated until the electric utility provider has been notified in writing of the machine owner's intent to interconnect, the appropriate written approvals have been granted by the electric utility and NM State Construction Industries Division (CID) has inspected and issued written .
4. **Building Orientation.** The longest axis of the building should generally run in an east-direction with the largest face of the building at an azimuth (compass reading) between approximately 205 and 175 degrees, with the ideal being approximately 190 degrees.
5. **Solar Access Protection.** The area beyond the south-facing wall of a building should be a solar access protection area. This area is shown below.



6. **Restrictions.** Within the Solar Access Protection Area, trees and structures should be restricted as follows:

- a. 0 to 10 feet from the building: no obstructions
- b. 10 or more feet from the building: fences allowed
- c. 17 or more feet from the building: tree or structure with a maximum 12 foot allowed height.
- d. 39 or more feet from the building: tree or structure with a maximum 24 foot allowed height.
- e. 100 or more feet from the building: no height restrictions

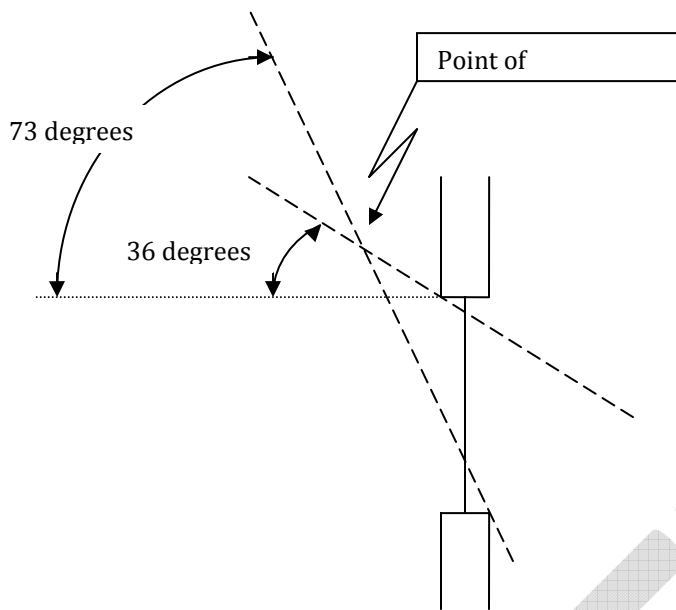
7. **Alternative Approach.** A technical solar analysis may be substituted for the above restrictions, especially if the ground is uneven.

8. **Trees.** Deciduous trees are encouraged on the east and west side of the building. All trees, including deciduous trees, planted within the Solar Access Protection Area should comply with the setback and height restrictions above.

9. **North-South Streets.** On north-south streets better control over solar access can be achieved by allowing or requiring all of the side-yard setbacks to occur on the south side of the building with no side setback on the north side of the building (zero-lot line development).

10. **Reflective Ground-level Surfaces.** Highly reflective surfaces at the ground level should be avoided within the Solar Access Protection Area during June, July, August, and September.

11. **Overhangs.** Overhangs should be used to assist in passive solar heating and cooling. The method of calculating the optimum overhang is shown below. It provides full 8 weeks of sun around the winter solstice and 8 full weeks of shall around the summer solstice. The lower edge of the overhang should be located at the point of intersection of the two dashed lines as shown below.



C. Wind Energy

1. **Intent.** It is the intent of the County of Taos to encourage the use of wind machines in order to reduce reliance on imported oil, minimize environmental impacts, and reduce the costs of energy to building owners. This section applies to non-commercial wind machines used to produce electricity primarily for the use of the owner of the lot on which the wind machine is located.
2. **Setbacks.** A wind machine shall have a minimum setback from the property line a distance no less than the distance from finished grade to the maximum height of the turbine blade.
3. **Height.** The maximum height of a wind machine for private non-commercial energy production is 40 feet from finished grade to the blade hub.
4. **Location.** The wind machine tower and any of its guy wires shall not be located in the front yard of any residential or commercial building.
5. **Speed Control.** All wind machines shall contain an internal governor or braking device that engages at wind speeds in excess of 40 miles per hour.
6. **Advertising.** Advertising is prohibited on any portion of the wind machine.
7. **Illumination.** Wind machines may not be artificially illuminated except where legally required by a governmental agency.
8. **Condition.** All wind machines shall be kept in good repair, free from rust, and without damaged supports, framework, or other components.
9. **Non-operating Machine.** An abandoned or unused wind machine shall be removed within 12 months of the cessation of operations. If the machine is not so removed, it shall be deemed a nuisance subject to legal abatement and removal.
10. **Noise.** The noise level of the wind machine shall not exceed the local noise level applicable to the lot upon which the machine is located (as measured at the property line).
11. **Codes.** The wind machine shall meet all applicable county and state building and electrical codes.

12. **Grid Connection.** A wind machine intended to be connected to the electric utility grid shall not be operated until the electric utility provider has been notified in writing of the machine owner's intent to interconnect.

Section 5.20 Development Guidelines

Section 5.20.1 Establishment and Purpose.

The provisions of Section 5.14 are guidelines and, as such, or are options that can be negotiated with Taos County or Planning Director for reducing the General Development Standards requirements on minimum lot sizes and setbacks or to provide density bonuses when in conformance with the performance standards as outlined in the special provisions. The exception to this rule is when the guidelines reference mandatory federal or state requirements.

A. Site Restoration and Landscaping

1. **Existing Vegetation.** Existing trees and other vegetation should be retained whenever possible.
2. **Shade Trees.**
 - a) Shade trees should be planted on the east side of the building to provide shade from the morning sun.
 - b) Deciduous shade trees should be planted on the west side of the building to provide shade from the afternoon sun.
 - c) Shade trees, including deciduous trees, should be planted on the south side only if they do not adversely affect the solar energy system. (see Section G Renewable Energy)
3. **Plant Types.** Native and drought-tolerant plants should be used for landscaping.
4. **Efficient Landscape Watering.** Captured rainwater or recycled graywater should be used for landscape irrigation.
5. **Drip Irrigation.** Any irrigation needed should be provided by a drip system in order to minimize water waste.
6. **Permeable Paving.** Permeable paving should be used because it will help retain rainwater on site, which will minimize the need for irrigation.
7. **Walkway Lights.** Photovoltaic walkway lights should be installed to save electricity and provide for safety.

B. Stormwater Management/Water Harvesting and Graywater.

1. **Intent.** Stormwater and drainage concepts serve to preserve and enhance the natural arroyos. The natural arroyos channel the water off the site and maintain the habitat for resident wildlife.
2. **Harvesting Rainwater and Water Harvesting.**
 - a. With an annual average precipitation rate of 12 inches, water availability is and will remain one of the most critical issues facing Taos County. The county intends to conserve this vital resource by encouraging water conservation practices, harvesting



rainwater, re-use of gray water for landscaping, and effectively managing stormwater through ecological design.

3. **Principles of Successful Water Harvesting** (See *Rainwater Harvesting for Drylands and Beyond*, Brad Lancaster, 2006):

- a. **Start at the top (highpoint) of your watershed and work your way down.** Water travels downhill, so collect water at your high points for more immediate infiltration and easy gravity-fed distribution. Start at the top where there is less volume and velocity of water.
- b. **Start small and simple.** Work at the human scale so you can build and repair everything. Many small strategies are far more effective than one big one when you are trying to infiltrate water into the soil.
- c. **Slow, spread, and infiltrate the flow of water.** Rather than having water erosively runoff the land's surface, encourage it to stick around, "walk" around, and infiltrate into the soil. Slow it, spread it, sink it.
- d. **Always plan an overflow route, and manage that overflow as a resource.** Always have an overflow route for the water in times of extra heavy rains, and where possible, use the overflow as a resource.
- e. **Maximize living and organic groundcover.** Create a living sponge so the harvested water is used to create more resources, while the soil's ability to infiltrate and hold water steadily improves. ☑☑
- f. **Maximize beneficial relationships and efficiency by "stacking functions."** Get your water harvesting strategies to do more than hold water. Berms can double as high and dry raised paths. Plantings can be placed to cool buildings in summer. Vegetation can be selected to provide food.

4. **Roof and Surface Rainwater Catchment Areas**

There is potential for nearly any surface to be used to catch water. Structural surfaces, hardscaped areas and landscaped surfaces (vegetated, gravel, bare) all can create invaluable sources of water if designed accordingly. On average 1" of rain can produce 600 gallons of water per 1,000 square feet of catchment surface, and on larger scale 27,000 gallons on 1 acre of catchment surface. Below are two equations that can be used to estimate volume of runoff off catchment surfaces.

5. **Estimated Net Catchment Runoff Adjusted by its Runoff Coefficient**

Calculations: Catchment area (ft²) x rainfall (ft) x 7.48 gal/ft x runoff coefficient = net runoff (gal)

To account for potential loss, determine the runoff coefficient that is appropriate for your area and impervious catchment surface (0.80 to 0.95):

Desert uplands (healthy indigenous landscape): range 0.20–0.70, average 0.30–0.50

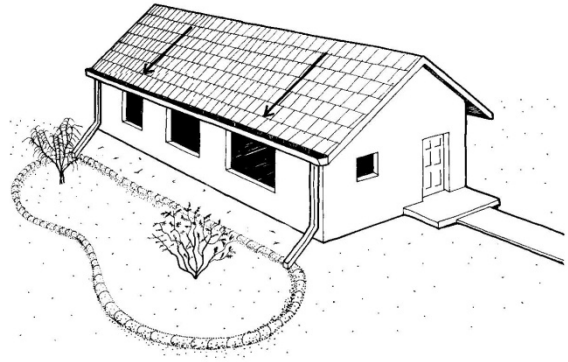
Bare earth: range 0.20–0.75, average 0.35–0.55

Grass/lawn: range 0.05–0.35, average 0.10–0.25

For gravel use the coefficient of the ground below the gravel

(Referenced from *Harvesting Rainwater for Drylands and Beyond*, Brad Lancaster, 2006)

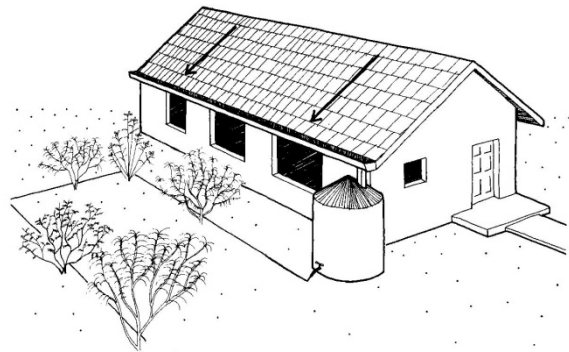
A simple system usually consists of catchment area and means of distribution, which operates by gravity. The water is deposited in a landscape holding area, a concave or planted area or planted area with edges to retain water, where it can be used immediately by plants.

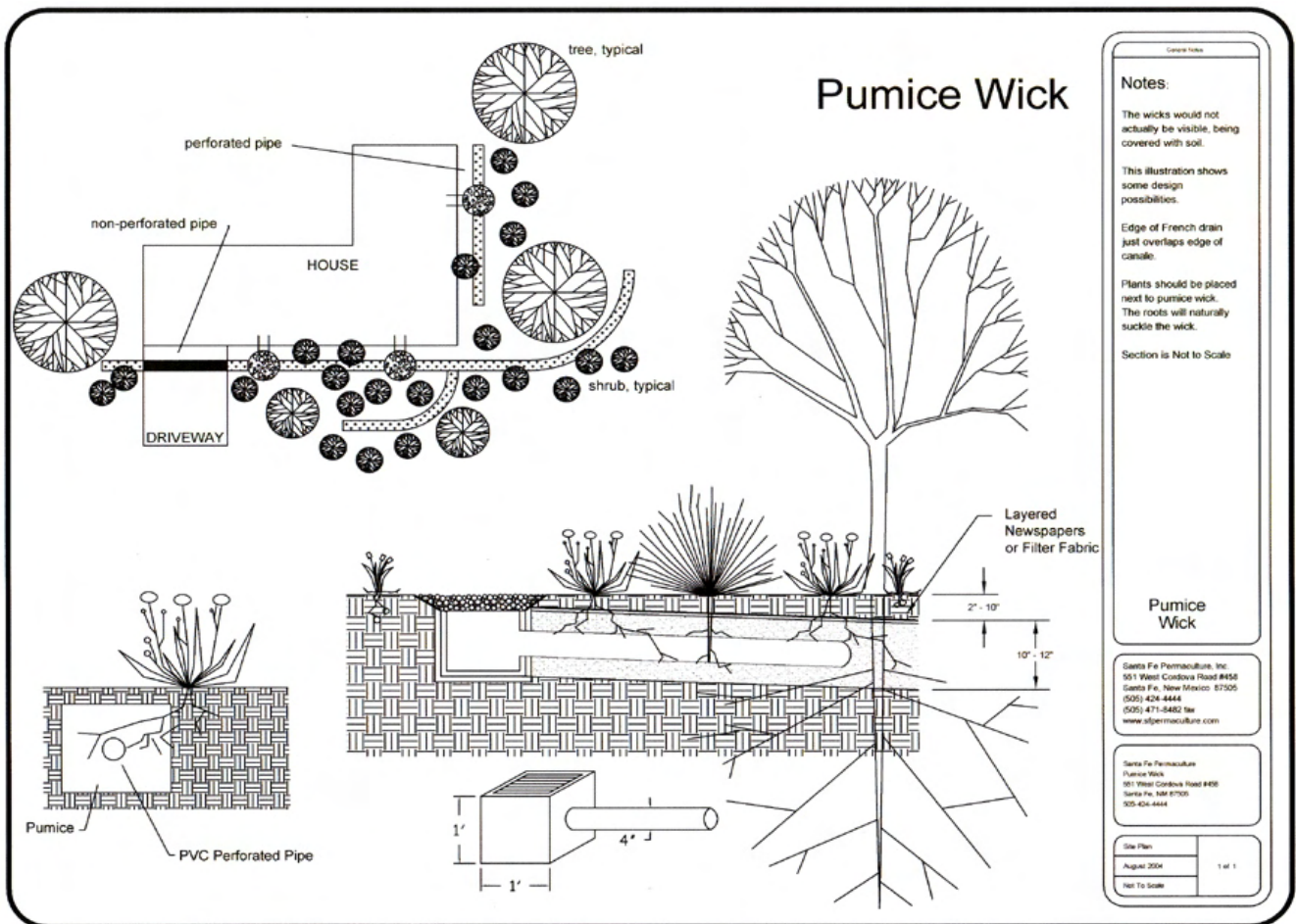


A more complex system can include a storage tank such as a cistern, and a distribution system through an underground irrigation system.

Effective rainwater harvesting design and systems include:

- Above ground cisterns (larger quantities) and rain barrels (smaller quantities)
- Below ground cisterns and storage tanks
- Swales designed on contour and vegetated swales
- Infiltration zones (stripped landscaping, ponds, basins)
- Pumice wicks
- Permeable and vegetated surfaces*
- French drains
- Retention ponds





Drought tolerant garden planted with pumice wick water harvesting system (above) and Design for Pumice Wick Santa Fe Perma-culture

6. Graywater Systems

Graywater systems can utilize waste water from bathroom sinks, showers and washing machines as a supplemental source for landscape irrigation. Reuse of gray water helps conserve our fresh water supplies by not applying drinking water to the landscape.

In New Mexico Gray water is defined as:

"untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers."

The 2003 Legislature passed House Bill 114, codified at 74-6-2 and 74-6-4 NMSA 1978, that set conditions whereby up to 250 gallons per day of residential gray water may be used for household gardening, composting or landscaping irrigation without a permit. Gray water harvesting systems designed to discharge more than 250 gallons/day require a permit issued by the New Mexico Environmental Department (NMED).

Gray water harvesting and reuse systems must comply with the following regulations (NMED)

- Gray water should not be used in vegetable gardens to irrigate root crops or edible parts of food crops that touch the soil. However, gray water can be used on fruit trees.
- The gray water distribution system must be constructed so that overflow from the system drains into the sanitary sewer or septic system. In some cases, a liquid waste permit may be necessary if an on-site septic system is modified.
- If gray water is going to be stored, it should not be held more than 24 hours to prevent growth of bacteria. A gray water storage tank must be covered to restrict access and to eliminate habitat for mosquitoes or other vectors.
- Gray water should be discharged only in areas where there is vertical separation of at least five feet between the point of discharge and the ground water table to protect ground water resources from possible contamination. Current liquid waste disposal regulations require that gray water not be applied within 100 feet of a domestic well or within 200 feet of a public water supply.
- The gray water system must not be located in any area susceptible to flooding.
- Gray water pressure piping should be clearly identified as carrying non-potable water and not be connected with the drinking water system. (Purple pipe is traditionally used to denote gray water piping, but any easy-to-identify labeling is sufficient.) Alterations or additions to a plumbing system should be made by a licensed plumber, or a homeowner must apply for a homeowner's plumbing permit.
- Gray water must be used on the site where it is generated and may not run off the property.
- Gray water should be applied in a manner that minimizes the potential for contact with people or domestic pets.
- To avoid contact, gray water must be applied to a mulched area or through a subsurface piping or irrigation system.
- Ponding of gray water is prohibited, and application of gray water must be managed to minimize standing water, encourage infiltration, and prevent over-saturation of the soil.
- Gray water must not be sprayed.
- Gray water must not be discharged to a watercourse. Current liquid waste disposal regulations require that discharges of gray water be made at least 100 feet from streams or lakes or 25 feet (plus the depth of the arroyo) from an arroyo.
- Gray water use shall comply with all applicable municipal or county ordinances, local building codes, state laws, and related regulations and guidelines.

A more complex community wastewater system can be a **constructed wetlands** system that is an alternative to individual septic fields and tanks. The reclaimed water from this system can be used to irrigate landscape areas but not food crops.

C. Wildland Urban Interface.

Intent: Wildland Urban Interface (WUI) can be defined as an area where structures and developed areas abut or interface with undeveloped wildland and where fire can move readily between structural and vegetative fuels. It is the intent of the County of Taos to encourage landowners to reduce the threat of catastrophic

wildfires, and the risk of human endangerment and property damages resulting from wildfires by creating appropriate defensible space around homes and structures and taking simple precautions to remove debris and dead vegetation near homes, structures and potential ignition sources.

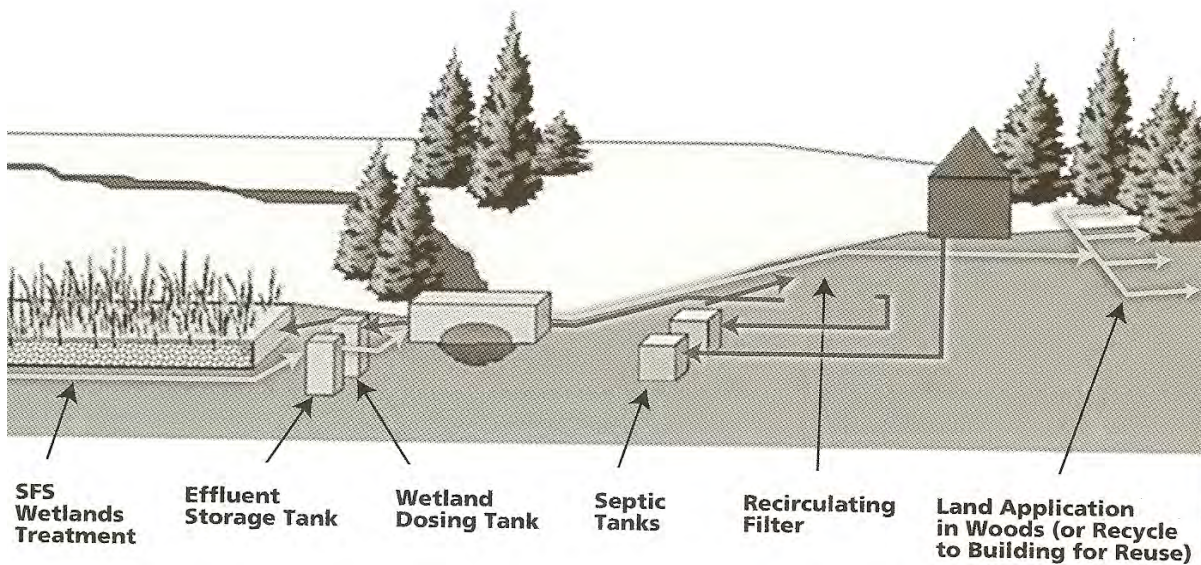
COMMUNITY	RISK
Amalia	Moderate
Arroyo Hondo	Moderate
Arroyo Seco	Moderate
Cerro	Low
Chamisal	Moderate
Costilla	Moderate
El Prado	Low
La Lama	Low
Latir	High
Penasco	Low
Pot Creek	High
Rodarte	Low
Shady Brook	High
Sunshine Valley	Low
Trampas	Low
Vadito	Moderate
Valle Escondido	High

WUI Area Defined for Taos

County: Two Community Wildfire Protection Plans (CWPPs) have been completed for Taos County, the Enchanted Circle CWPP 2006 and Taos County CWPP 2007. The CWPPs established a WUI area and boundary (see map titled “*Wildland Urban Interface, Taos County*”) as well as identified communities in Taos County at risk of wildfire based on population and location, vegetation classifications and access to fire and emergency management resources (for the classification of community risk of wildfire, see table 1 below). These plans were adopted, through resolution, by Taos County in 2006 and 2007.

Table 1: Taos County Communities Wildfire Risk, Enchanted Circle CWPP, 2006.

The International Wildland-Urban Interface Code (published by the International Code Council, Inc.), in its



entirety or portions thereof, shall be adopted by Taos County Commissioners. Guidelines under this code include access to communities and structures, appropriate defensible space, water supply, ignition-resistant construction materials, roofing materials, protection of ignition sources such as propane tanks and vegetation control. Adoption of this code could facilitate efforts to protect communities and infrastructure in Taos County.

Defensible space should be created and maintained around structures and ingress and egress access ways to reduce and slow the spread of wildfire. Defensible space may be designed in a series of management zones- beginning with the area immediately around a structure and extending outward towards the property lines. Approximate guidelines are as follows:

Zone 1= 15 feet around structure: Zone 1 is the area with the maximum amount of modification and treatment. In this area low growing vegetation should be minimized to limit potential surface spread and areas around larger trees should be cleared to reduce potential ladder fuels and risk of canopy fire. This zone should also be cleared of debris, dead vegetation, fuel tanks and firewood.

Zone 2= approx. 75-125 feet from structure (variable with slope, vegetation, aspect). Fuels in Zone 2 should be reduced in a way that allows canopy openings between trees and that limits ladder fuels underneath larger trees.



The International Wildland-Urban Interface Code may be referred to for more extensive landscape, land-use and vegetative treatments for adequate defensible space:

Defensible space can save your home from wildfire, 2006, www.wildlandfire.org

Additional homeowner precautions include:

- Creating a fire protection plan and escape plan
- Keeping immediate area around house clear of debris, dead vegetation, firewood and flammable chemicals
- Clear ALL flammable vegetation from within 10 feet of propane tanks
- Trim tree branches within 10 feet of a chimney or stovepipe
- Screening vents to prevent debris accumulation
- Thinning and clearing ladder fuels under tall trees
- Using non-flammable building materials for fences, walls and boundary lines
- Creating an emergency water supply through a cistern or other catchment systems
- Incorporating stone and other hard surfaces and non-flammable materials into landscaping immediately surrounding house
- Remove all needles and leaves from beneath decks and within two feet of any structure; in open areas, restrict needles and leaves to a depth of 2 inches to prevent erosion

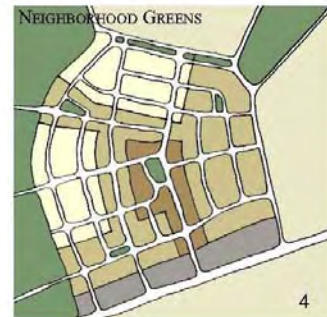
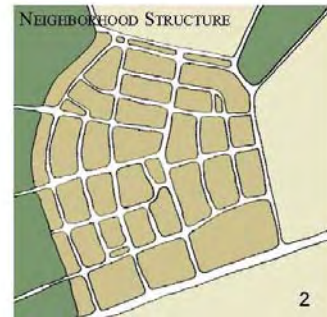
For more fire prevention resources homeowners can turn to: www.firewise.org

D. Community Facilities

1. **Community facilities**, such as plazas, parks, neighborhood centers, schools, churches and postal facilities should be sited within a ¼ mile or on a 5 – 10 min walking distance within the neighborhood.

2. **Recycling facilities** are also important community facilities that should be conveniently located within each neighborhood and have easy automobile access. These recycling centers do not need to be co-located with solid waste transfer stations.

3. **Plazuelas and courtyards** can also be incorporated into housing and neighborhood designs as a central courtyard feature. Pedestrian pathways can also serve as access to front porches on the front yards to create a sense of neighborhood.



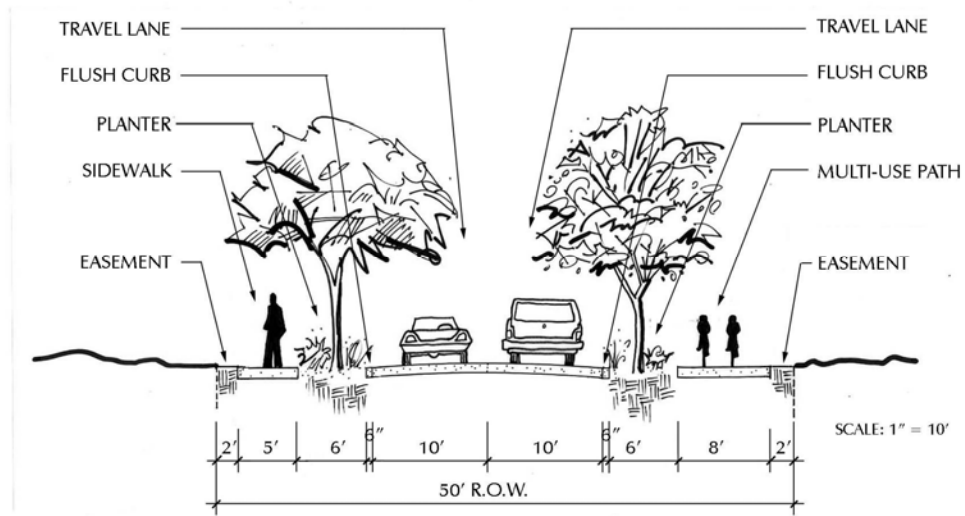
E. Transportation and Walkability

1. Streets, Pedestrians and Bikes

Adequate right of way should be provided in all new developments. In residential developments, a minimum of 50' of right of way is required. Wider rights of way may be required at intersections and on major corridors.

A residential street shall provide 10' travel lanes with flush or no curbs to allow water runoff to the landscaped edges. Pedestrian walkways shall provide on both sides of the road. If it is determined to the satisfaction of the Planning Department that it is in the public interest or conditions

require that a sidewalk can only be installed on one side, the pathways should be a minimum of 8' wide to provide both pedestrian and bike uses.



2. Road Guidelines

Unpaved roads are prevalent in Taos County and are a major factor in soil erosion and reducing water quality in surface streams. Turbidity, due to soil erosion, is the number one cause of poor surface water quality in New Mexico.

Many issues with soil erosion from unpaved or dirt roads can be alleviated with proper road construction and maintenance.

Proper crowning and drainage of the roadway will improve maintenance requirements and allow opportunities for water harvesting from the road surface.

Permeable road surfaces are available such as Poly-pavement and Road Oil that are organic emulsifiers that when mixed with or applied with native soils will reduce dust and erosion, and provide a natural looking surface that is pervious to water infiltration.

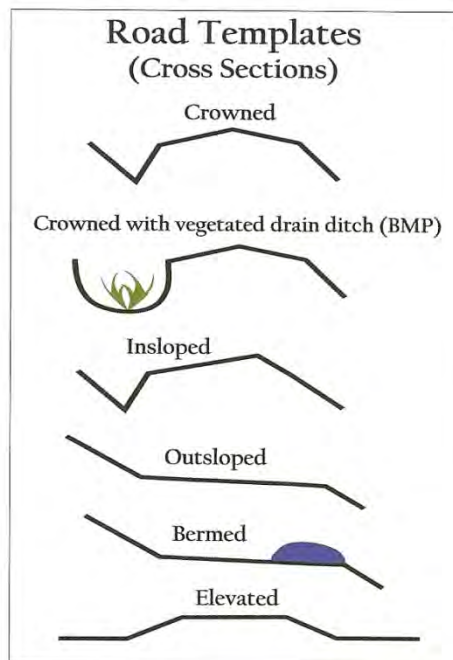


Figure III-3: Alternative cross sections used to assure sufficient cross sloping and drainage.

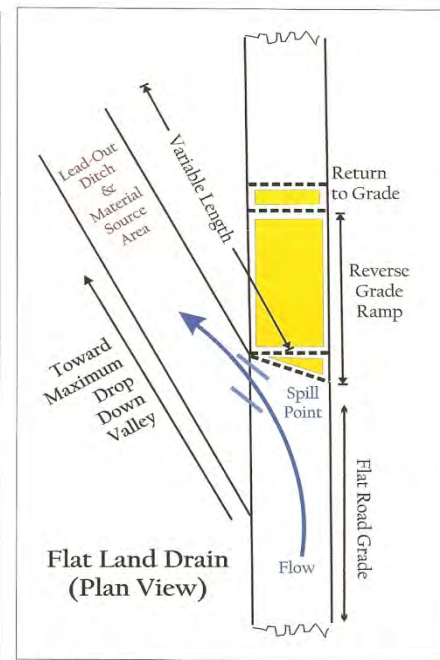


Figure V-4: Flat land drain schematic.

SECTION 5.21

Rezoning

Section 5.15.1 Rezoning Requirements.

- A. Criteria for Consideration.** The rezoning process may be used by the Planning Department, a neighborhood association, or an individual property owner to correct technical errors in a Neighborhood Zone's established zoning or zone borders for an individual property or area of properties (including existing lots split by a zone boundary), to reflect changes in the character or circumstances of a neighborhood subsequent to the original zoning, to accommodate or prohibit new uses not anticipated at the time of zoning, or to amend current requirements.
- B.** A rezoning request must be specific to a lot or group of adjacent or related lots of similar use and density. Rezoning cannot be used by an individual owner as an appeal mechanism to circumvent, overturn or provide an exemption from the approved zoning in order to allow that property owner or owners to construct or carry on an otherwise prohibited use. A request for rezoning shall only be granted when:
1. The proposed change is consistent with the County Comprehensive Plan;
 2. The zone change being proposed is appropriate for the proposed use(s);
 3. The proposed change must be consistent with the general character of the existing and surrounding zoning or to provide a reasonable transition or buffer between uses;
 4. The rezoning does not create or increase the risk to public health and safety or general good of the community beyond that of the existing zoning and, where possible, it improves existing conditions; and
 5. The rezoning does not create "spot zoning"; i.e. an isolated use that is "out of place" or inconsistent with surrounding land use patterns, or which grants a special privilege to one property owner over others by imposing a lesser standard, or is done for the sole financial benefit of an individual owner.
- C. Initiation.** Rezoning may be initiated by the Board of County Commissioners, the Planning Commission, the Planning Director, or the legal owner of a property proposed for rezoning, or the authorized agent of that owner. No rezoning request shall be processed unless it is accompanied by a request to conduct a specific land use including the basis for why that activity cannot be conducted on the property as it is currently zoned and cites evidence of a specific technical error in the current zoning, zoning map or zone boundary description.
- D. Application.** An application for rezoning shall be submitted to the Planning Director or his or her designee, and shall contain the materials specified in Section 4.5, with the following additional submittal requirements:
1. A description of the existing uses of the subject property and of each property within 500' of the subject property.
 2. A description of the proposed use, density, and the timetable for development.
- E. Survey.** An application shall include a survey and legal description prepared by a New Mexico Licensed Surveyor, which accurately describes the dimensions of the subject property, including its size in square feet or acres.

- F. **Compliance with Rezoning Standards.** A report that explains how the rezoning would satisfy the approval standards for a rezoning set forth in Section 4.7.
- G. **Preliminary Plan Application.** When rezoning is necessary to a land use that requires subdivision, then the applicant shall submit the subdivision preliminary plan application along with the rezoning request
- H. **Special Use Permit Application Materials.** Any other materials required as part of the special use permit application for the use that will be conducted if the rezoning is approved.
- I. **Impact Analysis.** An analysis and description of the impacts of the rezoning, and a complete description of how impacts will be mitigated and standards will be satisfied by the applicant.

Section 5.15.2

Review and Approval Procedure for Rezoning

- A. **Pre-application Conference.** A pre-application conference shall be held in accordance with Section 4.5.
- B. **Review of Application Materials by the Director.** The Director shall review and prepare a report on an application for Rezoning in accordance with the provisions of Section 4.7. Upon a determination of completeness, the Director or designee shall schedule the application for review and recommendation by the Planning Commission.
- C. **Public hearing.** A public hearing by the Planning Commission shall be scheduled within forty-five (45) calendar days of the date of the determination of completeness.
- D. **Public notice.** Public notice of the hearing shall be made in conformance with Section 6.1 and all costs for giving meeting the notice shall be the responsibility of the applicant.
- E. **Referral for Agency Review.** The Administrator shall cause the application materials or any portion thereof to be submitted for referral agency review and comment. The referral agency review and comment period shall be for a period of time up to thirty (30) calendar days from the date that the application is deemed complete.
- F. **Review and Recommendation by Planning Commission.** An application for rezoning shall be considered by the Planning Commission at a public hearing, after proper notice, in accordance with the provisions of Section 6.1, together with the special use permit or preliminary plan accompanying the rezoning request. The Planning Commission shall recommend approval, approval with conditions or denial of the Rezoning based on the approval standards set forth in Section 4.7.
- G. **Public Hearing and Action by Board of County Commissioners.** The final decision to approve, approve with conditions or deny the application for a rezoning shall be made by the Board of County Commissioners at a public hearing.
 - 1. A public hearing by the Board of County Commissioners shall be scheduled within forty-five (45) calendar days of the filing of the Planning Commission recommendation.
 - 2. Public notice of the hearing shall be made in conformance with Section 6.1 and shall be the responsibility of the applicant.
 - 3. If more than 20% of those neighboring property owners representing those within 150 ft. of the property lines of the parcel or parcels for which a rezoning is being proposed or the area of required notification submit a petition of objection to the change, the Board of County Commissioners must approve the proposed rezoning by a 2/3 majority of the full Board of Commissioners (4 votes).

H. Zoning Map and Zone Boundary Description

1. An affirmative decision by the Board of County Commissioners to rezone any property or area shall be considered as also approving the amendment of the zoning map and accompanying zone boundary description for that property or area. The corresponding changes to the map and description shall be instituted and made available to the public within 30 days of the vote by the Board of County Commissioners.

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ARTICLE 6: PUBLIC NOTICE

SECTION 6.1 Public Notice

Section 6.1.1 Applications, appeals and/or hearings identified in the Taos County Land Use Regulations that require public notice, unless otherwise specified, shall require three (3) types of notification by the property owner to interested persons, as more fully described in sections 6.1.2, 6.1.3, and 6.1.4 of these regulations. They are:

- A. Notice by publication;
- B. Affected property-owner notification by U.S. Mail;
- C. Posting of property.

Section 6.1.2 **Notice by Publication:** Notice of the time and place of public hearings required by these regulations shall be published at least once, at least fifteen (15) working days prior to the date of the hearing, in a newspaper published and having general circulation in Taos County. The applicant is responsible for the publication and payment of costs of publication. The notices shall be approved by the Planning Director or his or her designee prior to publication. The notice shall contain the information outlined in Section 6.1.3.C.1-9.

Section 6.1.3 **Affected Property Owner Notification by US Mail:**

- A. Notices shall be mailed by certified U.S. mail to:
 - 1. All property owners of record owning property located within one thousand (1000) feet of the property lines of a proposed project.
 - 2. Neighborhood associations within one thousand (1000) feet of the property lines of a proposed project.
 - 3. Federal, state, local and tribal entities within one thousand (1000) feet of the property lines of a proposed project.
 - 4. Any National Heritage Site within one (1) mile of the project.
 - 5. Acequia associations within one thousand (1000) feet of the property lines of a proposed project.
 - 6. The applicant shall submit to the Planning Department prior to sending notices a list of adjacent properties, owners and addresses within the one thousand (1,000) feet that was obtained from and certified by the Taos County Assessor's Office.
- B. All notices of public hearing shall be paid by and sent by the applicant via certified mail – return receipt requested. The notice shall be approved by the Planning Director or their designee prior to mailing.
- C. The applicant shall prepare the notice and it must contain the following:
 - 1. Name of reviewing or decision making body.
 - 2. Day, date, time and place of the meeting.
 - 3. Name of the applicant, owner and any agent(s) who will represent the applicant at the hearing. If the owner/applicant is a corporation, the notice shall specify that owners of the corporation are identified in the application.

4. Location, physical address and legal description of the subject property.
5. Nature of the proposed action.
6. Purpose of the meeting.
7. Deadline for receiving written comments regarding the request, as determined by the County Planning Department.
8. That written comments should be sent to the Planning Director at the address provided to the applicant by the Planning Department.
9. That the full application and any staff report(s) are available for public inspection at the Planning Department, and the Plannin Department's phone number and website.
10. Mailing of the notice shall not be later than fifteen (15) working days prior to the holding of the public hearing.
11. The applicant shall submit certified return receipts or returned mail that is received by the applicant to the Planning Director or their designee at least 5 working days prior to the hearing.

Section 6.1.4. Posting of Property shall be as follows:

- A. At least one poster shall be posted on the property identifying all the information identified in section 6.1.3.C.1-9. The poster shall be prominently displayed, and the subject property shall be clearly identified and described thereon. If more than one property is the subject of the application, notice as required in this section shall be posted on each property.
- B. The size of the posting shall be 11 inches by 17 inches, laminated and secured by stapling, nailing or other secure means to a fixed post or object at 40 inches above the ground.
- C. The notice shall be posted by the applicant on each property at least 15 calendar days prior to the scheduled public hearing.
- D. If the property abuts more than one public street or road, additional posters shall be prominently displayed, visible from each public street or road. If the property does not border a public street or road, at least one notice shall be placed at the entrance of the driveway or access to the property from the nearest public street or road.
- E. Placement of the posters shall be in such a manner as not to compromise public safety.
- F. Photographic proof of posting is required and shall be the responsibility of the applicant.
- G. Notices for property posting shall be approved by the Planning Director or his or her designee prior to posting by the applicant.

ARTICLE 7: PUBLIC HEARINGS

SECTION 7.1 Public Hearings

Section 7.1.1 **Quasi-Judicial Proceedings:** For purposes of these regulations, the following criteria and procedures shall be followed in quasi-judicial matters:

- A. Special use applications and/or variances from special use requirements are quasi-judicial matters heard by the Planning Commission, with appeals from decisions of the Planning Commission heard by the Board of County Commissioners.
- B. Final major development applications and /or variances from major development requirements are quasi-judicial matters heard by the Board of County Commissioners, with appeals from decisions of the Board of County Commissioners filed in the District Court.
- C. Variances from performance standards not made part of a special use permit or major development permit application are quasi-judicial matters heard by the Board of Adjustment, with appeals from decisions of the Board of Adjustment heard by the Board of County Commissioners.
- D. The Planning Director shall:
 1. Review and pass on to the Board of Adjustment, with staff findings, all applications for variances from performance standards not made part of a special use permit or major development permit application.
 2. Review and pass on to the Planning Commission, with staff findings, all special use applications and applications for variances from special use requirements.
 3. Review and pass on to the Board of County Commissioners, with staff findings, all final major development applications and applications for variances from major development requirements.
 4. Set for hearing all variance requests within thirty (30) calendar days after certifying to the applicant receipt of a completed variance application.
 5. Set for hearing an appeal of any decisions relating to the above processes.

Section 7.1.2 **Hearing Requirements:** In addition to the other requirements set forth in these regulations, the following requirements shall apply to hearings on quasi-judicial matters:

- A. A person or entity wishing to appear as a party in a quasi-judicial matter shall file, in addition to the other information required by these regulations, a "Statement of Appearance", which is a written statement giving the name and address of the person making the appearance, signed by the person or the person's agent. This Statement of Appearance will constitute an appearance of record.
- B. The parties to a quasi-judicial matter shall be any of the following persons who have entered an appearance of record:
 1. Applicant or the applicant's agent;
 2. Owner(s) of the application site, as shown by the records of the County Assessor, and properties within the area of notification for the proposed action;
 3. Any neighborhood association, recognized by the Board of County Commissioners and registered with the Taos County Clerk, that is located, at least partially, in the area of notice;

4. Any department or agency of the county that may be affected by the application;
 5. Any person(s) or legal entity(ies) whose legitimate interest(s) may be affected by the decision.
- C. A party shall be accorded an opportunity to present evidence and argument, and to question and cross-examine witnesses on all relevant issues. However, the Planning Commission, Board of Adjustment, or the Board of County Commissioners may impose reasonable limitations on the number of witnesses heard, and on the nature and length of the testimony and questioning to avoid unnecessary duplicative testimony or questioning and to ensure that the testimony and questioning is relevant to the case.
 - D. The Planning Director and/or Board of Adjustment and/or the Planning Commission, and/or the Board of County Commissioners may question and may request to review papers on their own motion.
 - E. The Planning Director shall keep a record of the proceedings in all quasi-judicial hearings heard by the Board of Adjustment and Planning Commission. The County Clerk shall keep a record of the proceedings in all quasi-judicial hearings heard by the Board of County Commissioners.
 - F. All testimony shall be made under oath or affirmation.
 - G. Public notice shall be consistent with the requirements of Section 6.1 Public Notice.
 - H. The Planning Commission and the Board of County Commissioners shall make written findings which set forth the reason for their decision.

ARTICLE 8: VARIANCES

SECTION 8.1 Variances

Section 8.1.1

Variances may be granted by the Board of Adjustment or Planning Commission such that an applicant will be allowed to depart from the literal requirements of these regulations in appropriate situations. For special use and major development applications, the applicant may either (1) apply for a variance in a proceeding separate from proceedings on a special use permit or major development permit. If the variance is approved, the applicant shall submit a special use or major development application within ninety (90) calendar days of the approval of the variance or the approved variance shall be deemed void; or (2) concurrently apply for a variance and a special use permit or major development permit.

- A. **Applications for Variances:** An application for a variance shall be submitted to the Planning Director by the owner of the property or by the owner's agent, by filing a completed copy of the application, and a non-refundable filing fee. All applications for variances shall bear the notarized signature of the owner of the property. The Planning Director shall submit all applications for variances from performance standards not associated with a special use or major development application to the Board of Adjustment. Variance requests associated with special use permit applications or major development permit applications shall be submitted to the Planning Department.

It is required that the variance application be submitted with a site plan and proof of payment of the required filing fee, at which time it shall be reviewed for completeness.

- B. **Findings and Recommendation:** The Planning Director or designee must submit findings of fact relevant to a variance request and a recommendation to the Board of Adjustment before it may hear or act on the application.
- C. **Public Notice:**
1. Public notice of a hearing on a variance application shall be consistent with the requirements of Section 6.1. Public Notice.

Section 8.1.2

Types of Variances.

- A. **Bulk Variance:** A bulk (or Area) Variance refers to a request for relief from a dimensional requirement of the land use regulations, such as a setback or other performance requirement. These are generally minor in nature and only affect the immediately adjacent property owners. When granting a bulk variance, the Board of Adjustment should seek to derive an offsetting correction of any other non-permitted condition(s) on the property as a condition of approval, where applicable. The applicant shall have the burden of proving that the facts regarding the application meet the following criteria, without which a variance shall not be granted:

1. Does not constitute a grant of special privilege inconsistent with limitations on other properties in the area of notice;
2. Upholds the intent of these regulations, is consistent with the County Comprehensive Plan, and will not be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the area of notice;
3. Is justified, because the existing site size, shape of existing structures thereon, or topographic or physical conditions on the site or in the area of required notice, make compliance not literally or economically feasible, or otherwise advisable, and that the exceptional or extraordinary circumstances or conditions applicable to the site do not apply generally to other properties in the vicinity;

4. Strict or literal interpretation and enforcement of the specified performance standards or regulation would result in unnecessary hardship inconsistent with the purpose of these regulations; and
 5. That the hardship the applicant is asking to be relieved from was not self-created.
- B. Use Variance.** A use variance allows for a type of structure or land use that would not otherwise be permitted within an Article 5 Neighborhood Zone and for which Rezoning, in the sole discretion of the Planning Department, is not indicated. The applicant shall have the burden of proving that the facts regarding the application meet the criteria set forth in Section 8.1.2, and additionally, one or more of the following criteria are satisfied and without which a use variance shall not be granted:
1. The proposed use is a less intensive or disruptive use than what is currently permitted by zoning or grandfathering;
 2. That the proposed development when taken as a whole would mitigate existing and overriding public health or safety concerns in the neighborhood;
 3. That the proposed use or structure would constitute an inherently beneficial use to the community or general public, or is an otherwise essential service;
 4. That the proposed deviation is essential or integral, and proportionately minor as it relates to the property or collection of properties; or
 5. Meets one or more of the above criteria and, due to conditions that exist in the shape, location, topography, drainage or other characteristics of the property and which where not created by nor can reasonably be remedied by the owner, that the property can not otherwise conform to the imposed zoning without unreasonable and undo economic hardship.
- C. Conditions on Variances:** In granting variances, the Planning Department may recommend and the Board of Adjustment or Planning Commission may impose conditions regarding further expansions, maximum height limits, time limitation, type of construction, setbacks, and buffering, as will ensure that the use of the property to which the variance applies will be as compatible as practicable with and not adversely affect properties within the area of notification.
- D. Notification of Action:** A letter of notification shall be sent by the Planning Director to the applicant following determination regarding the variance(s) application by the Board of Adjustment, Planning Commission or Board of Commissioners. The letter shall state the nature and conditions of approval, denial, or approval with conditions of the variance(s), as well as outline the appeals process. The letter shall also outline the timeframe and process for the applicant to fulfill any conditions, and any additional approvals or processes that may be required for the proposed use, in addition to the approval of the variance.

ARTICLE 9: APPEALS

SECTION 9.1

Appeals

A party, as defined herein, may appeal.

Section 9.1.1 Appeals of Decisions by the Planning Director

- A. All appeals of a decision of the Planning Director in the enforcement of these regulations shall be heard by the Board of Adjustment *de novo*.
- B. The notice of appeal shall describe how the appellant is a party affected by the decision (See definition of “party.”) and the specific factual errors and legal errors allegedly made by the Planning Director.
- C. Notice of appeal of a decision by the Planning Director shall be filed with the Planning Department and recorded with the County Clerk within thirty (30) calendar days from the decision of the Planning Director, and must be accompanied by the required nonrefundable appeal fee.
- D. Within forty-five (45) calendar days of receipt of a notice of appeal, the Planning Director shall present the appeal to the Board of Adjustment for hearing.
- E. Notice of the hearing shall be mailed by the Planning Director to the appellant and to the applicant, if they are not the same person, at least fifteen (15) working days prior to any appeal hearing.
- F. The appellant shall, not later than fifteen (15) working days prior to the appeal hearing, give notice of the hearing by mail to the applicant, if they are not the same person, and all adjoining property owners consistent with the requirements of section 6.1.3.B. and 6.1.3.C. herein. Additionally, the appellant, in cooperation with the Planning Department, shall cause notice of the time and place of the public hearing to be published at least fifteen (15) working days prior to the date of the hearing, in a newspaper published and having general circulation in Taos County.
- G. All materials which formed the basis of the decision by the Planning Director shall be presented by the Planning Director or his designee at the Board of Adjustment hearing. The appellant shall be responsible for creating all copies of the record that will be presented to the Board of Adjustment.
- H. The Board of Adjustment shall affirm, reverse or affirm with conditions any administrative decision by the Planning Director, provided that such action shall be supported by findings of fact.

Section 9.1.2 Appeals of Decisions of the Board of Adjustment or Planning Commission

- A. Appeals of decisions by the Board of Adjustment or Planning Commission shall be heard by the Board of County Commissioners.
- B. A recommendation by the Planning Commission to the Board of County Commissioners, such as recommendations on a major development, shall not be the subject of an appeal.
- C. Appeal of a decision or requirement made by the Board of Adjustment or Planning Commission must be filed with the Planning Department and recorded with the County Clerk within thirty (30) calendar days from the filing of the written decision of the Board of

Adjustment or Planning Commission, and must be accompanied by the required non-refundable appeal fee.

- D. For purposes of an appeal of a decision of the Board of Adjustment or Planning Commission, the appellant shall, not later than fifteen (15) working days prior to the appeal hearing, give notice of the hearing, limited to all parties that were of record (See sections 7.1.2.A and 7.1.2.B.) at the hearing before the Board of Adjustment or Planning Commission, consistent with the requirements of section 6.1.3.B. and 6.1.3.C. herein. Additionally, the appellant, in cooperation with the Planning Department, shall cause notice of the time and place of the public hearing to be published at least fifteen (15) working days prior to the date of the hearing, in a newspaper published and having general circulation in Taos County.
- E. Appeals shall state the specific factual or legal errors allegedly made by the Board of Adjustment or Planning Commission.
- F. The Board of County Commissioners shall affirm, reverse, or affirm with conditions previous determination(s) made by the Board of Adjustment or Planning Commission, and the decision must be supported by findings of fact.
- G. The appellant shall be responsible for creating all copies of the record that will be presented to the Board of County Commissioners. All the materials which formed the basis of the decision or requirement by the Board of Adjustment or Planning Commission shall be presented by the Planning Director or designee to the Board of County Commissioners.
- H. Within forty-five (45) calendar days of receipt of an appeal to a decision or requirement made by the Board of Adjustment or Planning Commission, the Planning Director shall present the appeal to the Board of County Commissioners for hearing.

Section 9.1.3 Appeals of Decisions of the Board of County Commissioners

Appeals of decisions by the Board of County Commissioners may be filed in the District Court in pursuant to NMSA 1978, Section 39-3-1.1.

SECTION 9.2

Standard of Review on Appeals from Decisions of the Board of Adjustment and Planning Commission

Section 9.2.1 In appeals from decisions of the Board of Adjustment and the Planning Commission, a review of the entire record shall be conducted by the reviewing body and the body's review shall be limited to evidence in the record of the proceeding and the decision being appealed and the arguments of the parties. The reviewing body may reverse, affirm or modify the decision appealed, or it may remand the matter for further consideration. However, the decision appealed shall be affirmed, unless it is found to be:

- (a) not in accordance with county ordinances or otherwise contrary to law;
- (b) arbitrary, capricious, or an abuse of discretion; or
- (c) not supported by substantial evidence.

SECTION 9.3

Appeal Hearing Procedures

Section 9.3.1 Uniform procedures at appeal hearings before the Board of Adjustment and Board of County Commissioners shall be observed as follows, with discretion to amend for good cause by the reviewing body:

- A. The audio- or video-taped record of the hearing below shall be reviewed by the reviewing body at an open meeting; or if such review is not accomplished in an open meeting, each member of the reviewing board shall certify in writing that he/she personally reviewed the audio- or video-taped record of the hearing below prior to the appeal hearing. Any member of the reviewing body that cannot certify in writing to having personally reviewed the tape must excuse him- or herself from participation in the appeal hearing; and if such member refuses to excuse him- or herself from participation on the reviewing board, the chairperson of the reviewing board shall excuse said member from participation.
- B. Only parties to the appeal, their agent or attorney, and Taos County staff will be allowed to address the reviewing body. Arguments and discussion shall be addressed solely to evidence received at the proceeding below, and limited to the specific alleged errors raised in the appeal notice.
- C. Speakers shall be sworn in by a Notary Public, and cross-examination or questions by the parties, staff, or reviewing board will be allowed. Cross-examination or questions shall not be allowed by one not a party to the appeal.
- D. The appellant(s) shall speak first. The appellant(s) shall have a reasonable amount of time, as determined by the reviewing body's chairperson, in which to present appellant's(s') position, limited to issues stated in the Notice of Appeal.
- E. The appellee(s) shall have a reasonable amount of time, as determined by the reviewing body's chairperson, in which to present the appellee's(s') response, limited to issues stated in the Notice of Appeal.
- F. Planning staff shall make its presentation.
- G. Appellant shall be allotted five (5) minutes to reply.
- H. Time allotted to speakers shall be monitored by a county staff person.
- I. The chairperson shall have the right to prevent repetitious and repetitive statements by asking any speaker who is being repetitious to end his/her remarks and, if appropriate, to leave the podium or floor.
- J. The chairperson shall have the right to take any and all appropriate actions to insure that appeal hearings are orderly and equitably conducted so that all persons having a right to speak shall have the opportunity to do so. Only the speaker having the floor shall be allowed to speak. Members of the public attending the hearing shall not speak, comment, or disrupt, when another has been given the floor by the chairperson.
- K. The chairperson shall enforce the rules, and may, at his option, appoint a Sergeant at Arms to assist in enforcing these rules.
- L. The Board of Adjustment or Board of County Commissioners, in its discretion, may deliberate in executive session; and final action shall occur in open meeting.
- M. A written decision by the reviewing body shall be filed in the Office of the County Clerk within thirty (30) days of the hearing.

ARTICLE 10: ENFORCEMENT

Section 10.1.1 Enforcement of the Taos County Land Use Regulations. It shall be unlawful to violate these regulations or any building code adopted by or administered by the county. Any person, firm, corporation or other entity violating these regulations or any building code adopted by or administered by the county shall be subject to the criminal and civil penalties and other civil remedies as provided herein.

Section 10.1.2 Remedies Available to County for Violation of Regulations.

- A. **Criminal Violation.** Willful failure to respond, as required in section 10.2.2.B, to a notice of violation or a cease and desist order issued for violation of a provision of this ordinance, is a petty misdemeanor punishable by a fine not to exceed three hundred dollars (\$300.00) or imprisonment for ninety (90) days or both the fine and imprisonment. Each day of such failure to respond shall be deemed a separate offense.
- B. **Civil Penalties:** Taos County hereby adopts and incorporates all civil penalties that state law authorizes any county to impose for the violation of the regulations, including any such penalties authorized by state law in the future. For purposes of this provision, each day of a violation shall be considered a separate offense. Among these are:
 1. Injunction: Taos County shall have the right to seek an injunction to restrain, correct, or abate any violation of the regulations or any illegal act, conduct, business or use in or about the premises, prevent the occupancy of a structure or land, prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, and to perform any act necessary to compliance, or to remediate any condition not in compliance with the regulations.
 2. Damages, including but not limited to costs of abatement.
- C. **Other Remedies:** Administrative remedies set forth herein and remedies provided for in any building code adopted by Taos County shall be available for violations of such building code and of these regulations.
- D. **Jurisdiction:** Actions brought for criminal penalties, civil penalties, or injunctions may be brought in any court of competent jurisdiction in Taos County.
- E. **Authorization to Bring Action:** The Taos County Attorney or his or her designee is hereby authorized to bring any criminal or civil action authorized herein. The Taos County Planning Director or his designee is hereby authorized to exercise any administrative enforcement action authorized herein.
- G. **Nonexclusive Remedies:** These remedies are cumulative and in addition to any other remedies available to Taos County pursuant to law. They are not exclusive.
- H. **Attorney Fees and Expenses:** Any person, firm or corporation, whether as principal, agent, employee, tenant, landlord, or otherwise, found by a court of competent jurisdiction to be in violation of any provision(s) of this ordinance, or permits issued hereunder, shall be liable to the County of Taos for the costs incurred by the county, its agents, and departments, including but not be limited to the expenses incurred in detecting, investigating, or prosecuting the violation, and attorneys' fees. Attorney's fees and expenses are to be calculated as though provided by outside counsel, even if provided by the County legal department.

Section 10.1.3 Enforcement Procedures

- A. **Notification of Violators.** The county shall send a notice of violation of the regulations to the occupant, developer, and owner (if not the same) by first class mail to each person's last known address and/or by hand delivery or by posting a notice on the site in a clearly visible location near the entrance road to said property. The notice shall contain the following information:
1. **List of violations.** A list and description of all violations with references to the section or sections of these regulations violated.
 2. **An order to the occupant,** developer, and/or owner to cease all prohibited activities and desist in same or to perform certain acts required for compliance in no less than thirty (30) calendar days.
- B. **Response.** Any person or entity receiving notice of a violation of the Taos County Land Use Regulations shall immediately cease all prohibited activities and desist in same, and:
1. **Restore the premises.** Within thirty (30) days, restore the site to compliance and request an inspection of the property by the county to demonstrate that compliance has been achieved; or
 2. **Request for Extension of Time.** Within thirty (30) days, file a written request with the Planning Director for an extension of time to achieve compliance, showing good cause for such extension, and be granted same. Extensions may or may not be granted by the Planning Director in his sole discretion.
- C. **Legal Action:** If compliance has not occurred within thirty (30) calendar days plus any extensions granted, then the county may file a criminal or civil action or both.
- D. **30-Day Notice Abrogated If Threat Immediate.** If violations of the regulations pose an immediate threat to the public health, safety, or welfare, the thirty (30)-day notice requirement of section 10.2.2.A. is hereby suspended and abrogated, and suit by Taos County may be filed immediately seeking any appropriate remedy, including injunctive relief.

Section 10.1.4 Administrative Sanctions.

- A. **Withholding Land Use Permits.** The County may withhold or deny land use permits, building permits, plat approvals, and any other administrative action or actions to an applicant regarding land for which a notice of violation has been issued, unless the violation is timely corrected. The County may require correction of the violation as a condition of issuance of land use permits, plat approvals, or administrative action or actions. This remedy shall apply regardless of whether or not the applicant for the permit is the person responsible for the uncorrected violation.
- B. **Withdrawing Land Use Permits.** The County may withdraw land use permits previously issued, plat approvals or other administrative actions issued regarding property as to which a notice of violation was issued and the violation has not been timely corrected. Upon correction, the land use permit shall be reinstated.
- C. **Cease and Desist Orders.** After notice of a violation and an opportunity to correct the violation, the county may order work halted on any land upon which there is an uncorrected violation of a provision of these regulations or of a permit issued hereunder, through issuance of a cease and desist order. All work shall immediately halt and cease upon issuance of such order.

D. Inspection shall be conducted as follows:

1. **Consent to Enter Deemed Granted.** As a condition of any application to the Planning Department, the applicant shall be deemed to have granted consent to Taos County to enter onto the subject land and its buildings or structures that are the subject of the application, without notice, in the circumstances and for purposes as follows:
 - a. To conduct inspections of the subject property during regular county business hours.
 - b. To conduct inspections within the scope of another official document, such as a duly executed zoning compliance affidavit which grants express or implied consent to enter and inspect;
 - c. To make observations of the premises in plain view from public property or from portions of the premises which are open or accessible to the public, or in which the owner or occupant otherwise lacks a reasonable expectation of privacy; or
 - d. In emergency situations in which the enforcing official has reason to believe that the public health or safety is in imminent danger and could be jeopardized by any delay in securing entry.
 - e. A notice of this provision shall be posted at the Planning Department.
2. **Situations in Which Consent To Enter Is Not Deemed Granted As Condition of Application.** In situations other than those set forth above, i.e., in situation which consent is not deemed granted as a condition of the application pursuant hereto, and when the enforcing official has reasonable cause to believe that a violation of these regulations exists on a premises and entry onto the premises is necessary to verify the violation, the enforcing official shall make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof desired to be inspected; and the enforcing official shall request consent to enter and inspect the premises. If the owner or other person in charge or control of the premises cannot be located or if entry is refused, the Planning Director and County Attorney may, in their discretion, cause suit to be filed in the district court and request inspection of the premises pursuant to the Rules of Civil Procedure for the District Courts.

APPENDICES

APPENDIX 1

ROAD STANDARDS AND SPECIFICATIONS, PARKING REQUIREMENTS, AND UTILITY EASEMENTS

Section 1 ROAD DESIGN STANDARDS

This Appendix applies to Special Use and Major Development projects.

- A. Access roads, roads and/or streets within the project shall provide unobstructed ingress and egress for emergency and fire vehicles. The amount of traffic generated by a new project shall not, at any time, cause the roads and/or streets to operate at or over design capacity. A traffic study may be required by the Planning Department. If so, a request for study shall be submitted to the New Mexico Department of Transportation and the Taos County Road Department. The Taos County Planning Department shall forward the completed traffic study to the appropriate State Agencies for review.
- B. The arrangement, character, extent, width, grade and location of all roads and/or streets within the project shall conform to topographical conditions and public convenience and safety in appropriate relation to the proposed use of the land to be served by such roads and/or streets.
- C. If phased projects are contemplated with separate permits by the applicant, then the roads and/or streets within the initial permitted phase shall be designed to accommodate the full planned project. If the project has direct ingress and egress from a state or federal highway then the permit plat shall include engineered drawings of the proposed intersection with the highway, and the plat and traffic study, shall be forwarded by the Planning Department to the New Mexico Department of Transportation for review and approval.
- D. The project's interior traffic plan shall include all the roads, and/or streets and fire lanes within the permit plat. The interior traffic plan shall incorporate the following requirements and prohibitions:
 1. Parking for residents or guests shall not be permitted on the roads, streets or fire lanes.
 2. The project's interior traffic plan shall make a reasonable effort to avoid a single ingress/egress road and/or street. A circular or rectangular alternative traffic flow to and through the project is preferred.
 3. The minimum width road and/or street for projects of up to 24 units shall be a 22' driving surface, which may be paved. The required easement is 50' and the road surface shall be constructed to the specifications of *Section IV. Road Specifications*.
 4. All roads and streets shall be engineered for proper drainage that will minimize erosion. All drainage must be engineered to avoid flood runoff to contiguous or adjacent properties and/or public roads and rights of way.
 5. The minimum culvert size shall meet the flow requirements of a fifty (50)-year storm.
 6. All project buildings shall be sited to allow for proper fire suppression. In the event that building unit sites are constructed to the edge of required setbacks then the applicant shall dedicate right of way and construct an adequate fire lane within the setback area.
 7. The minimum width road for a project of 25 to 499 units shall be a 24' driving surface, which may be paved, and must be engineered and constructed to the requirements in *Section IV. Road Specifications*. The required easement shall be 70'.

8. The interior traffic plan shall designate pedestrian walkways and bicycle paths or lanes which may be part of the non-driving surface of the road easement.
 9. All project permit plats shall adhere to the 12% grade and wildland urban interface requirements as they pertain to roads.
 10. No road or street grade shall be less than 0.5%. Grades approaching intersections shall not exceed five percent (5%), for a distance of not less than 50 feet each way from each intersection.
 11. Permanent cul-de-sacs shall be required every 1,000 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least fifty (50) feet.
 12. All roads and streets shall be named, and units within the project shall be numbered.
 13. Projects with fifty (50) units or more are required to submit an interior traffic plan showing multiple ingress/egress roads that will service all traffic.
- E. Roads and streets shall be located, aligned and designed to:
1. Preserve natural features, vegetation and topography and protect the natural environment;
 2. Protect public health, safety, and welfare;
 3. Require the appropriate amount of road surface necessary to adequately serve the type and intensity of the proposed uses within the project, calculating the future traffic demand according to vehicle type and anticipated volume, and providing access for public service and emergency vehicles;
 4. Provide proper signage (i.e., Stop, Yield, Pedestrian Crossing, Speed Limit, Street signs) or any other necessary signs;
 5. Provide for proper re-vegetation for cut and fill slopes;
 6. Provide proper drainage for protection against erosion to roads and road surfaces; and
 7. Provide speed control features.
- F. The applicant shall demonstrate the adequacy of roads serving the project in accordance with the performance standards and documentation required under these regulations. In addition, the applicant must comply with the following regulations:
1. Road Improvements: All roads within the project, and all access roads from county roads to the project, shall be developed in accordance with the design standards set forth in these regulations. A county road is any road that is listed in the current Inventory of County Maintained Roads provided to the state under state statute. All plans for road improvements required under these regulations shall be provided by a licensed New Mexico engineer at the applicant's expense and submitted to the Planning Department.
 2. Road Maintenance:
 - a. The applicant shall remain responsible for periodic road maintenance within the project unless and until either the county accepts road maintenance responsibility or a Homeowners/Property Owners Association is duly constituted as described in the disclosure statement, and/or the Declaration, if applicable, to accept road maintenance responsibility. The Board of County Commissioners shall have sole authority to determine if county maintenance is justified. No roads or streets shall be maintained by the county until such time as the Board of County Commissioners formally declares such roads or streets eligible for county maintenance and they have been listed on the current Inventory of County Maintained Roads.

- b. Homeowners/Property Owners Associations: The applicant shall transfer responsibility for road maintenance to a Homeowners/Property Owners Association if the applicant has clearly stated in the Disclosure Statement and indicated on the plat that purchasers of units or lots within the project are responsible for road maintenance. If road maintenance responsibilities are assessed on a per-unit or lot basis the applicant remains responsible for paying road maintenance assessments on unsold units or lots.

3. Existing Access Roads:

Access roads are those roads that are legally necessary to access the property. The applicant shall provide the Planning Department with proof of the applicant's legal right to use the access road and to improve the access road in accordance with the design standards contained in these regulations. The proof of legal access shall be in the form of a duly recorded document conveying real property or an easement or a court order. These regulations recognize that said proof is not always obtainable and that variances to this requirement may be considered. However, the granting of a variance for a project on any access road does not act as a precedent for the granting of a variance on any future project using the same access road. Additional variances may be denied due to the increased burden on the access road created by the subsequent project.

4. New Access Road Requirements.

- a. Shared Costs to Improve Access Roads: Applicants shall be required to share in the cost of all improvements to access roads and Taos County shall be held harmless in any disputes between applicants regarding shared costs. The following requirements shall apply:

- 1) The first applicant(s) requiring the use of an access road shall be financially responsible to improve the road in accordance with the standards set forth in these regulations.
- 2) Any subsequent application for a project that requires the use of any access road that was improved under these regulations shall submit proof to the Planning Department that the subsequent applicant has offered to reimburse the original applicant, who bore the cost of the improvement of the access road, a proportional amount of that cost, including engineering costs. The proportional amount shall be determined by the number of units or lots using the access road. For example, if the project contained 10 units or lots and the cost to improve the access road, including engineering, was \$1,000, and the subsequent project contains a total of 5 units or lots, then the second applicant shall deliver proof that he/she offered the original applicant \$333 as his or her share of the cost of installation of the subsequent access road improvements (\$1,000 divided by 15 units or lots equals \$66 times 5 units or lots for a total of \$333 for the 5 unit or lot project).

- b. Access Road Maintenance: Obligations for maintenance of any access road improved pursuant to these regulations shall be included in the Road Maintenance Agreement of the Homeowners/Property Owners Association.

5. Dedication of Roads: As required by the Planning Department, the applicant shall dedicate access roads and roads within the project as follows:

- a. "Dedicated to private use" is an easement or land conveyance granted by the applicant for use by the owners of units or lots within the project and accepted by the Homeowners/Property Owners Association. All roads that are accepted by the Homeowners/Property Owners Association shall be maintained under a recorded Road Maintenance Agreement entered into by and between the owners of the units or lots within the project. The agreement shall assess sufficient annual dues to owners so that the shared roads can be properly maintained.

- b. “Dedicated to public use” is an easement or land conveyance granted by the applicant for use by the public and accepted by the Homeowners/Property Owners Association or Taos County. All roads that are accepted by the Homeowners/Property Owners Association shall be maintained under a recorded Road Maintenance Agreement entered into by and between the owner(s) of the property that is binding on the owner(s) and their successors in interest.
 - c. “Dedicated to the County and accepted for maintenance” is an acceptance of land or easement by the County on behalf of the public for public use and an acceptance of responsibility to maintain the road.
 - d. The plat shall contain a certificate stating that the Board of County Commissioners or a Homeowners/Property Owner Association has accepted, accepted subject to improvement, or rejected, on behalf of the public any land or easements offered for dedication for public use in conformity with the terms of the offer of dedication. If the project is subject to a Road Maintenance Agreement, it shall be filed along with the approved plat. If the dedication is made to a Homeowners/Property Owners Association and accepted, then the Homeowners/Property Owners Association’s articles and restrictive covenants shall be filed along with the approved plat at the Office of the County Clerk. Acceptance of offers of dedication on a plat shall not be effective until the plat is filed in the Office of the Taos County Clerk and a resolution of acceptance by the Board of County Commissioners or Homeowners/Property Owners Association is filed in such office.
6. It is unlawful for an applicant to grade or otherwise commence construction of roads, unless such construction conforms to the schedule of road development directed by the Board of County Commissioners or its designee.

**Section 2
PARKING REQUIREMENTS**

- A. Individual Parking and Guest Parking for Multi-Family Dwellings, Apartments, Townhouses, Duplexes, Triplexes, and Residential Condominiums:
 - 1. The number of parking spaces per unit shall be determined by the number of bedrooms per unit. A one bedroom or studio unit shall require one parking space. Multiple bedroom units shall require two parking spaces. In addition, at least one visitors’ parking space shall be provided per unit unless a separate parking lot is provided for the project.
 - 2. Americans with Disabilities Act (ADA) standards shall be met by the applicant. Provisions for compliance shall be clearly indicated on plats and plans. All handicapped parking shall be identified by a vertical sign and shall be marked on the pavement, if pavement exists.

**Section 3
UTILITY EASEMENTS**

- A. Utility easements shall be located such that each lot can be served by all proposed utilities. Utility easements shall be adjacent to the lot lines. Such easements shall be located according to a plan approved by the appropriate utility companies. Easements placed diagonally across tracts shall be avoided. Utility easements shall be at least twelve (12) feet wide.
- B. Utility easements are encouraged to be placed parallel to access easements so that maintenance of electric, gas or water lines will not create the need to disturb the road or street. In the event utility installation or maintenance requires disturbance of a road or street, such road or street will be restored to a condition equal to or better than its original status.
- C. Access and utility easements are normally combined and should be located outside of or adjacent to right-of-way reserved for roads, unless topographical or other conditions or existing utility easements make location there impracticable.

TAOS COUNTY LAND USE REGULATIONS
ROAD SPECIFICATIONS

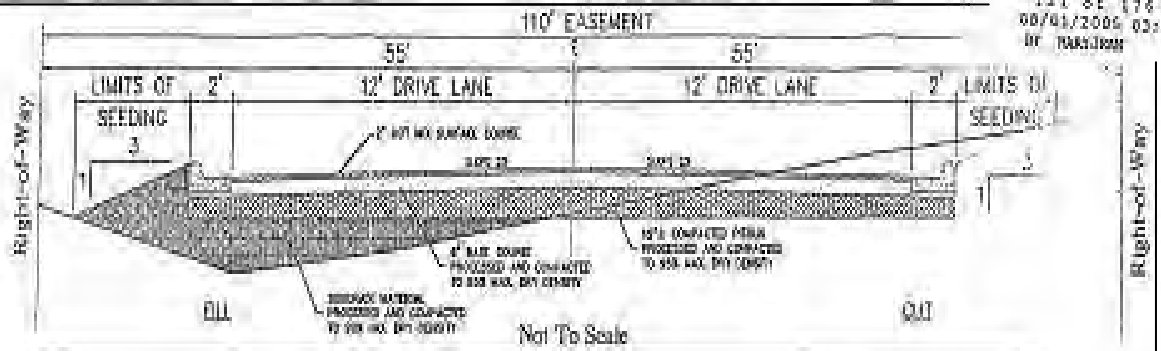
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25 to 499 units less than 10 acres	70 ft.	24 ft.	12%	25 MPH	12 in.	6 in.	2 in. Hot Mix	SEDILLO or other comparable material	B
2 to 24 units less than 10 acres	50 ft.	22 ft.	12%	25 MPH	12 in.	6 in.	N/A	SEDILLO or other comparable material	C
25 or more units 10 acres or more	50 ft.	22 ft.	12%	25 MPH	12 in.	6 in.	N/A	SEDILLO or other comparable material	C
2 to 24 parcels 10 units or more	50 ft.	22 ft.	12%	25 MPH	12 in.	6 in.	N/A	SEDILLO or other comparable material	C
	22	22	12%	25 MPH	12 in	6 in.	N/A		driveway

COUNTY TAOS

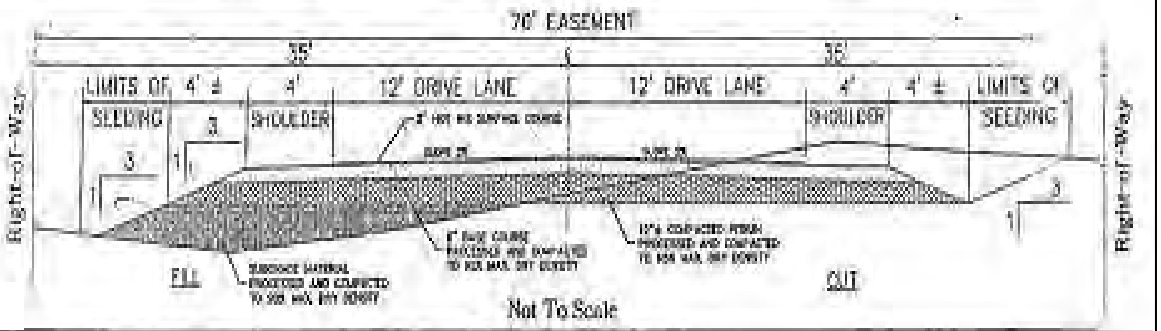
Road Illustrations

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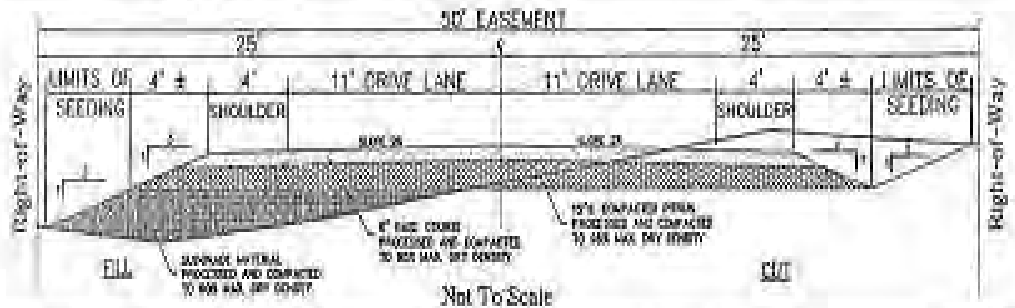
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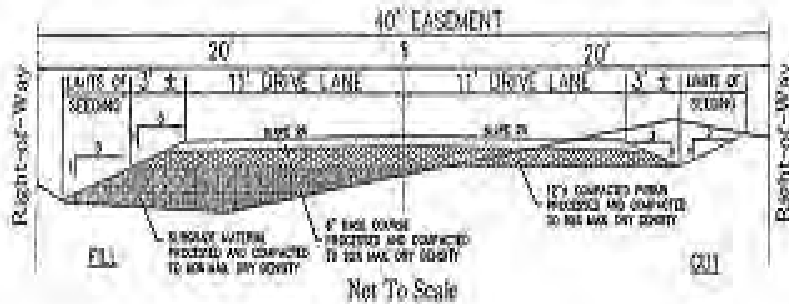
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 TYPE B



ROADWAY TYPICAL SECTION
 TYPE C



ROADWAY TYPICAL SECTION
 TYPE D



APPENDIX 2

WATER SUPPLY

**This appendix applies to Major Developments only.
Other permitted uses are required to follow state law with respect to water use.**

Section 1 WATER AVAILABILITY ASSESSMENT

- A. **Water Availability Requirements.** Requirements of the water availability assessment are dependent on the source of water supply.
1. Where the source of water will be from domestic wells permitted pursuant to Section 72-12-1, NMSA 1978, the applicant shall demonstrate a fifty (50)-year supply and shall submit a geo-hydrologic report in accordance with the standards set forth in Section 1.B of this appendix.
 2. Where the source of water will be a potable water supply system dependent on a new groundwater diversion permitted pursuant to Section 72-12-3 or 72-12-7, NMSA 1978, the applicant shall demonstrate a fifty (50)-year supply, and shall submit a geo-hydrologic report in accordance with the standards set forth in Section 1.B of this appendix.
 3. Where the source of water will be a potable water supply system dependent on a new surface water diversion permitted pursuant to Section 72-5-1, 72-5-23 or 72-5-24, NMSA 1978, the applicant shall submit a hydrologic report in accordance with the standards set forth in section 1.C of this appendix.
 4. Where the source of water will be an existing potable water supply system or municipal water supply system permitted pursuant to Sections 72-5-1, 72-5-23, 72-5-24, 72-12-1 or 72-12-3, and 72-12-7, NMSA 1978, the applicant shall submit a water utility plan in accordance with the standards set forth in section 2 of this appendix.
 5. In areas where the Office of the State Engineer (OSE) determines groundwater will be supplied from geologic formations that yield minimal amounts of water, fail to recover adequately from pump tests, experience seasonal depth to water, or experience excessive draw downs, the county may reject the application.
 6. In areas where the groundwater is to be supplied from geologic formations where wells have been determined to produce three (3) gallons per minute or less or where available information suggests the likelihood of low yielding wells, the county may reject the application.
 7. In areas where the seasonal high water table is four (4) feet or less, the county may reject the application.
- B. **Geo-hydrologic Groundwater Report.** If a geo-hydrologic report is required under these regulations, it shall be prepared in accordance with the specifications listed below:
1. Geo-hydrologic reports shall demonstrate that the maximum annual water requirement is physically available from the aquifer to be utilized and can be practically recovered to sustain the land use for a continuous period of fifty (50) years. These analyses shall take into account the production of existing wells and shall demonstrate that the wells, as proposed or as designed, will be capable of producing the full annual demand for at least fifty (50) years to sustain the land use.
 2. Aquifer pump tests shall be conducted on wells within the boundaries of the proposed land use to characterize the aquifer performance. The duration of these pump tests shall be sufficient to provide reliable drawdown and recovery data for the determination of transmissivity, and to identify any boundary conditions that affect long-term water availability. Water levels in any observation wells that are monitored during the pump test shall be recorded. The analysis of the pump test shall include descriptions of all assumptions, analytical procedures, and references used. The requirement for the pump test data may be waived where there is substantial evidence documented in geo-hydrologic investigations conducted in the study area that demonstrate that wells have consistently produced substantial volumes of water for many years without increasing the depth to water or decreasing the yield (gallons per minute) of wells.

3. The assessment shall include a calculated fifty (50)-year schedule of effects of the proposed land use production well(s) on existing demands and from the increase of groundwater withdrawals for the land use. Analyses shall be done to assess whether future water level declines will be within the limits of allowable drawdown in the land use production wells. Predicted draw downs shall be calculated in a conservative manner that estimates maximum drawdown. These calculations shall include estimates of future water uses.
 4. The applicant shall calculate the lowest practical pumping water level in the proposed land use. Pumping wells by any of the following methods, as appropriate, is acceptable, *provided* there shall be no presumption made as to additional available water below the bottom of the proposed production well, and *further provided* that the total available drawdown shall be reduced by a factor of twenty percent (20%) as a margin of safety to account for seasonal fluctuations, drought allowance, reduction of well efficiency over time, and peak production requirements:
 - a. By using the results of acceptable on-site aquifer pump tests. The lowest allowable pumping level may be the lowest water level reached during the test.
 - b. By setting the level at the top of the uppermost screened interval.
 - c. In wells completed in fractured aquifers, the lowest practical pumping water level shall be above the top of the fracture zone.
 - d. In wells completed in alluvial aquifers, the lowest practical pumping water level may be defined by a maximum allowable drawdown equal to seventy (70%) of the initial water column.
 5. The geo-hydrologic report shall present all hydrologic information pertinent to the study area including that available from past hydrologic studies. All sources of information used in the report shall be identified, including basic data collected by the consultant who prepared the report. The report shall contain maps and cross-sections showing geology, depth to the water-bearing formation, water-level contours, and the estimated thickness of saturation in the aquifer. Tables and maps of historical draw-downs shall be included. Basic data for the immediate area of the land use shall be adequate for the State Engineer to make a reliable assessment of water availability. The report on the investigation shall be in the format of a technical narrative. Well logs, spreadsheets, tables, graphs, maps and cross-sections shall be included.
 6. Where NMSA 1978, Section 72-12-1 wells are proposed, the geo-hydrologic report shall also include a calculated fifty (50)-year schedule of off-site effects (draw-downs) and surface water depletions resulting from the increase of groundwater withdrawals from the land use. The report shall identify by name and location, all wells, springs, acequias (ditches), canals and drains, within one thousand (1000) feet of the proposed well. All natural or man-made ponds, lakes, reservoirs, or wetlands that will be impacted shall also be identified.
- C. **Hydrologic Report.** If a hydrologic report is required under these regulations, the hydrologic report shall demonstrate that surface water sufficient to meet the maximum annual water requirement of the development is physically available.
1. Narrative and analytical demonstration that the surface water will suffice for the proposed land use, given short-term and long-term fluctuations (base flow analysis) due to climatic cycles or other factors (such as induced recharge due to groundwater diversion), and analyses of relevant historical runoff records, and projected water supply available for the land use requirements. Applicable legal or water rights constraints on water availability shall be considered.
 2. If the analysis of the historical runoff record indicates possible fluctuations in the projected water supply available for the land use requirements, the applicant shall provide for either storage or a supplemental groundwater supply sufficient to meet the shortage.
 3. If a supplemental groundwater supply is proposed, the applicant shall provide a geo-hydrologic assessment in accordance with Section 1.B of this Appendix.

4. The applicant shall provide a copy of a water right permit issued by the Office of the State Engineer for sufficient surface water to meet the maximum annual water requirement of the proposed land use, including authorization for this purpose, prior to the approval of the proposed land use by the Board of County Commissioners.
5. The applicant shall provide any other information necessary to demonstrate the capability to meet the water requirements of the proposed land use.

Section 2
POTABLE WATER SUPPLY REQUIREMENTS

All new land uses shall:

- A. **Water Access Priority.** Adhere to the following water access priority and show that the well(s) meets state environmental requirements:
 1. Municipal Water systems
 2. Mutual Domestic Water Associations
 3. Water and Sanitation Districts
 4. Community Water Systems (private)
 5. Shared Domestic Wells
 6. Individual Wells

- B. **Cost of Hook-up.** Show that the fifty (50)-year life-cycle cost of hook-up is 110% greater than the lower priority options.

- C. **Existing Water Supply Systems.** For existing water supply systems, the applicant shall provide a letter from the water supplier certifying availability of adequate water.

The applicant shall identify the management entity type for the water supply system; e.g. non-profit, water cooperative, investor owned, or private for-profit corporation, or whether the applicant will continue as the management entity.

- D. **Publicly Regulated Water Supply Systems.** For water supply systems in which existing utility companies are proposed as the source of water supply, the applicant shall submit a water supply plan that meets the following requirements:

1. Name of the water supply system proposed as the source of supply.
2. Letter of intent from the utility that it is ready, willing and able to provide the maximum annual water requirements for the land use for at least fifty (50) years. The letter shall also state any requirement of the utility for the applicant to provide water rights.
3. Documentation showing the quantity of water presently produced annually, quantity of water supply commitments to date, and proof of sufficient water rights to meet both existing commitments and the requirements of the proposed land use for a period of no less than fifty (50) years.
4. For New Mexico Public Regulatory Commission (PRC)-certified utilities, a copy of the most recent annual report submitted to the PRC shall be included in the water supply plan.
5. Plans for the existing water system into which the proposed system will connect. The plans shall show diversion point locations, and water storage and distribution system. The size and capacity of the water system components shall also be indicated on the plans.
6. Any other information necessary to demonstrate the capability to meet the requirements of the proposed land use.

APPENDIX 3

TERRAIN MANAGEMENT

**This Appendix applies to Special Use and Major Development applications.
Permitted uses are required to follow state law with respect to terrain management.**

Developers who are subject to the requirements of this appendix shall submit a terrain management plan as described in Section 1 below. The plan shall be developed under the performance standards set forth in Section 2 below.

Section 1 TERRAIN MANAGEMENT PLAN

The developer shall submit a terrain management plan that includes the following:

- A. **Vicinity Map.** A map drawn to a scale of not more than 2,000 feet to one inch showing the relationship of the site to its general surroundings, and the location of all existing drainage channels, water courses and water bodies within three miles of the site. This map shall display the topographic intervals. (A suitable example would be from a USGS topographic map, 1:24,000).
- B. **Natural Features Map.** A map of the development (at the same scale as the preliminary plat map) showing directly by overlay:
 1. The boundaries of the development.
 2. The existing contours with intervals of not less than 2 feet where the slope is less than 8%, and not more than 5 feet where the slope is 8% or greater.
 3. All areas with natural slopes of 20% or greater clearly recorded by scale, line or color.
 4. The location of all drainage channels, watercourses, water bodies, floodways, flood fringes, and flood plains.
 5. The location of all major rock outcroppings, faults and geologic resources.
 6. The location of the major vegetation types showing the plant species included and the cover density. This may be accomplished by use of a line map or aerial photo of reasonable clarity taken within the past 12 months, if available, which is of a satisfactory scale with an appropriate legend.
- C. **Soil Survey.** A soil survey of the site including:
 1. An overlay of the natural features map showing the location of each soil type. Soil surveys will be in keeping with national standards set forth by the USDA Natural Resources Conservation Service.
 2. A description of the soil types. Detailed soil profiles may be required, if deemed necessary by the Soil and Water Conservation District.
 3. Interpretation of limitations demonstrated by a detailed soil survey indicating each soil type and its relation to the intended land uses common to the development.
- D. **Grading Plan.** A series of maps, cross sections, and design profiles showing the location of the planned development features and their impact upon the natural land form.
 1. An overlay of the Natural Features Map showing the location of all proposed parcels, roads, bridges, water and erosion control structures, and the utility easements in relation to the existing contours.

2. An overlay showing the finished contours of the development after all proposals have been implemented, using contour intervals equal to or less than those on the existing contour map.
 3. The location of all cuts and fills, including grades, lengths, and depths thereof, displayed using the necessary cross-section and profiles to adequately describe the planned action.
 4. The location of all areas where the natural elevation of the land will be changed by more than three feet.
 5. The location of all areas where the grading of land will disturb more than 1,000 contiguous square feet.
 6. Profiles showing the existing ground surface and proposed street grades and typical cross-sections of the proposed grading.
 7. Description of methods of stabilization in areas of cut and fill, embankment compaction, and re-vegetation on steep slopes.
- E. **Landscaping Plan.** A series of maps or overlays and narratives to identify those areas which will be re-vegetated following disturbance or to enhance the visual aesthetics of the site and the methods to be used.
1. Location and type of materials to be used in re-vegetation and slope stabilization.
 2. Location of all areas where vegetation will be preserved and a description of all methods that will be used for protection.
 3. Duration of exposure of the disturbed sites prior to reclamation of the site, with methods to be used to minimize erosion of the disturbed sites prior to reclamation.
 4. Description of the vegetative characteristics to be present after re-vegetation.
 5. The plan for preparation, fertilization, seeding rates, dates and amounts by species, mulching type and amount for grass, shrubs and trees. If watering is a planned part of the re-vegetation procedure, a description of the planned irrigation system and amounts of water needed will be included.
- F. **Erosion and Drainage Plan.** This shall include the necessary charts, drawings, location maps, and calculations to support the plan:
1. A watershed map showing all the upper watershed area draining into or through the site, showing the watercourses and topographic conditions and indicating the soil and vegetative types and their locations within the watershed.
 2. Storm drainage computations for a 100-year frequency storm both reaching and leaving the site in the pre-development conditions as per Natural Resource Conservation Service (NRCS) standards.
 3. Storm drainage calculations for estimated runoff after full development of the site and calculations for the estimated runoff before and after any mitigation of the increased flows.
 4. Quantities of water carried by the major watercourses. Calculations shall be provided for both pre- and post-development.
 5. The location, type and size of all proposed drainage structures with adequate detail of the drawings or designs.
 6. The locations and size of all drainage easements for all flood plains, floodways, flood fringes, and other natural water courses, along with adequate supporting documentation. Drainage easements are required for all watercourses with 100-year storm flows that exceed 20 cubic feet-per-second flow rates.
 7. An overlay indicating the depth to ground water in all areas where the seasonal high water table is within four (4) feet of the ground surface.

8. All appropriate design details necessary to clearly explain the construction of all surface and subsurface structures.
9. All acequias and irrigation ditches.

G. **Construction Schedule.** The applicant shall supply a construction schedule that includes:

1. The start and finish dates for all clearing, grubbing and grading activities.
2. Duration of exposure of disturbed areas.
3. Stabilization date for disturbed areas.
4. Installation date of all storm drainage system components.
5. Installation date for all roads and related structural measures.
6. Paving dates for all roads or parking areas included in the site plan.
7. Installation date of each utility to be provided and whether said utility will be above or below ground.
8. Installation date for homes, recreational structures, and other community facilities and improvements.

H. **Disclosure Statement.** A Disclosure Statement regarding terrain management shall describe:

1. The suitability of the soils in the development for residential and commercial use, whether permanent or seasonal;
2. Measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures;
3. The location of all lots with land areas within a flood way, flood fringe or flood plain, in accordance with FEMA standards;
4. The location of all lots located on slopes in excess of eight (8) percent;
5. The known subsurface drainage for all lots;
6. The surface drainage for all lots;
7. All storm drainage systems including the completion date of systems required to be constructed.

Section 2 PERFORMANCE STANDARDS

The following performance standards are guidelines to the development of the terrain management plan.

- A. **Soils.** Soils having severe limitations, or which are unsuitable for the intended purposes, shall not be used or utilized for development, unless the developer has already shown in the terrain management plan how these limitations will be overcome.
- B. **Categories of Land Use.** Below are major categories of land use used in reviewing the terrain management plan. Information about any of these categories that is pertinent to the development proposal shall be included in the terrain management plan.
 1. Building Site Development

2. Construction Materials
 3. Local Roads and Streets
 4. Underground Utilities
 5. Water Control Structures
 6. Erosion Control Structures
 7. Playgrounds
 8. Paths and Trails
 9. Sewage Disposal
- C. **Grading.** Land grading, filling, and clearing operation must be performed responsibly to avoid issues such as, for one example, leaving large areas open to wind or water erosion. Accordingly, the development shall be designed to fulfill the following requirements in order to avoid such issues and to preserve, match or blend with the natural contours of the land:
1. The plan shall adequately describe how grading operations will be performed to blend slopes and fills into the natural contours of the land.
 2. The plan shall indicate whether the developer intends to replace trees and other native vegetation, to stabilize hillsides and cut/fill slopes, retain moisture, reduce erosion, reduce runoff, and preserve the natural scenic beauty.
 3. Cut and fills shall be designed to minimize the area of exposure and reduce the sharp angles at the toe and sides.
 4. The plan shall prevent the deposit of sediment into flood plains, drainage channels, watercourses, and water bodies.
- D. **Prohibited Discharge.** The following discharges attributable to grading are prohibited, whether the discharge is direct or indirect:
1. Sediment and other organic or earthen materials discharged into a watercourse, water body, drainage channel or floodplain.
 2. Materials placed in any position that would make it susceptible to erosion and deposit into a watercourse, water body, drainage channel or floodplain.
 - a. The plan for grading, land forming, and protective cover shall provide for the prevention of soil sedimentation.
 - b. The plan shall call for temporary or permanent structural measures to prevent damaging runoff waters from originating on the slope itself, if applicable.
 - c. Planned structural measures shall adequately provide for the limitations of the site.
- E. **Exposed Surface.** Whenever the existing ground cover is removed or disturbed, or whenever fill material is placed on the site, the plan shall provide for the exposed surface to be treated to the extent necessary to prevent dust from blowing off the construction site.
- F. **Duration of Exposure.** The work schedule for the grading or filling operations shall limit the time soil is exposed to the shortest possible period before cover is established.
- G. **Disposal of Vegetation.** Provisions shall be made for disposal of vegetation during the clearing operation.
- H. **Disposition of Soil.** The plan shall describe the disposition of earth removed during grading operations.
- I. **Cut and Fill.** The maximum cut and fill slopes shall be compatible with soil stability and to the soil's susceptibility to erosion, as shown on the soil survey.

- J. **Runoff.** The plan shall include provisions to prevent runoff from flowing over the face of the slope.
- K. **Mechanical Stabilization.** If mechanical stabilization measures are planned for slope containment:
 - 1. These structures shall blend with the landscape.
 - 2. If structures do not blend in, landscape screening shall be planned.
- J. **Borrow Area.** If a borrow area is shown, re-vegetation shall be planned for the distributed area.
- K. **Arroyos.** If arroyos or other overall areas are in the planning area, plans shall include rundowns to a safe outlet.
- L. **Erosion Control.** Plans shall include provisions for water and erosion control in bar ditches along streets and roads.

Section 3 FLOOD PLAIN MANAGEMENT

Flood Plain identification and management shall be included in the planning, construction and maintenance of all projects and a Flood Plain Review of all development by the County Flood Plain Coordinator shall be conducted consistent with the County Flood Plain Ordinance 2010-46, with their recommendations attached to all submissions.

A separate soils and drainage review by the Taos County Soils and Water Conservation District may also be required by the County Planning Dept., dependent of site specific conditions.

- A. Dwellings shall not be located within the hundred (100)-year flood plain, or the developer shall submit a Flood Plain Certificate for all structures identified in the application and an elevation certificate, as per the Taos County Flood Plain Ordinance, as amended.
- B. Structures, materials deposits, or excavations, alone or in combination with present or future works, shall not adversely affect the capacity of the floodplain.
- C. Roads are not to be located in the floodplain, unless specifically approved by the New Mexico Department of Transportation, and roads shall not conflict with B above.
- D. Structures with the potential for high flood damage and confining animal shelters shall not be located in the floodplain.
- E. Existing and proposed utilities shall be free from threat of flood damage.
- F. The preferred method of watershed hydrology evaluation is NRCS Technical Release 55, "Urban Hydrology for Small Watersheds" or Chapter 2 of the NRCS Engineering Field Manual. Other methods such as HEC2, HYMO/AHYMO, or the rational method are acceptable, if sufficient supporting data is presented and deemed adequate by the reviewer.
- G. All 100-year flood line elevations and locations shall be shown on the site plan and, if applicable, the plat map. Damage from flooding is a function of flow depths and velocity. In appraising the flood damage potential, the magnitude and location of the velocities shall be considered. Erosion and sediment disposition are good indicators of damage having occurred in the past.
- H. Areas of potential flooding are identified in soil types and limitations. While these are not usually accurate enough to identify the hundred (100)-year flood zone, they will be useful indicators of areas needing careful study by the developer. The use of FEMA Flood Hazard Maps, by themselves, may not be considered sufficient for locating all possible 100-year flood plains within the development. These maps may note the presence of the larger drainage flood hazard areas, but do not delineate the smaller areas needed to be identified within the proposed development.
- I. Even the smallest of watersheds has a floodplain, but the intent of the review is to note those drainage courses that will flood and impact the proposed land use of the development. The smaller drainage course must not be overlooked. It must be properly identified as a potential floodplain hazard, if the drainage course crosses numerous lots where activities by the upstream lot owner may directly or indirectly change or alter the flow

pattern of these watercourses. The developer must note the major watercourses having floodplains on the plat maps, but additionally, the developer must identify those smaller drainage channels and water courses that may originate on or off the development and cross a number of lots and present a potential hazard, if altered by upstream activities.

- J. Rather than identify smaller drainage channels as 100-year floodplain drainage easements, the designations and evaluations required for the larger drainage channels – the platting of a natural water course with a perpetual easement for facilitating the natural water patterns shall be encouraged, or required when deemed necessary. This will allow the floodwaters to move through the natural, as well as the man made flood channels, without being obstructed. Care must be given to consider those watercourses that do not have definite and distinct banks, but are floodplains due to an overland flow condition.

Section 4 STORM DRAINAGE

Developments shall be planned, constructed and maintained to:

- A. Protect and preserve existing natural drainage channels, except where erosion and water control measures are found necessary and approved by the local district.
- B. Provide temporary measures to prevent damaging runoff waters from leaving the site, until construction is completed and permanent controls are installed.
- C. Protect structures and other works from flood hazards using the 100-year frequency storm for calculating flood levels.
- D. Provide a system wherein runoff water within the development is removed without causing harm or damage to the environment, property, or persons, inside or outside the development area.
- E. Assure that water drained from the development does not contain pollutants or sedimentary materials of any greater quantity than would occur in the absence of the development.
- F. Assure that waters are drained from the development in such a manner that they will not cause erosion outside of the development to any greater extent than would occur in the absence of the development.
- G. Assure that road construction provides proper drainage by:
 - 1. Avoiding water-ponding areas resulting from road construction, unless plans are developed that will adequately address the conditions.
 - 2. Roads planned for use in collecting or disposing of runoff shall be designed to ensure adequate control of the flows that prevent erosion and sedimentation.
 - 3. Road-drain outlets into an existing drainage course shall be designed to prevent erosion in the drainage course.
 - 4. Road-drain outlets into a controlled area.
 - 5. Road culverts shall be properly sized and located and of adequate length, and described in the plan.
 - 6. Road culverts and outlets shall be adequately protected.
- H. All storm drainage systems shall be constructed in accordance with the standards of the local district as deemed necessary for the site conditions of the proposed development. If the drainage basin where the development is located is only partially developed, the local district shall require that the design and construction of the drainage system shall have sufficient flow capabilities based on the assumption the entire basin will be developed.

- I. Development of an area is almost certain to cause an increase in runoff and sediment. The possible adverse effects of such increase shall be analyzed. Special consideration shall be given to the existing or planned bridge, culvert, and road crossing sizes, and the stability and capacity of the existing or planned watercourses. All planned construction of roads and their appurtenances shall be reviewed to ensure they do not adversely impact the storm drainage flows. It is recognized that stable water courses may start to degrade, when exposed to larger, more frequent or longer flows that may result from development.
- J. Diversions, debris basins, retaining walls, terraces, berms, and vegetative means shall be used as needed to reduce sediment and runoff. It is recognized that, once treated and sediment levels of storm runoff are reduced, the water is once again more likely to be able to increase erosion in areas not previously impacted due to its new-found ability to erode and transport sediments.
- K. The shaping of large natural channels usually increases the channel runoff velocity, which may result in increased erosion absent measures to slow velocities and protect the banks.
- L. Excavated and filled slopes shall generally be 3:1 or flatter.

Section 5 EROSION CONTROL

The terrain management plan shall clearly indicate that installed measures will prevent or control erosion. The following items shall be considered:

- A. Road grades shall be designed flat enough to prevent erosion, based on the soils involved.
- B. Borrow areas or drainage features shall be designed to prevent erosion or sediment deposition.
- C. Culvert inlets and outlets shall be properly protected from erosion and sedimentation.
- D. Critical area treatment or special plantings may be needed. If so, the plans shall be in keeping with the landscaping and re-vegetation plan procedures.
- E. Temporary soil stabilization may be needed during development. If so, it shall be adequately planned in accordance with local Soil & Water Conservation District Field Office Technical Guides.
- F. Soil stabilization methods shall be required on permanent slopes where found necessary by the local soil district.

Section 6 Landscaping and Vegetation

Re-vegetation is an important requirement of any development plan. A definitive "Schedule for Installing Plant Cover" is necessary to prevent erosion and must be included with the development application. The need for re-vegetation is an integral part of an approved approach to terrain management. The following items will be considered when reviewing the vegetation portion of a development plan:

- A. Species scheduled for planting shall be adapted to the soils and the local climate. The use of any species considered noxious, or a weed species that could enhance the distribution of undesirable species, will not be allowed.
- B. The source and frequency of watering for all proposed plantings, especially during the first year while plantings become established, must be identified.
- C. Seeding and planting methods and dates shown in the plan shall be compatible with the Taos Soil and Water Conservation District Field Office Technical Guides.
- D. Seeding rates shown in the plan shall meet the minimum set forth in the Taos Soil and Water Conservation District Field Office Technical Guides.

- E. Mulching of seeding areas shall be part of the plan, and shall be compatible to the Taos Soil and Water Conservation District Field Office Technical Guides and the Critical Area Treatment for Urban Development publication.
- F. Existing vegetation shall be left undisturbed whenever possible. The plan shall adequately ensure these areas are not adversely impacted during the construction phase of development.

Section 7
REFERENCE/AGENCY MATERIALS

Albuquerque Office of the Army Corps of Engineers

Critical Area Treatment for Urban Development, Ciudad SWCD-USDA, SCS

Albuquerque Health & Energy Dept. Air Pollution Control Division

Guide for Interpreting Engineering Uses of Soils, USDA, SCS

Engineering Field Manual for Conservation Practices, Chapter 2, Peak Rates of Discharge for Small Watersheds in New Mexico, USDA, SCS

Field Office Engineering Field Handbook, USDA, SCS

Field Office Technical Guides, USDA, NRCS

Field Office Technical Notes, USDA, NRCS

Natural Resource Conservation Districts Practice, Standards for Terrain Management, NM Association of Soil and Water Conservation Districts New Mexico Subdivision Review Guide, USDA, SCS, 1989

National Agronomy Manual, USDA, SCS

National Plant Materials Handbook, USDA, SCS

National Range Handbook, USDA, SCS

National Soils Handbook, USDA, SCS

Published Soil Surveys and Soil Interpretation Sheets by the USDA, NRCS

TR-20 – Computer Program for Project Formulation – Hydrology, USDA, SCS

TR 55 – Urban Hydrology for Small Watersheds, USDA, SCS

APPENDIX 4

FIRE PROTECTION

Section 1

FIRE PROTECTION AND SUPPRESSION REGULATIONS

A. Authority Having Jurisdiction. For the purposes of fire protection, suppression and code enforcement consistent with the authority of these regulations, Taos County shall be the “Authority Having Jurisdiction” (AHJ). All development applications shall be reviewed by the County Wildland Urban Interface Coordinator for compliance with the county Community Wildfire Protection Plan (CWPP) and consistency with the 2009 ICC WUI Code and Fire Wise fire protection and suppression requirements.

B. Requirements for All Uses other than Single Family Residence.

1. A statement of fire protection and suppression for the project shall be required, and shall include the number of units or lots each hydrated water tank can accommodate based on the design engineer’s evaluation of construction type and materials and the square footage of each unit according to (NFPA) 1142, Water Supplies for Suburban and Rural Fire Fighting Code.
2. The construction of water storage tanks shall follow the requirements of the National Fire Protection Association (NFPA) standards, NFPA 22 Water Tanks for Private Fire Protection Code, and NFPA 1142, Water Supplies for Suburban and Rural Fire Fighting Code.
3. In order to meet the minimum standard for grading of a water system, each system shall deliver two hundred and fifty (250) gallons of water per minute for two (2) hours. This means thirty thousand (30,000) gallons of stored water for fire protection above the daily peak demand for domestic use.
4. NFPA 1142, Section 6-5-2, Water Supply, states; “Where no piped water supply exists, the requirements of NFPA 1142 shall apply.”
5. Calculation of water supply and storage requirements shall be consistent with Chapter 7, NFPA 1142, Calculating Minimum Water Supplies. Taos County has the authority to waive the NFPA water supply requirements, if a structure has a fully engaged sprinkler system consistent with NFPA 13.
6. Swimming pools and ponds that may freeze during the winter months are not considered adequate for fire suppression.
7. No gray water, nor treated liquid waste, shall be used for fire suppression.
8. Unobstructed ingress and egress for fire vehicles, fire lanes, cul-de-sacs or hammerhead turns within the project shall be approved by the Taos County Road Department.
9. There shall be a fifty (50)-foot turning circle, a right/left hand hammerhead turn, or an equivalent turnout, every five hundred (500) feet along the main access roads and a fifty (50)-foot diameter cul-de-sac at the end of each dead end road within the project.
10. The applicant shall provide to the county and local fire department, a letter containing the Fire Protection and Suppression Plan for the project according to the standards set forth in this appendix. The fire department shall have thirty (30) calendar days in which to respond to the Planning Department.
11. The applicant’s Disclosure Statement shall include whether the project is in a moderate, high, or extreme fire hazard area. If high or extreme, the applicant shall consult with the Taos Soil and Water Conservation District Office for applicable defensible space regulations, depending on where the project is located.

12. Any application for drilling of a water well or a water system made to the New Mexico Office of the State Engineer shall state that the well or system is intended to be used for water for fire protection and suppression.
13. All other requirements deemed necessary by the reviewing/approving county entities for the preservation of the health, welfare and safety of the proposed development, local community and general public, consistent with the powers granted to New Mexico counties by public statute, shall be applicable.

C. Requirements for Projects of Five or Less Units or Lots with a Low to Moderate Fire Hazard Rating

1. There shall be a fifty (50) foot turning circle, a right/left hand hammerhead turn or equivalent turnout every one thousand (1,000) feet along main access roads and a fifty (50) foot diameter cul-de-sac at the end of any dead end road within the project to accommodate fire apparatus and emergency vehicles.
2. The applicant shall provide to the County and local Fire District, a letter containing the Fire Protection Plan for the project. The Fire District shall have thirty (30) calendar days in which to respond, positively or negatively, to the Planning Department and the applicant. Written responses that are not received within this thirty (30) day period may not be considered.
3. The applicant shall, if deemed necessary by the local Fire District in conjunction with the Planning Department, the Planning Commission or the Board of County Commissioners because of location or fire hazard danger, shall provide water storage tank(s) including a properly installed hydrant and hose fittings for fire suppression as required herein.
4. Should it be deemed necessary for the applicant to provide fire suppression water storage tank(s), hydrant and fire hose fittings, the applicant shall provide the Planning Department with a detailed Maintenance Agreement that outlines who is responsible for monitoring the level of the water storage tank(s), and conducting perpetual maintenance and periodic testing of all hydrants and fittings.

D. Requirements for Projects in High Fire Hazard Zones or Wildland Urban Interface (WUI) Areas

1. Access:
All projects in High Fire Hazard Zones and WUI Areas, as determined by the U. S. Forest Service and Taos County, shall be provided with fire access roads. The minimum required design standards for access roads are as follows:
 - a. All fire access roads shall be all-weather roads with a minimum driving surface width of twenty-two (22) feet and a clear height of thirteen and one-half (13 ½) feet; shall be designed to accommodate the loads and turning radii for fire apparatus; and have a gradient with a maximum of 12% that is negotiable by the fire apparatus normally used at that location.
 - b. Dead-end roads in excess of one hundred fifty (150) feet in length shall be provided with turnarounds of fifty (50) feet that are approved by the local fire district. An all-weather road surface shall be applied with a surface material acceptable to Taos County that would allow passage of all emergency vehicles typically used to respond to that location.
2. Driveways: All driveways in the project shall meet the following standards:
 - a. Driveways shall be provided when any portion of an exterior wall of the first story of a building is located more than one hundred fifty (150) feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed driving width of eighteen (18) feet and a minimum unobstructed height clearance of thirteen and one-half (13 ½) feet. Driveways in excess of one hundred and fifty (150) feet in length shall have fifty (50)-foot turnarounds. Driveways in excess of two hundred (200) feet in length and less than twenty (20) feet in driving width shall have turnarounds or hammerhead turns in addition to fifty (50)- foot turnarounds.

- b. A driveway serving four (4) dwellings shall be named as a private street with each dwelling numbered, and the road shall be constructed and maintained consistent with applicable County Road Standards set forth in these regulations.
 - c. Driveway turnarounds shall have an inside turning radii of not less than fifty (50) feet and an outside turning radii of not less than sixty (60) feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround, if all changes of direction meet the radii requirements for driveway turnarounds.
 - d. Driveway turnouts shall be an all-weather surface at least twelve (12) feet in driving width and forty (40) feet in length. Driveway turnouts shall be located as required by the AHJ.
3. Marking of access roads, driveways, fire protection equipment and fire hydrants is required as follows:
- a. Marking of roads with county-approved signs meeting standards of the 2004 Federal Highway Administration Manual on Uniform Traffic Control Devices (FHWA MUTCD) and/or Taos County Public Works approval shall be provided and maintained for access roads and driveways to identify such roads and driveways and prohibit the obstruction of both. All dead-end roads shall be marked at the entrance of the road and shall have a hammerhead turn every five hundred (500) feet and a cul-de-sac or hammerhead turn, as described above, near the end of the road.
 - b. Fire protection equipment and fire hydrants shall be clearly marked and identified in a manner approved by the AHJ to prevent any obstruction.
 - c. All buildings shall have permanently posted addresses which shall be placed at each driveway entrance and be visible from both directions of travel along the road. In all cases, the addresses shall be posted at the beginning of construction and shall be maintained free of obstruction thereafter, and shall be visible and legible from the road on which the address is located.
 - d. Address signs along one-way roads shall be visible from the intended direction of travel as well as the opposite direction.
 - e. Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted where driveways divide.
 - f. The gradient for all fire apparatus access roads and driveways shall not exceed the maximum of 12%.
4. Defensible space is intended to clear flammable vegetation within a minimum of thirty (30) feet of a home or structure and limit its density within one hundred (100) feet, without disturbing the natural setting beyond. However, any vacant land, within the boundaries of the project, shall be maintained by the land owner in order to reduce the possibility of fire escalating to nearby homes and structures.
- a. In order to qualify as a conforming defensible space, fuel modification shall be provided within a distance from buildings or structures as specified in the Defensible Space Table below. For all other purposes, the fuels reduction distance shall not be less than ten (10) feet, or to the property line; whichever is less. Distances specified in the Defensible Space Table below may be increased by the County, or upon recommendation of the local fire district because of site- specific analysis based on local conditions and the fire protection plan.

DEFENSIBLE SPACE TABLE

Wildland-Urban Interface Area	Required Fuel Reduction Distance (feet)
Moderate Hazard	30 feet
High Hazard	50 feet
Extreme Hazard	100 feet

- b. Persons owning, leasing or renting buildings or structures requiring defensible space are responsible for modifying or removing vegetation that is not fire resistant on the property owned, leased or rented.

- c. Trees are allowed within the defensible space, provided the horizontal distance between crowns of adjacent trees and crowns of trees and structures, overhead electrical facilities or unmodified fuel is not less than ten (10) feet. Deadwood and litter shall regularly be removed from the ground surface and trees.
 - d. Maintenance of defensible space shall include keeping non-fire resistant vegetation or growth, leaves, needles and other dead vegetative materials clear of any buildings or structures; tree crowns extending to within ten (10) feet of any buildings or structures pruned to maintain a minimum horizontal clearance of ten (10) feet; tree crowns pruned to remove limbs located less than six (6) feet above the ground surface adjacent to the trees in a manner so as to provide a clear area for fire suppression. Firewood in excess of a one-week supply is NOT to be placed adjacent to a residential structure, or underneath any type of attached decking, awning, porch, or the like.
 - e. Chimneys serving fireplaces, incinerators, barbecues or decorative heating appliances in which solid or liquid fuel is used, shall be equipped with an approved spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gauge (0-1046 inch) having openings not exceeding one-half (1/2) inch.
5. Water Supply: All projects may be required to have an approved water source with an adequate water supply for the use of the fire suppression service to protect all buildings and structures from exterior fire sources, or to suppress structure fires within a wildland-urban interface area of Taos County. Adequate water supply shall be determined for purposes of initial attack and flame control.
 6. Water Sources: The point at which a water source is available for use shall be located not more than one thousand (1,000) feet from the building or structure and shall be approved by the local fire district. The distance shall be measured along an unobstructed line of travel. Water sources shall comply with the following:
 - a. Man-made water sources shall have the minimum usable water volume determined by water supply requirements herein. Swimming pools and ponds that may freeze during the winter months are not considered adequate for fire suppression. No gray water or treated liquid waste shall be used for fire suppression. The water supply shall be equipped with any approved dry hydrant(s) with the proper hose fittings. The water level of the water source shall be maintained by rainfall, water pumped from a well, water hauled by tanker, or by seasonal high water of a stream or river. The design, construction, location, water level maintenance, access, and access maintenance, of man-made water sources shall be approved by the local fire district.
 - b. Natural water sources shall have a minimum water level or flow sufficient to meet water supply needs identified herein. This water level or flow shall not be approved, if rendered unusable because of freezing. The site of the water source must be approved, as well as dry hydrant(s) and hose fittings. Adequate water flow and rights for access to the water source shall be ensured by a form acceptable to Taos County.
 - c. Connections to all dry hydrants shall be determined by the local fire district with jurisdiction.
 7. Vegetation Control:
 - a. The AHJ is authorized to require vegetation control, as in the removal of brush and non-fire-resistant vegetative growth, from areas within ten (10) feet of each side of fire apparatus access roads and driveways, and the removal of brush and non-fire-resistant vegetative growth from areas of electrical transmission or distribution lines, poles or towers to provide a combustible-free space consisting of a clearing not less than ten (10) feet in each direction from the outer circumference of such pole or tower.
 - b. Water storage and pumping facilities shall be provided with a defensible space not less than a fifty (50) foot semicircular radius that that is clear of non-fire-resistant vegetation or growth around and adjacent to such facilities.

- c. Persons owning, leasing or renting water storage or water pumping facilities are responsible for clearing and removing non-fire-resistant vegetation, and maintaining the defensible space on the property.
8. Ignition-Resistant Construction: Buildings and structures hereafter constructed, modified or relocated into or within wildland-urban interface areas shall meet certain construction requirements. All building and structures within high or extreme fire hazard areas shall be constructed of ignition-resistant rated materials, with particular attention paid to roofs, eaves, fascias, exterior walls, unenclosed under-floor areas, and attached, unenclosed accessory structures, such as decks, doors, windows, vents, and skylights.
- a. Roofs shall be constructed with Class 1 or 2 ignition-resistant materials approved by the AHJ.
 - b. Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum of 1-hour fire-resistance-rated construction. Fascias are required and shall be protected on the backside by materials approved for a minimum of 1-hour fire-resistance-rated construction or 2-inch (51mm) nominal dimension lumber.
 - c. Gutters and downspouts shall be constructed of noncombustible material.
 - d. Buildings or structures shall have all under-floor areas enclosed to the ground with exterior walls built, at minimum, of 1-hour fire-resistance-rated materials.
 - e. Unenclosed accessory structures attached to a building with habitable spaces and projections such as decks, shall be a minimum of 1-hour fire-resistance-rated construction, heavy timber construction, or approved noncombustible materials.
 - f. Exterior windows, window walls, and glazed doors, windows within exterior doors and skylights, shall be multi-layered glazed panels, glass block, or have a fire protection rating of not less than twenty (20) minutes.
 - g. Exterior doors shall be approved, noncombustible construction, solid core wood not less than 1 ¾ inches thick (45mm), or meet a 1-hour fire protection standard.
 - h. Attic ventilation openings, foundation or under-floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each. Such vents shall be covered with noncombustible corrosion-resistant mesh with openings not to exceed ¼ inch.

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least ten (10) feet from property lines. Under-floor ventilation openings shall be located as close to grade as practicable.

 - 1) Detached accessory structures located less than fifty (50) feet from a building containing habitable space shall have exterior walls constructed with materials approved for a minimum of 1-hour fire-resistance-rated construction, heavy timber, log wall construction or be constructed with approved noncombustible materials on the exterior side.
 - 2) When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under-floor areas enclosed to within 6 inches of the ground, with exterior wall construction of approved minimum 1-hour fire-resistance-rated materials.
9. If manufactured homes are planned as part of the proposed development, the distance from any part of the manufactured homes to the property line shall be no less than twenty-five (25) feet. The minimum distance from any manufactured home to any other structure (including accessory structures and storage shed) shall be no less than twenty-five (25) feet. Any manufactured home shall be skirted with fire-resistant materials with at least a 1-hour fire rating.

10. Fire Protection Plan: All projects within wildland-urban interface areas shall submit a fire protection plan to include a defensible space to the county and the local fire district thirty (30) calendar days before the public hearing on preliminary plat approval.
 - a. The plan shall be based upon a site-specific, wildfire risk assessment by the County, US Forest Service, BLM and/or local fire district and shall include considerations of location, topography, flammable vegetation, climatic conditions, and fire history. The plan shall address defensible space, vegetation management, water supply, access, building ignition, fire-resistance factors, and fire protection systems and equipment.
 - b. The cost of the fire protection plan preparation shall be the responsibility of the applicant.

SECTION 2
Fire Protection and Suppression Requirements
for Single Family Residences within the Wildland Urban Interface Area

A. Fire protection and suppression requirements.

1. A fire protection and suppression plan for dwelling within the Wildland Urban Interface Area, including a defensible space plan, shall be included with the permit application submitted to the Taos County Planning Department.
2. The applicant's permit application shall include a statement of whether the dwelling is in a low, moderate, high, or extreme fire hazard area, as determined by the County WUI map(s). If the project area is ranked as a high or extreme fire danger, the applicant shall consult with the Taos County Soil and Water Conservation District Office for applicable defensible space regulations, depending on the dwelling location.
3. Any application for the drilling of a water well made to the New Mexico Office of the State Engineer shall state that the well is intended to be used for water for fire protection and suppression.
4. For purposes of public safety, due to location, lack of water supply, or fire hazard danger, the applicant may be required to provide a water storage tank including a properly installed hydrant and hose fittings for fire suppression as required herein. Upon review of the proposed development, this requirement may be imposed by the AHJ in conjunction with the Taos County Planning Department, or as a condition of approval by the Planning Commission and/or Board of County Commissioners,
5. All other requirements deemed necessary by the reviewing/approving county entities for the preservation of the health, welfare and safety of the proposed development, local community and general public, consistent with the powers granted to New Mexico counties by statute shall be applicable.

B. Requirements for Single Family Residences within High Fire Hazard Zones or Wildland-Urban Interface Areas. All dwellings within a high fire hazard zone or wildland-urban interface area shall follow all requirements deemed necessary by the County as determined upon review of the application..

Appendix 5 Cultural Properties

Protection of Cultural Properties, Archaeological Sites and Unmarked Human Burials

Taos County hereby declares that the historical and cultural heritage of the county is one of the county's most valued and important assets; that the public has an interest in the preservation of all antiquities, historic and prehistoric ruins, sites, structures, objects and similar places and things for their scientific and historical information and value; that the neglect, desecration and destruction of historical and cultural sites, structures, places and objects results in an irreplaceable loss to the public; and that therefore it is the purpose of the ordinance to provide for the preservation, protection and enhancement of structures, sites and objects of historical significance within the county, in a manner conforming with, but not limited by, the Cultural Properties Act [18-6-1 to 18-6-17 NMSA 1978] and the National Historic Preservation Act of 1966 (P.L. 89-665).

Applicants are responsible for obtaining archaeological reports required under the Cultural Properties Act and the National Historic Preservation Act of 1966.

Archaeological Review Sites/Unexpected Discoveries/Human Remains/Penalties

A report of any unexpected discoveries of cultural remains during construction activities shall be made to the County Planning Department and to the State Historic Preservation Division. Construction activities shall cease within the area of the discovery that in any way endangers the cultural remains. An archaeologist authorized by the State Historic Preservation Division shall visit the site within forty eight (48) hours, excluding weekends or holidays, and determine the archaeological significance and the data potential of the site. If the site is determined to be significant and to have data potential, then:

- a. The archaeologist will determine a buffer area in which construction activities shall temporarily cease;
- b. The property owner shall present a treatment plan to the State Historic Preservation Office for approval; and
- c. The treatment plan shall meet the requirements of these regulations.

Human remains are considered part of an archaeological record, and should be afforded special treatment pursuant to the NMSA 1978 § 24-11-5. If human remains are discovered, any construction activities affecting the remains shall cease and county officials shall be contacted. If the human remains are less than seventy-five (75) years of age, a determination of jurisdiction will be made by the Office of the New Mexico Medical Examiner. If the remains are determined to be prehistoric or isolated burials of early historical age, the site is considered to be significant and a treatment plan shall indicate consideration of local Native American or other religious concerns, or if applicable, shall include notification of possible relatives or descendants. If the remains represent permanent interment in any church, church yard, or cemetery, they may not be disturbed without a district court order. NMSA 1978, § 30-12-12.

Failure to report such finds could result in the imposition of penalties provided for by the law.

Appendix 6

AGREEMENT TO ASSURE COMPLETION OF INFRASTRUCTURE

THIS AGREEMENT is made as of the _____ day of _____, by and between _____ and _____ (“OWNER”), and the County of Taos, a political subdivision of the State of New Mexico (“TAOS COUNTY”).

WITNESSETH:

WHEREAS, OWNER has received Approval for _____ (the “Project”) conditioned upon TAOS COUNTY’S receipt and approval of documentation to assure completion of the infrastructure improvements within the Project; and,

WHEREAS, OWNER has submitted for approval and TAOS COUNTY has approved a form of Letter of Credit to be used to assure completion of Project infrastructure, a copy of which is attached hereto as Exhibit “A” and is hereby made a part hereof; and,

WHEREAS, the parties have determined to memorialize their agreements related thereto as hereinafter set forth.

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the mutual receipt and sufficiency of which is hereby acknowledged, the parties hereto do agree as follows:

- (1). TAOS COUNTY accepts the form of Letter of Credit attached hereto to be issued by _____, to the benefit of TAOS COUNTY, to assure OWNER’S completion of required infrastructure improvements for the Project;
- (2). OWNER agrees to commence no permitted infrastructure improvement until a Letter of Credit, in the form attached, has been issued to Taos County to assure completion of such construction;
- (3). The Letter of Credit shall be issued in an amount sufficient to complete the required infrastructure improvement or PROJECT, plus a ten percent (10%) contingency reserve;
- (4). A copy of the Engineer’s Estimate for the total cost of completion of required infrastructure improvements for the Project, prepared by _____ under the supervision of _____, is attached hereto as Exhibit “B” and is hereby made a part hereof;
- (5). OWNER agrees with TAOS COUNTY that no construction or development may commence until a Letter of Credit in the form attached shall have been issued.
- (6). Draws made by OWNER to pay for infrastructure improvements shall be made during the course of construction when approved by the Project’s Engineering consultant, _____. Upon completion of infrastructure construction and its approval by TAOS COUNTY, TAOS COUNTY agrees to execute and deliver to OWNER a Termination of this Agreement in the form attached as Exhibit “C” and hereby made a part hereof.
- (7). OWNER agrees with TAOS COUNTY that, in the event that OWNER determines to sell the entire Project to _____ [purchaser], closing of the sale transaction shall be contingent

upon such purchaser entering into a binding agreement with TAOS COUNTY to provide a Letter of Credit or other acceptable security to complete required infrastructure improvements.

(8). The parties agree that this Agreement:

- a. Shall be construed in accordance with the laws of the State of New Mexico;
- b. Shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns;
- c. That this Agreement fully embodies the understandings of the parties hereto relative to the matters contemplated hereby; and,
- d. That should any portion of this Agreement be determined to be unenforceable by a court of competent jurisdiction, it is the parties express desire that the remainder of this Agreement shall remain in full force and effect.
- e. That in the event of litigation arising from an alleged breach of this agreement, the prevailing party in the lawsuit shall be entitled to be paid all costs and attorney fees suffered by the non-prevailing party.

IN WITNESS WHEREOF, the parties hereto have hereunto set their respective signatures.

COUNTY OF TAOS, NEW MEXICO

By: _____
Chairman, Board of County Commissioners

Date: _____

APPROVED AS TO FORM:

Planning Director

County Attorney/Assistant County Attorney

("OWNER")

By: _____

By: _____

By: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _ day of _____, 200____, before me personally appeared _____
_____, _____, and _____ to me
known to be the persons described in and who executed the foregoing instrument, and acknowledged that
they executed the same as their own free acts and deeds.

(SEAL) _____
Notary Public
My Commission Expires: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _ day of _____, 200____, before me personally appeared _____
_____, Chairman, Board of County Commissioners of Taos County, New Mexico, a political
subdivision, to me known to be the person described in and who executed the foregoing instrument, and
acknowledged that he/she executed the same as his/her own free act and deed on behalf of Taos County.

(SEAL) _____
Notary Public
My Commission Expires: _____

EXHIBIT "A"

(BANK LETTERHEAD)

Taos County
Attn: Taos County Attorney
105 Albright Street, Suite A
Taos, New Mexico 87571

STANDBY LETTER OF CREDIT

We hereby establish, at the request of _____ and _____ for the account of _____ ("Borrower"), in favor of Taos County, New Mexico ("Beneficiary"), our Standby Irrevocable Letter of Credit No. _____ ("Letter of Credit"). With this Letter of Credit, we hereby irrevocably authorize Beneficiary to draw on _____ Bank ("Issuer"), in accordance with the terms and conditions hereinafter set forth, by executed draft, in an amount not exceeding _____ (\$ _____) in United States currency.

This Letter of Credit represents security for Borrower's completion of infrastructure improvements required by Beneficiary as a condition of approval for the _____, the Project, which lies within the platting and planning jurisdiction of Beneficiary.

Beneficiary acknowledges that the amount obligated under this Letter of Credit shall be reduced to the extent of funds paid by Borrower for infrastructure improvements.

Beneficiary may draw funds against this Standby Letter of Credit only under the following conditions and in accordance with the following terms:

1. Funds against the Letter of Credit are available to Beneficiary's executed draft drawn on Issuer. The draft presented to Issuer for payments hereunder must state upon its face: "Drawn under Letter of Credit No. _____ dated _____, of _____ Bank."
2. The draft must be executed by a duly authorized agent of Beneficiary, who must certify that, as of date of the draft, Borrower has failed to comply with the requirements imposed by Beneficiary when it granted approval for the Project. The draft must also state the Beneficiary will use the funds issued pursuant to this Letter of Credit solely for the purpose of completing the above-referenced improvements to _____, the Project, in accordance with the plans and budget on which conditional approval was based.
3. The maximum amount in which the draft hereunder will be honored for each of the above improvements shall in no event exceed the amount set forth above for work completed pursuant to the Agreement to Assure Completion of infrastructure noted above between Owner and Taos County.
4. Payment shall be by cash or cashier's check. Payment shall be made three days after sight.
5. Presentation of the draft and accompanying certification may be made by hand, certified mail or by overnight delivery service during regular banking hours on any day in which presentation may be made at the office of Issuer located at _____. Upon receipt of the draft, Issuer will, in conformance with the requirements of this Letter of Credit and the provisions of the Uniform Commercial Code, honor the draft.

_____ Bank

By: _____ President, (Name)

EXHIBIT "B"

(TO BE PROVIDED BY OWNER – ENGINEER’S ESTIMATE STAMPED BY ENGINEER)

EXHIBIT "C"

**TERMINATION OF AGREEMENT
TO ASSURE COMPLETION OF INFRASTRUCTURE**

THIS TERMINATION is dated the _____ day of _____, _____ by and between (“Owner”), and the County of Taos, a political subdivision of the State of New Mexico (“Taos County”).

WITNESSETH:

WHEREAS, on the _____ day of _____, _____, Owner entered into that certain Agreement to Assure Completion of Infrastructure with Taos County, which was filed in Book _____, at Pages _____, and [if applicable] on _____, _____, the First Amendment thereto was filed in Book _____ at Pages _____, both Records of Taos County, New Mexico (the “Agreement, as amended”); and,

WHEREAS, as of _____, _____, due certification of the completion of the required Infrastructure was provided to Taos County by the project’s engineer, _____, and as of _____, _____, the Taos County Planning Director or his designee inspected and approved such completion.

NOW, THEREFORE, in consideration of the premises, Owner and Taos County do hereby Terminate and Release the Agreement, as amended.

IN WITNESS WHEREOF, the parties hereto have hereunto set their respective signatures.

COUNTY OF TAOS, NEW MEXICO
 (“Taos County”)

By: _____
Chairperson
Taos County Board of Commissioners

Date: _____

(“Owner”)

By: _____

By: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 200__, before me personally appeared _____, Chairperson of the Taos County Board of Commissioners, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as her own free act and deed on behalf of Taos County.

Notary Public

(SEAL)

My Commission Expires: _____

STATE OF _____)
) SS:
COUNTY OF _____)

On this _____ day of _____, 200__, before me personally appeared _____, _____, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her own free act(s) and deed(s).

Notary Public

(SEAL)

My Commission Expires: _____

Appendix 7
Schematics for Clear Site View, and Height of Building,

Obstruction of View:

1. Sight Triangle Area:

- a. Defined as that portion of a corner lot lying within a triangle area formed by measuring back along the property lines adjacent to the intersecting streets to a point on each property line twenty feet (20') from the intersection of said property lines and then connecting the two (2) points thus establishing a third line.

2. Maintenance In Site Triangle Area:

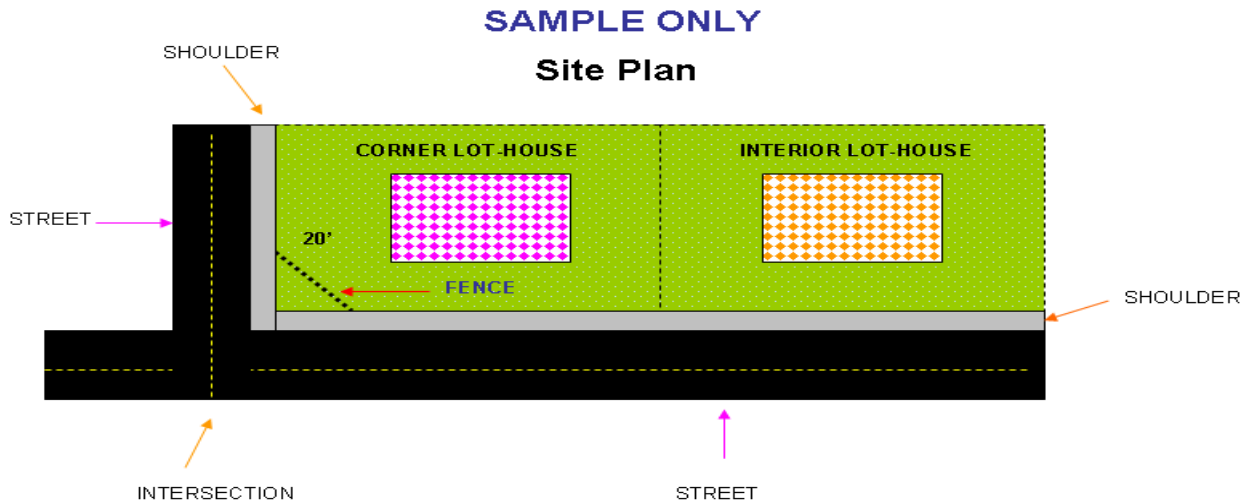
- a. It shall be unlawful for the owner, occupant, or person in control of any corner lot in the city to erect, maintain or permit to grow any obstruction to the view of drivers of motor vehicles over a height of three feet (3'), and all trees shall be trimmed so that no foliage hangs down closer than seven feet (7') to the ground within the "sight triangle area" of the lot.

3. Park Strips:

- a. No trees may be planted in the park strip.

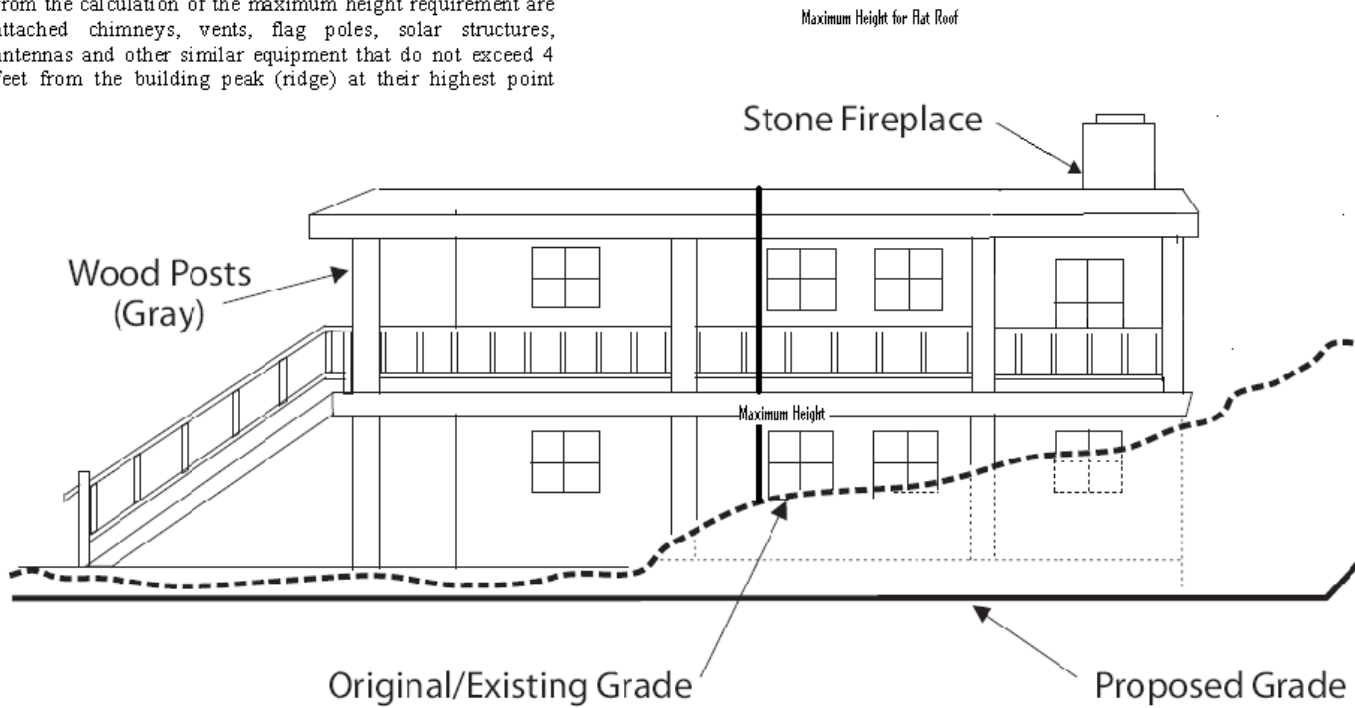
4. Violation:

- a. The Planning Director shall have the authority to order removal of any tree, plant, shrub, fence or other object that violates the provisions of this section.

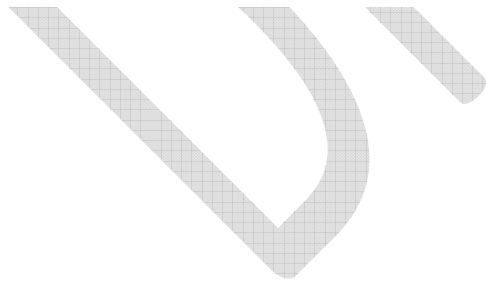
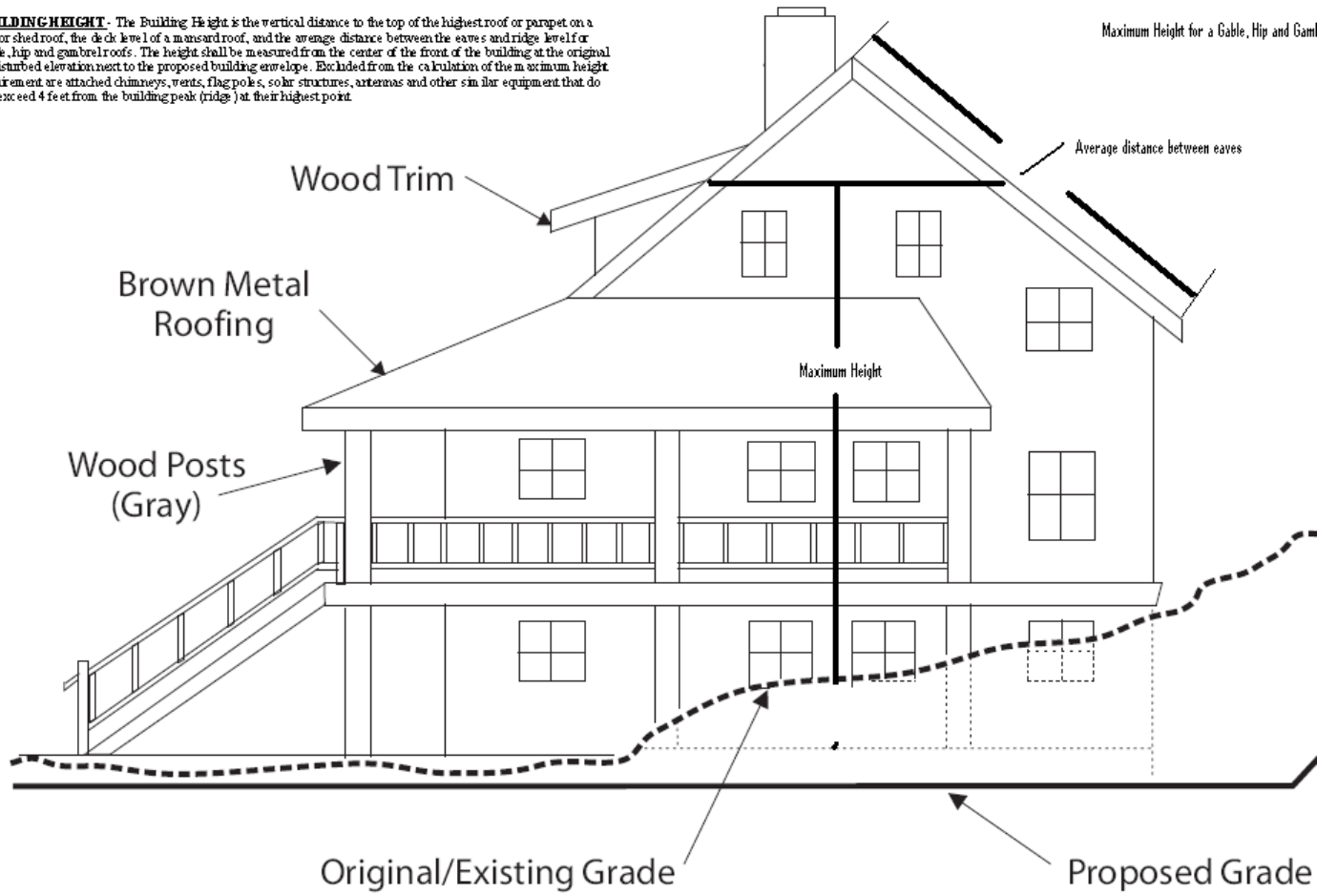


Maximum Height:

BUILDING HEIGHT - The Building Height is the vertical distance to the top of the highest roof or parapet on a flat or shed roof, the deck level of a mansard roof, and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. The height shall be measured from the center of the front of the building at the original undisturbed elevation next to the proposed building envelope. Excluded from the calculation of the maximum height requirement are attached chimneys, vents, flag poles, solar structures, antennas and other similar equipment that do not exceed 4 feet from the building peak (ridge) at their highest point

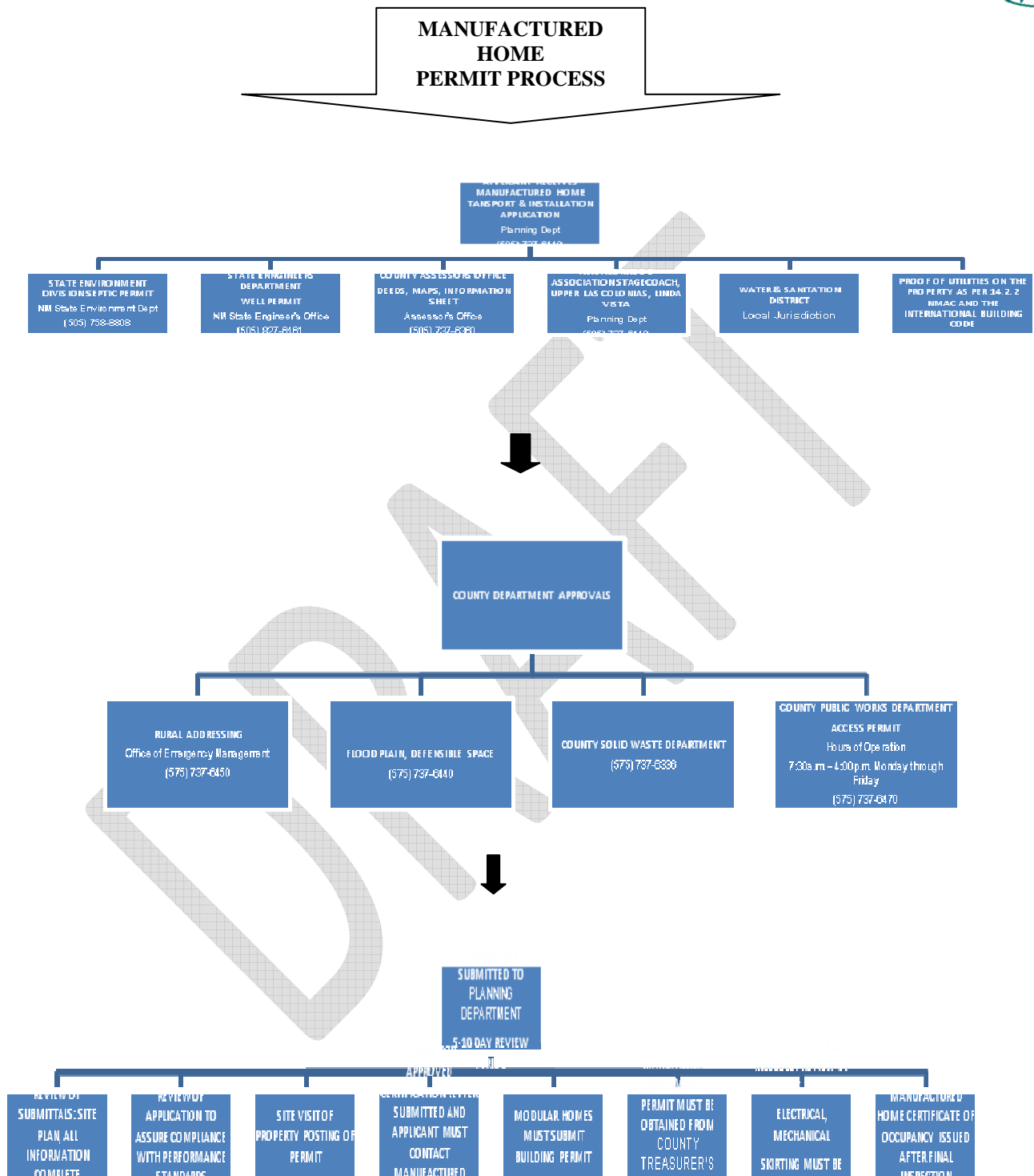


BUILDING HEIGHT. The Building Height is the vertical distance to the top of the highest roof or parapet on a flat or shed roof, the deck level of a mansard roof, and the average distance between the eaves and ridge level for gable, hip and gambrel roofs. The height shall be measured from the center of the front of the building at the original undisturbed elevation next to the proposed building envelope. Excluded from the calculation of the maximum height requirement are attached chimneys, vents, flag poles, solar structures, antennas and other similar equipment that do not exceed 4 feet from the building peak (ridge) at their highest point.



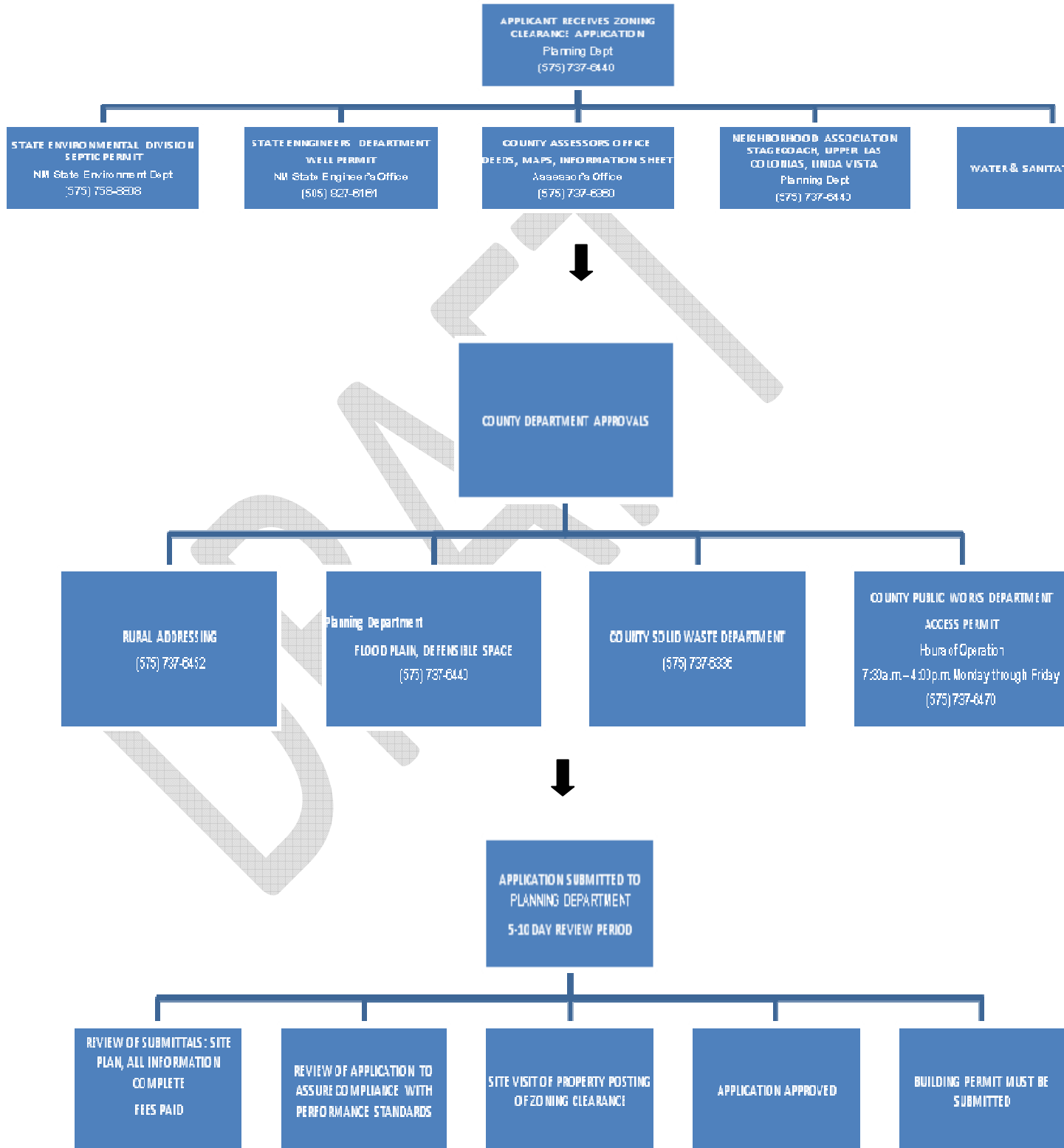


Appendix 8 Application Flowcharts



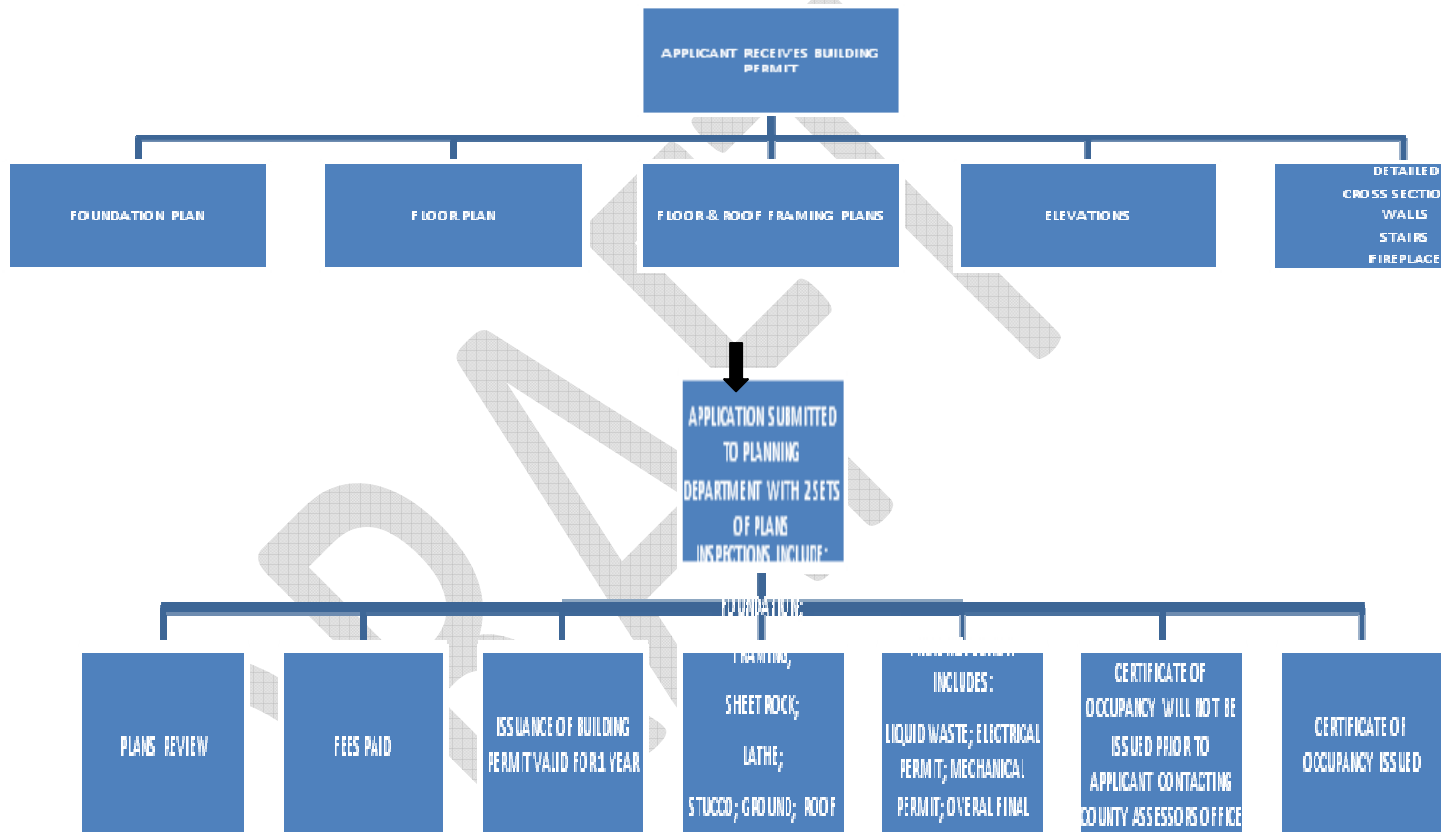


ZONING CLEARANCE PROCESS





BUILDING PERMIT PROCESS



Appendix 9
Fee Schedule

The Taos County Planning Department fees schedule shall be as follows:

BUILDING PERMITS

Construction Cost:

Permit Fee:

\$1.00 to \$500.00	\$24.00
\$501 to \$2,000	\$24.00 for the first \$500.00, plus \$3.00 for each additional \$100 or fraction thereof, up to and including \$2,000.00.
\$2,001 to \$40,000	\$69.00 for the first \$2,000, plus \$11.00 for each additional \$1,000 or fraction thereof, up to and including \$40,000.00
\$40,001 to \$100,000	\$487.00 for the first \$40,000, plus \$9.00 for each additional \$1,000 or fraction thereof, up to and including \$100,000.00.
\$100,001 to \$500,000	\$1027.00 for the first \$100,000, plus \$7.00 for each additional \$1,000 or fraction thereof, up to and including \$500,000.00
\$500,001 to \$1,000,000	\$3,827.00 for the first \$500,000, plus \$5.00 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000.00
\$1,000,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000, plus \$ 3.00 for each additional \$1,000 or fraction thereof, up to and including \$5,000,000.00.
\$5,000,001 and up	\$18,327 for the first \$5,000,000, plus \$1.00 for each additional \$1,000 or fraction thereof.

*For Commercial Buildings, Add 10% of the Fee

*Add a 20% Permit Review Fee

Grading Fees:

Grading Plan Review fees

50 cubic yards or less.....	No Fee
51 to 100 cubic yards.....	\$23.50
101 to 1000 cubic yards.....	\$37.00
1,001 to 10,000 cubic yards.....	\$49.25
10,001 to 100,000 cubic yards	\$49.25 for the first 10,000 cubic yards plus \$24.50 for each additional 10,000 cubic yards or fraction thereof.

100,001 to 200,000 cubic yards \$269.75 for the first 100,000 cubic yards plus \$13.25 for each additional 10,000 cubic yards or fraction thereof.
 200,000 cubic yards or more \$402.25 for the first 200,000 cubic yards plus \$7.25 for each additional 10,000 cubic yards or fraction thereof.
 Other fees: Additional plan review required plan changes, additions or revisions to approved plans is \$50.00 per hour(minimum charge ½ hour).*

Grading Permit fees

50 cubic yards or less.....No Fee
 51 to 100 cubic yards.....\$37.00
 101 to 1,000 cubic yards \$37.00 for the first 100 cubic yards plus \$17.50 for each additional 100 cubic yards or fraction thereof.
 1001 to 10,000 cubic yards \$194.50 for the first 1,000 cubic yards plus \$14.50 for each additional 1,000 cubic yards or fraction thereof.
 10,001 to 200,000 cubic yards \$325.00 for the first 10,000 cubic yards plus \$66.00 for each additional 10,000 cubic yards or fraction thereof.

Other Inspections and Fees:

1. Inspections outside of normal business hours.....\$50.00 per hour*
 (minimum charge, two hours).
2. Re-inspection fees.....\$50.00 per hour*
3. Inspections for which no fee is specifically indicated.....\$50.00 per hour*
 (minimum charge, ½ hour).
4. Additional plan review required by changes, additions
 or revisions to plans.....\$50.00 per hour*
 (minimum charge, ½ hour).
5. For staffs’ use of outside consultants or attorneys for plan
 review and inspections, or both; fees shall be paid by the applicant.
6. Fine for not obtaining permit prior to building.....Permit fees are doubled
7. Demolition Permit.....\$150.00

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employee involved.

Actual costs include administrative and overhead costs.

Zoning Clearances \$150.00 which includes site visit

Manufactured Home Permit \$150.00 which includes site visit

Temporary Permits \$50.00

Special Use Permit: \$500.00

Major Development Review: \$1,000.00

Appeals: \$200.00*

Variiances: \$200.00

<u>Rezoning</u>	\$500.00
<u>Site Visit Fees:</u>	\$50.00 for each site visit required
<u>Sign Permit:</u>	\$1.00 per square foot of total sign area
<u>Business Registration</u>	\$25.00
<u>Copy of Land Use Regulations:</u>	\$30.00
<u>Copy of Comprehensive Plan:</u>	\$30.00
<u>Copies and Faxes:</u>	\$1.00 per page
<u>Additional plan review required by changes, additions or revisions for Special Use Permits, Variances, Major Developments</u>	\$50.00 per hour (minimum of one hour)
<u>Rural Addressing:</u>	
1. New Construction Addressing Fee:	\$35.00 per address (see ordinance)
2. Subdivision Addressing Review Fee:	\$100.00 (see ordinance).
3. Summary Subdivision Review Fee:	\$25.00 (see ordinance).
4. Zoning Clearance Application:	\$10.00 for review (see ordinance).
5. Addressing Review Fee:	\$10.00 (see ordinance). \$35.00 new address.
6. Road Name Change Fee:	\$100.00 (see ordinance).
7. New Sign Fee:	\$100.00 (see ordinance).
<u>Floodplain Review:</u>	
1. Application Review Fee:	\$40.00
2. Map Fee:	\$10.00
4. Site Visit Fee:	\$50.00 per hour.
5. Elevation Certificate Review Fee:	\$50.00
6. Floodplain Subdivision Permit:	\$100.00

Fees are non refundable
Fine for not obtaining required permit the fees for permits will be doubled

