



BEFORE THE TAOS COUNTY
PLANNING COMMISSION
TAOS, COUNTY NEW MEXICO

TAOS COUNTY
ELAINE S. MONTANO, CLERK
000355347
Book 693 Page 231
1 of 4
08/12/2009 08:42:34 AM
BY AMYR

IN THE MATTER OF THE APPLICATION
FOR SPECIAL USE PERMIT (SUP-09-09)
COMMERCIAL DEVELOPMENT, FOR ALEX ABEYTA, P.E. OF ABEYTA
ENGINEERING INC., TAOS NM AGENT REPRESENTING EL VALLE DE LOS
RANCHOS WATER & SANITAION DISTRICT(EL VALLE).

DECISION OF PLANNING COMMISSION
Meeting of July 14, 2009

On July 14, 2009, the aforementioned matter came before the Taos County Planning Commission at a duly advertised public hearing to consider whether a commercial development proposing to construct a (2,048) square feet office building for El Valle along with all site and utility improvements; a future (920) square feet garage; and a future (4,000) square feet steel building garage; all to be located on tract "A" which is one (1.0) acres in size. The front half of the one (1.0) acre site will be used for the office building and parking with the back half of the one (1.0) acre site to be used for the two (2) garage buildings and as a yard for storage of construction materials. The applicant is also requesting approval of a Variance (VAR-003-09) to allow seven (7) parking spaces in the front of the office. The matter was considered under a Special Use Permit application and in accordance with the Taos County Land Use Regulations, Ordinance 2005-10, Amending 1997-4 and Incorporating 1998-6, 2003-1, 2003-7 and 2006-8; and

THE TAOS COUNTY PLANNING STAFF ADVISED that the proposed project is located at (#6 County Road C-139) in Llano Quemado, Taos County, New Mexico. The proposed project is further described as lying and being situated within projected section 1, township 24 north, range 12 east, lying and being situated within the Cristoval De La Serna Grant and also described as being part of Tract 152, Map 15, Survey 1, of the 1941 Taos County Reassessment Survey and that the applicant had complied with the requirements of a Special Use Permit- Commercial Development; and

THE TAOS COUNTY PLANNING STAFF ADVISED The proposed site is vacant land with wild grass and natural drainage areas within the property. The site is located south of the Town of Taos, NM off of Taos County Road C- 139. The property is zoned Rural Agricultural. Miranda Canyon is to the East of the property and the Llano Quemado community center is to the North of the property. The property south of the property is owned by El Valle and is 1.76 acres it does have a wooden barn constructed by the previous owner. The property adjacent to the west side is undeveloped land as well as the property adjacent to the eastside of County Road C-139.; and

**BEFORE THE TAOS COUNTY
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TAOS COUNTY
ELAINE S. MONTANO, CLERK
000355347
Book 693 Page 232
2 of 4
09/12/2009 09:42:14 AM
BY AMYR

THE TAOS COUNTY PLANNING STAFF recommended to the Taos County Planning Commission approval of the Special Use Permit (SUP-009-09) with the conditions identified in the staff report contingent on approval of the Variance (VAR-003-09) by the Board of Commissioners; and

THE TAOS COUNTY PLANNING COMMISSION afforded proponents and opponents the opportunity to testify concerning the Special Use Permit application (SUP-009-09). There were no proponents or opponents that gave testimony on behalf of the proposal; and

THE TAOS COUNTY PLANNING COMMISSION FOUND BY REFERENCE to the Planning Department's staff report dated July 14, 2009, which contained staff findings, other actions required, site analysis, application requirements, staff's determination, public comment and a report by staff on the performance standards with which the applicant demonstrated compliance for a Special Use Permit – Commercial Development; and

THE TAOS COUNTY PLANNING COMMISSION FOUND BY REFERENCE that the review of the standards and performance standards identified in the Planning Department's staff report were findings of fact in rendering a decision; and

THE TAOS COUNTY PLANNING COMMISSION FOUND that construction of the proposed Commercial Development would not have a negative impact on the health, safety or general welfare of the community; and

THE TAOS COUNTY PLANNING COMMISSION voted to approve Special Use Permit (SUP-009-09) contingent on approval of the Variance (VAR-003-09) by the Board of Commissioners and subject to the following conditions:

1. The applicant is being considered for the application as it was submitted. Applicant must present any proposed changes or modifications to the information set forth in the original application to the Planning Department for review.
2. The buildings shall be built to a maximum height limit of 27 feet.
3. The applicant shall provide one space for each two employees and 1 handicap parking space for the garage and the steel building located in the back of the site.
4. The applicant shall comply with all applicable ADA requirements for the construction of the sidewalks. Also the applicant shall designate an ADA parking space with signage at one of the two garages parking spaces. The applicant shall work with the Taos County Building and Permitting section in order to achieve ADA compliance. The Certificate of Occupancy shall not be released until all ADA requirements have been met.

**BEFORE THE TAOS COUNTY
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TAOS COUNTY
ELAINE S. MONTANO, CLERK
000355347
Book 693 Page 233
3 of 4
08/12/2009 08:42:34 AM
BY AMVR

5. The applicant shall provide exterior lighting including security lighting, all artificial light sources, such as parking lot lights, pedestrian lights or security lighting, must be structured to avoid unnecessary glare. The applicant shall comply with the Taos County Night Sky Ordinance. A Certificate of Occupancy shall not be submitted to the applicant until compliance is approved by planning department.
6. All required set backs that are not paved or graveled shall be landscaped and maintained. The Applicant shall not allow loading within setbacks.
7. The applicant shall obtain an access permit from the Taos County Public works Department for access on to County Road C-139 prior to obtaining building permit for the construction of the office building.
8. The applicant's solid waste disposal unit shall be placed where the roads and driveways are maintained and service locations are safe, passable and accessible. The receptacles for solid waste will be set in a discreet location and screened from view.
9. The applicant shall place all utilities underground.
10. The applicant shall comply with all requirements given by the applicant's engineer in the submitted plans. The applicant shall follow the notes located in sheet 3 of the engineered plans in the construction of the buildings and site preparation. Density Tests shall be conducted in the development of the parking lots and foundations as to assure correct compaction. Procedures shall be established in the assurance that dust will be controlled in the development of the site.
11. The applicant shall designate in the site plan the area where the materials used for water and sewer projects are to be stored prior to obtaining a building permit from Taos County Planning. The applicant shall obtain a building permit for the fence if it exceeds 6 feet.
12. During construction the contractor shall be responsible for maintaining cut/fill slopes and preventing erosion as identified in the submitted Grading and Drainage plan.
13. The applicant shall develop foundations and retaining walls as per his soils engineer's findings and adequate tests and inspections by competent geotechnical engineers will be performed for site preparation and foundation construction.
14. The applicant and or contractor shall provide a portable sanitary unit prior to and throughout the duration of the construction of the buildings.

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000355347
Book 693 Page 234
4 of 4
08/12/2009 08:42:34 AM
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15. A minimum Culvert size shall be based on at least a fifty year storm. The applicant shall install inlet and outlet rip-rap at all culverts.
16. The applicant shall avoid known archeological sites and if cultural materials or human burials are encountered during the proposed project, work in the area should stop and the New Mexico State Archeologist should be notified. In case of human burials, the local law enforcement agency, the New Mexico Office of Medical Investigator (OMI) and the New Mexico State Historic Preservation Officer (SHPO) must be notified.
17. The contractor during construction shall collect, remove and dispose of any solid waste generated on-site at a county approved transfer station or landfill.
18. The office building shall be constructed to meet all building code requirements and fire code requirements. The building fire plan shall include emergency exit signs, emergency exit floor plan, fire extinguishers and all required apparatuses required by the codes.

APPROVED CONDITIONS by the Taos County Planning Commission
This 14th day of June 2009.



Arthur Ortiz, Chairperson

ATTESTED BY:



Nathan J. Sanchez, Chief Planner

VOTE RECORD:

Arthur Ortiz, Chairman	yes	no	<u>abstain</u>	absent
Jeannie Masters	yes	no	abstain	<u>absent</u>
Mary Mascareñas	<u>yes</u>	no	abstain	absent
Eugene Sanchez	yes	no	abstain	<u>absent</u>
M.R. Pacheco	<u>yes</u>	no	abstain	absent
Bill Thomas	<u>yes</u>	no	abstain	absent
Dennis Jacquez	<u>yes</u>	no	abstain	absent
Eloy Vigil	yes	no	abstain	<u>absent</u>
Ben Tafoya	<u>yes</u>	no	abstain	absent

