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**Special Meeting  
Taos Town Council  
Town Council Chambers  
120 Civic Plaza Drive  
Taos, New Mexico  
May 13, 2009  
9:00 a.m.**

**MINUTES**

1. **CALL TO ORDER:** The Special Meeting of the Taos Town Council was called to order by the Honorable Mayor Darren M. Cordova at 9:14 a.m.

2. **ROLL CALL:** Ms. Renee Lucero, Town Clerk, called roll and a quorum was present.

**Those present were:**

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

**Also present were:**

Town Manager	Daniel Miera
Assistant Town Manager	Abigail Adame
Town Clerk	Renee Lucero
Assistant Town Attorney	Jack Clough

3. **PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Abeyta led the audience in the pledge of allegiance.

4. **APPROVAL OF AGENDA:**

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

5. **PUBLIC HEARINGS**

**Matthew Spriggs, Community & Economic Development Director**

**A. Consideration of Town of Taos Ordinance 09-09 amending the municipal boundaries of the Town of Taos and annexing 1.33 acres of undeveloped property. This property is located to the northwest of 600 Valverde Road.**

*Matthew Spriggs, Community & Economic Development Director, read the procedures for the Public Hearing.*

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## STAFF REPORT

Mr. Spriggs stated the total area to be annexed is 1.33 acres of vacant land. He stated in order to approve the annexation the property must meet state statute requirements as follows:

- Property must be contiguous to existing Town boundaries.
- Annexation must be by petition signed by the majority of property owners of areas to be annexed.
- Petition must be accompanied by a map showing area to be annexed and relationship to Town boundary. Internal procedures are to determine impact of annexation to area.

Additionally, Mr. Spriggs stated as a matter of practice, the Town considers the impact of annexation properties on provision of Town services and the property to be annexed cannot impose a significant burden or expense to the Town.

Mr. Spriggs stated staff recommends the property be annexed. He also stated the property currently has three separate zoning districts.

There was a discussion about several Town annexation ordinances which were passed by Council in the past but were not recorded at the County Clerk's Office as required by state statute. As a result, Councilmember Sanchez stated he is concerned that the Town does not have an accurate zoning map. Mr. Spriggs stated he is confident the 1963 zoning map displays the accurate boundaries.

Jack Clough, Assistant Town Attorney, stated the boundaries exist in the 1963 map and the 1982 map, which was signed by both the County and Town officials which is an official recognition of the Town boundary. He stated there is a presumption of the legality that exists in the law and in order to rebut that presumption, there must be a physical document that indicates otherwise. He further stated to simply claim there never was an annexation is not enough proof under the case law to rebut the presumption of legality. Consequently, Mr. Clough stated given all the factors of this case, the Town boundary exists where it is indicated on the maps and where historically everybody has considered it to be, including the County.

Mayor Cordova asked Council if they felt comfortable working with the 1963 zoning map and recognizing it as the official map. The Councilmembers stated they felt comfortable working with the 1963 zoning map.

Mr. Clough asked Mr. Spriggs to clarify which property out of the 10 acres will be zoned RA. Mr. Spriggs stated the remaining 8.9+ acres which is already within the Town boundaries will remain RA zoning and will be defaulted to fill out the parcel if there was no further rezoning applied for by the applicant. Mr.

1 Clough asked whether that would be the consistent zoning within the area. Mr.  
2 Spriggs stated yes.

3  
4 Mr. Clough then asked Mr. Spriggs how much acreage will be on one lot if it is an  
5 RA zone. Mr. Spriggs stated as one parcel it would be 1.3 acres, with the  
6 exception of the small section of R-4 which is .6 acres. Mr. Clough asked  
7 whether the developer would be able to develop any more units than the 8.3 that is  
8 already in the Town on the individual parcel proposing to be annexed. Mr.  
9 Spriggs stated no, it would be in keeping with the majority of the land use on the  
10 property. There will be no increase in buildings.

#### 11 12 APPLICANT'S PRESENTATION

13  
14 Bob Draper, Managing Member of Valverde Commons, LLC; Stephen Rose,  
15 Managing Member of Valverde Commons, LLC; Doug Patterson, Living Designs  
16 Group/agent for Valverde Commons, LLC; and Bruce Kelly, Attorney for  
17 Valverde Commons, LLC were sworn in.

18  
19 Mr. Patterson explained the tract of land in question, the plan for annexation and  
20 stated the property is contiguous to Town boundaries. He reviewed the packet as  
21 Exhibit A (white binder).

22  
23 Mr. Rose reviewed the assignment of purchase and explained the project is a good  
24 project economically for the Town and ensured there will be no financial burden  
25 to the Town if approved.

26  
27 Mayor Cordova reminded the Council that the only documents to be considered at  
28 this hearing from Exhibit A are the documents relating to annexation.

#### 29 30 NEIGHBORHOOD REPRESENTATIVE PRESENTATION

31  
32 Eugene A. Sanchez was sworn in and stated he reviewed the Town's annexation  
33 ordinances dating back to 1984. In 1995 he stated he asked for annexation of his  
34 property, located on Trujillo Lane, and there are no records indicating it was  
35 annexed. He stated the current zoning map is not valid. He also stated that in  
36 1980 the Town's boundaries were at the bottom of the hill to State Road 68. He  
37 described many inaccuracies in the 2006 zoning map and stated the Council does  
38 not have an accurate map to act on annexation. Additionally, he stated he  
39 requested public records regarding Valverde Commons and was told the Town  
40 did not have the records he requested, nor does the County Assessors Office. He  
41 stated the legal documents must be recorded at the County Clerk's Office for  
42 annexation. According to the results of Mr. Sanchez's research he feels the Town  
43 cannot annex the Valverde Commons property because the neighbors' properties  
44 have not been legally annexed, since they were not recorded at the County Clerk's  
45 Office.

46

1 Mayor Cordova asked if the 1982 zoning map has been officially recognized by  
2 the Town of Taos and Taos County. Allen Vigil, Chief Planner, stated yes and  
3 that both parties signed off on the map. Mr. Sanchez stated the issue of his  
4 property can be discussed separately from this hearing. Mr. Spriggs stated Mr.  
5 Vigil is still researching the incorporated limits.  
6

7 Councilmember Sanchez asked Mr. Sanchez to clarify whether his property has  
8 been annexed. Mr. Sanchez stated he asked for annexation in 1995 and the  
9 annexation is not recorded at the County Clerk's Office. Councilmember Sanchez  
10 feels signatures on a map are not enough and that the map should have been  
11 recorded at the County Clerk's office.  
12

13 Mayor Pro Tem Abeyta stated the maps are legal because they were done by  
14 Ordinance and approved by Council. He further stated the maps were not  
15 recorded at the County Clerk's Office in the past but will be from this point  
16 forward. Mayor Cordova stated Town officials are planning a meeting with  
17 County Planning & Zoning Officials to re-ratify all zoning and annexation issues.  
18

#### 19 PUBLIC HEARING

20 Mayor Cordova opened the public hearing.  
21

22 Rudy Perea, Senior Planner, read the rules of the Public Hearing.  
23

24 Leo Quintana, who lives at 408 Valverde Street, was sworn in and stated he  
25 supports the annexation. He stated his property should have also been annexed in  
26 the past. He also stated as long as he can remember, the Malaria Ditch has been  
27 in the Town boundary.  
28

29 Ms. Isabella Draper, who lives at 60 Camino de Caballo, was sworn in and stated  
30 she supports the annexation.  
31

32 Mayor Cordova closed the public hearing and asked for questions from the  
33 Council.  
34

35 Councilmember Sanchez asked Mr. Rose if the 1963 and 1982 zoning maps were  
36 signed by the County. Mr. Rose stated the copies he has were signed by the  
37 Mayor, Council and Extra Territorial Zoning Commission and shows the map was  
38 filed with the County Clerk and stamped by the County Clerk.  
39

40 Councilmember Sanchez asked if the 1988 zoning map was signed by the Town  
41 and the County. Mr. Rose stated yes. Councilmember Sanchez stated he would  
42 like to see authorization from the County governing body on the maps. Mayor  
43 Cordova stated the maps only need Town signatures. Mr. Vigil stated there are  
44 minutes and signatures of the Town and Taos and Taos County creating the Extra-  
45 Territorial Zoning Commission by ordinance, which was repealed two years ago.  
46

1 Councilmember Sanchez stated the only way for him to know the boundaries  
2 were annexed is to see the minutes when the annexation was approved. Mr. Vigil  
3 stated he is confident the maps were approved in a legal manner.  
4

5 Councilmember Silva stated the Council should use the most historic map, which  
6 is the map from 1963.  
7

8 Mayor Pro Tem Abeyta referred to the 1982 Official Zoning Map in the packet  
9 which was signed by the Mayor and Council, attested by the Town Clerk, signed  
10 by the Extra-Territorial Commission and the Planning & Zoning Commission and  
11 Recorded at the County Clerk's Office. He feels this map should be official.  
12

13 Mayor Cordova asked Council if they feel comfortable using the 1982 Official  
14 Zoning Map for these proceedings. The Councilmembers responded yes.  
15

16 Butchie Denver, who lives in Lama, was sworn in and stated she has a copy of all  
17 ordinances and 1948 was the first annexation according to the index. She feels  
18 the Town should start researching the annexations from that year.  
19

20 **Councilmember Quintana made a motion to approve Ordinance 09-09**  
21 **amending the municipal boundaries of the Town of Taos and annexing 1.33**  
22 **acres of undeveloped property. This property is located to the northwest of**  
23 **600 Valverde Road. Councilmember Silva seconded the motion. The motion**  
24 **was approved by an affirmative vote. Those voting AYE were: Mayor Pro**  
25 **Tem Abeyta and Councilmembers Quintana and Silva. Voting Nay was**  
26 **Councilmember Sanchez.**  
27

28 Mr. Clough stated Ordinance 09-09 includes the Findings of Facts & Conclusions  
29 of Law and will be filed at the County Clerk's Office. He further stated there will  
30 be no other documents filed on this issue. Mayor Cordova emphasized that  
31 Ordinance 09-09 incorporates the Findings of Facts & Conclusions of Law.  
32

33 The meeting recessed at 10:40 a.m. while the Town Clerk and Chief Planner  
34 recorded the Ordinance at the County Clerk's office.  
35

36 At 11:39 a.m. the meeting reconvened and Mayor Cordova read the County  
37 Clerk's Office Receipt #369918 into the record and stated Ordinance 09-09 was  
38 recorded with the County Clerk at 11:20 a.m.  
39

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40  
41 **B. Consideration of Town of Taos Ordinance 09-10 amending Town of Taos**  
42 **Ordinance 06-21, Official Zoning map of the Town of Taos and Ordinance 99-**  
43 **05, The Town of Taos Land Use Development Code, rezoning 12.3 acres of land**  
44 **from Residential Agricultural zoning district; 1.33 acres of land from the**  
45 **County Rural Area (RA) zoning district, and .6 acres of land from the Single**  
46 **Family Residential (R-4) zoning district (14.23 +/- acres total) to the Single**

1           ***Family Residential (R-2) zoning district with a Planned Unit Development***  
2           ***(PUD) Overlay district. The property is located at 600 Valverde Road.***

3  
4           Matthew Spriggs, Community & Economic Development Director, read the  
5           procedures for the Public Hearing.

6  
7           **STAFF REPORT**

8  
9           Mr. Spriggs reviewed the Staff Report and the criteria for approving a zone  
10          change. He stated the zone change is consistent with existing land use in the area.  
11          The development of 2 units per acre is consistent with development along  
12          Valverde Road and north of the property. He also stated this would be the first  
13          development in the uninterrupted green belt but is consistent with the density and  
14          pattern of development on the edges of the green belt. He also stated staff would  
15          not have supported the R2 re-zoning if it were not for the PUD Application as the  
16          PUD will soften the impact of the R2 rezoning. He stated the PUD justifies the  
17          rezoning. Mr. Spriggs also reviewed the site plan sheet.

18  
19          **APPLICANT’S PRESENTATION**

20  
21          Bob Draper, Managing Member of Valverde Commons, LLC; Stephen Rose,  
22          Managing Member of Valverde Commons, LLC; Doug Patterson, Living Designs  
23          Group/agent for Valverde Commons, LLC; and Bruce Kelly, Attorney for  
24          Valverde Commons, LLC were sworn in.

25  
26          Mr. Patterson reviewed the zone maps and the Vision 2020 map and explained  
27          where the land is to be developed. He stated the subject property is a 14.23 acre  
28          tract off of Valverde Road and explained they are applying for a combined zoning  
29          of R2 under a PUD. He went on to state the amendment is consistent with the  
30          direction and intent of the Town of Taos Master Plan as depicted in the Vision  
31          2020. Mr. Patterson stated as part of the development of the 14 acres, Valverde  
32          Commons will create a 10 acre public park and an additional 4 acres of land will  
33          be used for open space.

34  
35          Mr. Rose informed the Council that the development will be used as housing for  
36          citizens ages 55 and older and stated documentation in Exhibit A (white binder)  
37          will be used for this public hearing as well. He reviewed the criteria outlined on  
38          page 17 of the Staff Report and assured Council that they have met the conditions.  
39          Mr. Rose further stated the density of Valverde Commons matches the density in  
40          the area and the plan is consistent with the area uses, providing open space  
41          protection. In addition, Mr. Rose stated the land is bordered by R-14 and R-4  
42          zoning.

43  
44          Mr. Patterson stated they plan to develop 6 out of 20 acres of the land.

1 Mr. Rose referred to information in Exhibit A regarding the Malaria Ditch and  
2 stated the drainage ditch will not be moved. He stated the ditch has not been  
3 functioning for years; however, they plan to restore it.  
4

5 Mr. Rose entered Exhibit B, Engineering Plans, into the record. Mayor Cordova  
6 accepted Exhibit B as evidence for the Public Hearing.  
7

8 Mr. Patterson reviewed aerial photos of the past several years showing the density  
9 of each year and how the area has grown and become denser through the years.  
10 He compared the years 1935, 1975, 1995, 2005 and 2006.  
11

12 Mr. Rose stated many changes have occurred in the area through the years.  
13 Currently the photos show buildings constructed on former agricultural land. He  
14 feels all development keep open space in mind.  
15

16 Mr. Rose stated there are trails and open space which will be protected and people  
17 can walk the trails to get to town. He also stated there will be community gardens  
18 and believes the development will be a model of energy efficiency and will be  
19 environmental friendly.  
20

#### 21 PRESENTATION IN OPPOSITION 22

23 Alan Maestas, Attorney for the Acequia Associations, was sworn in and stated he  
24 would like to discuss the Planned Use Development (PUD) then the rezoning. He  
25 asked what the vision of the Town of Taos is and stated the vision will determine  
26 what is and is not acceptable. He stated the application is for a senior citizens  
27 development in the center of the green belt in the middle of town. He also stated  
28 the proposed site is prime natural land and the areas around the site are not  
29 comparable to this land. He does not feel the development will serve a purpose to  
30 the Town. He feels the development provides housing for second home-owners,  
31 not a sports or education destination, which are priorities of the Mayor and  
32 Council. Mr. Maestas further stated the PUD is an exception to the general rule  
33 of zoning and stated there is a lot more than changing the zoning to R2.  
34 Regarding the zone change not being a burden to the Town, Mr. Maestas stated  
35 once the roads are constructed, the residents are going to want the Town to pave  
36 and maintain them. Additionally, Mr. Maestas stated the purpose of zoning is so  
37 that when people buy property, they know there is stability in the surrounding  
38 properties and when zoning is changed the neighbors are affected.  
39

40 Mr. Maestas stated he would like to submit 2 letters for the record – one from  
41 Lyna Shirley Colombo and the other from Louis Colombo. Mr. Clough stated the  
42 letters can be admitted into evidence if they are submitted as part of the record as  
43 comments from the citizens and not as expert testimony. Mayor Cordova stated  
44 the Council can accept the letters as testimony from the citizens as Exhibits 1 and  
45 2 (attached to minutes).  
46

1 Mr. Maestas went on to state that when the people settled in this area, they settled  
2 at the top of the land to protect the water and land below in the valley. He stated  
3 this development will disturb the agriculture of the area. He believes making  
4 Taos a retirement community is not in the Town's Master Plan.

5  
6 Councilmember Silva asked Mr. Maestas to elaborate on how this development  
7 would be harmful to the environment.

8  
9 Mr. Maestas stated this valley is used to "grow stuff" and part of the Master Plan  
10 describes maintaining cultural land because as time moves on the land becomes  
11 developed. He explained how the land should be preserved so that it is not  
12 contaminated.

13  
14 PUBLIC HEARING

15 Mayor Cordova opened the public hearing.

16  
17 Leo Quintana, who lives at 408 Valverde Road, was sworn in and stated the  
18 whole valley used to be called the "red basket" because there is no water in that  
19 area. He went on to state he had horses and had to run the horses to the bottom of  
20 the hill to give them water. He stated nobody else can afford this land, so why not  
21 let the people who can afford it have it.

22  
23 Councilmember Silva asked Mr. Quintana if he is in support of the project. Mr.  
24 Quintana stated he is in support of the project and lives adjacent to the property.

25  
26 Eugene Sanchez, who lives at 443 Trujillo Lane, was sworn in and stated he  
27 opposes the zone change and emphasized that water is flowing in the valley. He  
28 stated it sinks and comes out at the springs behind Centinel Bank. He asked if the  
29 main sewer line can handle this development and stated there could be additional  
30 cost to the Town due to increased services.

31  
32 Councilmember Silva asked for clarification on how the water in the ditch sinks  
33 then resurfaces.

34  
35 Mr. Sanchez explained that the ditch is visible in the valley then it goes  
36 underground. He stated the water is still flowing even when it is not visible.

37  
38 Isabella Draper, who lives at 60 Camino de Caballo, was sworn in and stated she  
39 supports the zone change. She stated the developers intend to be residents of  
40 Valverde Commons and are also active members of the Acequia Associations.  
41 She stated they respect the acequias. She also stated Plaza de Retiro (retirement  
42 home) filed for bankruptcy on March 30, 2009, and many senior citizens will  
43 need a place to live.

44  
45 Keith McHenry, who lives at 111 Archuleta, was sworn in and stated he opposes  
46 the zone change. He stated he has spoken to many people who are against the

1 development but could not attend the meeting. He feels the project will adversely  
2 affect the water.

3  
4 Steve Kenin, who lives 623 Dolores Road in Ranchos de Taos, was sworn in and  
5 stated he supports the zone change. He stated he developed 64 acres on  
6 Blueberry Hill and much of it is open space. He stated he has watched  
7 agricultural land fill up with houses and unless the Town is willing to buy all of  
8 the land, it will be developed.

9  
10 Georgia Page, who lives at 405 Trujillo Lane, was sworn in and stated she  
11 opposes the zone change. She stated the majority of the open 14 acres of land  
12 should be zoned RA with 1 house per 3 acres in keeping consistent with Vision  
13 2020.

14  
15 Kristin Ulibarri, 50 Leroux Road (in Arroyo Seco), was sworn in and stated she  
16 supports the zone change. She stated she and her husband are committed to solar  
17 efficiency and have taught energy sustainability to people of all ages. Ms.  
18 Ulibarri stated the developers are also committed to energy sustainability and  
19 explained the proposed development is designed to be solar efficient.

20  
21 Butchie Denver, who lives in Lama, was sworn in and stated she is against the  
22 zone change. She further stated the development will be built on wetlands even if  
23 the ground seems solid. She believes that anything that goes into the ground will  
24 contaminate the entire valley.

25  
26 Christina Wilson, who lives at Plaza de Retiro, was sworn in and stated she  
27 supports the zone change. Ms. Wilson stated she owns Sunset Park which is next  
28 to the property in question and would like to donate the park to Valverde  
29 Commons. She further stated the park is used by hundreds of people and will be  
30 open to the public. She also stated the ditches do not have water.

31  
32 Ross Ulibarri, who lives at 50 Leroux Road (in Arroyo Seco), was sworn in and  
33 stated he supports the zone change. He stated there is no water flow from the  
34 Molina Ditch and the valley is not a wetland. He stated there is a spring on  
35 adjacent property and a drainage ditch that comes from that spring. He also stated  
36 the purpose of Valverde Commons is to live in a community to grow old.

37  
38 Alice McClelland, who lives at 131 Quintana Road, came forward and stated she  
39 supports the zone change. She stated the property is for sale and will be built on  
40 one way or the other and feels this project is very well planned and designed.

41  
42 Anna Mae Patterson, who lives at 26078 US Highway 64, was sworn in and stated  
43 she supports the zone change. She also stated right now there are noxious weeds  
44 on the property but it will be reclaimed for productive use for gardens and open  
45 space.

46

1 John Ellsworth, who lives at 461 Valverde Road, was sworn in and stated he  
2 supports the zone change. He and his wife own a bed & breakfast close by and  
3 stated his main reason for supporting the development is that he will get a new  
4 access road. He also stated their elderly guests can use the park.

5  
6 Michael Levy, who lives at 208 El Salto Road, was sworn in and stated he  
7 supports the zone change. He stated he has been an architect for 40 years and  
8 thinks this is an exceptional project for the Town and the nation. He stated this  
9 project saves energy, especially because people can walk to town. He feels this is  
10 the best use of the land and provides for the senior citizens of the community.

11  
12 Mayor Cordova closed the public hearing and asked for questions from the  
13 Council.

14  
15 Councilmember Sanchez stated the point is being missed. He believes this is a  
16 good project; however, the history and traditions of the community need to be  
17 honored. He stated during his campaign one of the biggest concerns was how the  
18 Town is changing and tradition is vanishing. He stated the water table is very  
19 high in the valley and the pasture works like a sponge. He feels the project  
20 location is bad because it will affect the water and this would be an encroachment  
21 on the most valuable land. He is saddened more residents were not here today to  
22 state their opposition of the project.

23  
24 Mayor Cordova reopened the public hearing to allow testimony from Thomas  
25 Hatcher.

26  
27 Thomas Hatcher, who lives at Upper Ranchitos Road, was sworn in and stated he  
28 has watched the conditions of the valley since 1943 and reminded the Council this  
29 area is in a drought cycle right now. He stated the land may look dry, but when  
30 this drought is over there will be pools of water on that land. He further stated just  
31 because the land has not been used for years does not mean it cannot be used for  
32 agriculture under the right conditions.

33  
34 Mr. Rose stated the applicants will waive their closing statements if the other  
35 party does.

36  
37 Mr. Maestas stated he does have closing comments and asked if the development  
38 is going to be an isolation because surrounding properties are zoned RA. He  
39 asked whether other residents in the neighboring properties will be approved if  
40 they ask for a zone change. He also does not believe there is enough information  
41 to know for sure if the water table will be contaminated as a result of this  
42 development. He stated if the zone change is not consistent with the future of  
43 Taos it should not be approved.

44  
45 Mr. Patterson stated the problem is this is an area associated with the greenbelt  
46 and that the land was zoned as residential/agricultural. He also stated the vision of

1 the development is to preserve and protect the open space. He further stated there  
2 is currently no vehicle right now to permanently protect the land as a greenbelt or  
3 agricultural land. He stated this development gives them a vehicle to protect the  
4 land.

5  
6 Councilmember Sanchez stated he is addressing the water issue and feels there  
7 should be water mapping before developments.

8  
9 Mr. Patterson stated both sides want to preserve the land. He feels this  
10 development sets a precedent in that agricultural or greenbelt land to be developed  
11 and should be developed with a large portion of land allocated for open space.

12  
13 Councilmember Silva stated he believes the designers have put a lot of thought  
14 and effort into this project. He thanked them for their hard work.

15  
16 Mayor Pro Tem Abeyta stated the Land Use Development Code is the law and  
17 there is nothing that protects the greenbelt. He stated there are 20 acres and only  
18 6 acres will be developed and also stated the entire valley was in the greenbelt and  
19 much of it is now developed. He feels the Council needs to develop a plan to  
20 protect the greenbelt; however, this development should be approved at this time.

21  
22 Mr. Spriggs stated the Community & Economic Development Department's goal  
23 is precisely as Mayor Pro Tem Abeyta stated to develop a plan to protect the open  
24 space.

25  
26 Mayor Cordova stated he is confident the Council will always make decisions as  
27 best as possible based on evidence provided even if they do not always agree on  
28 the issues. He further stated it is not their intent to make Taos a retirement  
29 community as they deal with many issues such as youth and sports as well.

30  
31 **Councilmember Silva made a motion to approve Ordinance 09-10 amending**  
32 **Town of Taos Ordinance 06-21, Official Zoning map of the Town of Taos**  
33 **and Ordinance 99-05, The Town of Taos Land Use Development Code,**  
34 **rezoning 12.3 acres of land from Residential Agricultural zoning district;**  
35 **1.33 acres of land from the County Rural Area (RA) zoning district, and .6**  
36 **acres of land from the Single Family Residential (R-4) zoning district (14.23**  
37 **+/- acres total) to the Single Family Residential (R-2) zoning district with a**  
38 **Planned Unit Development (PUD) Overlay district. The property is located**  
39 **at 600 Valverde Road. This property is located to the northwest of 600**  
40 **Valverde Road. Councilmember Quintana seconded the motion. The motion**  
41 **was approved by an affirmative vote. Those voting AYE were: Mayor Pro**  
42 **Tem Abeyta and Councilmembers Quintana and Silva. Voting Nay was**  
43 **Councilmember Sanchez.**  
44

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45  
46 ***C. APPEAL TO Case No. P&Z 2007-21 - Final Plat Approval***

1 *Acequia de los Sanchez, Acequia Los Lovatos, Ranchitos Ditch and El Molino*  
2 *Acequia Association, Appellants, Alan H. Maestas, Maestas & Boothby, P.C.,*  
3 *agent; appealing the Planning and Zoning Commission decision to approve the*  
4 *Final Plat for the Valverde Commons 28-lot Subdivision. The property is*  
5 *located at 600 Valverde Road within the Single Family Residential (R-2) and*  
6 *Planned Unit Development Overlay zoning districts of the Town of Taos.*  
7

8 Matthew Spriggs, Community & Economic Development Director, read the  
9 procedures for the Public Hearing.

10  
11 APPELLANT'S PRESENTATION

12 Mr. Clough stated that because this is an appeal, he would like clarification from  
13 Mr. Maestas on the issues the acequias are raising since he received an extensive  
14 list from a prior proceeding. He wants Mr. Maestas to narrow down the list and  
15 clarify the issues, which would be appropriate under the circumstances.

16  
17 Mr. Maestas gave handouts to Mayor and Council and was sworn in. Mr.  
18 Maestas' handouts included the following:

- 19  
20
- Letter dated November 6, 2007, from Georgia Page to the Planning & Zoning  
21 Commission regarding Valverde Commons/upzoning agricultural land;
  - Louis Colombo Statement before Town Council dated February 4, 2008;
  - Written Testimony of William H. Burden, Jr. dated July 31, 2008;
  - Appellants' Proposed Findings of Fact and Conclusions of Law appeal of  
22 Planning & Zoning Commission Case No. P&Z 2007-21 dated appealing  
23 December 5, 2007 decision of Planning & Zoning Commission.  
24  
25  
26  
27

28 Mr. Maestas asked that the letters which were exchanged between his office and  
29 the Town Attorney, with courtesy copies to the Mayor, be included in the record  
30 as part of the Council's consideration. He also asked that the documents he  
31 presented (as listed above), including the Findings of Fact and Conclusions of  
32 Law, which the Town has had for a period of time and stem from the hearing last  
33 year, and the video recording of the February 4, 2008, hearing, be included in the  
34 record. In addition he asks that, because the hearings were held consecutively  
35 today, the Council will incorporate those hearings and testimonies into the record.  
36

37 Mr. Rose stated Allen Ferguson, Town Attorney, informed him this would be a de  
38 novo hearing. Mayor Cordova stated it is a de novo hearing; however, it is an  
39 appeal to those hearings that took place and deferred to legal counsel. Mr. Clough  
40 stated everything that went on before with the Planning & Zoning Commission  
41 would be part of the record and reviewable even though this is a de novo  
42 proceeding and it all could and should be considered by Council, including  
43 today's hearing.  
44

45 Mr. Rose stated the reason he raised the question is because Mr. Maestas referred  
46 to the February 4, 2008, Town Council Meeting, so it is not an appeal from the

1 Planning & Zoning Commission hearing. Mayor Cordova stated if the February  
2 8, 2008 meeting was the process of this appeal and is the reason this hearing is  
3 being held today, he thinks it would be appropriate to include the materials into  
4 the record. Mayor Cordova asked what the February 8, 2008 meeting was held  
5 for. Mr. Rose corrected Mayor Cordova and stated it was February 4, 2008, not  
6 February 8, 2008 and stated the meeting was the Town Council hearing held last  
7 year. Mr. Rose stated this particular appeal is from the Planning & Zoning  
8 Commission decision, so the developers would object to the use of last year's  
9 Town Council meeting because this is a new Council, with new issues and it  
10 would not be appropriate.

11  
12 Mr. Maestas stated he does not think there are new issues, but frankly, it does not  
13 make a difference. He thinks it would be better so that everybody can keep a  
14 record, but whatever the Council decides is fine. Mayor Cordova stated that since  
15 we did conduct the annexation and zoning hearings today, if the February 4, 2008  
16 meeting is the meeting where the Council had approved those items and  
17 subsequently did not file the annexations, then we would not include that meeting  
18 because we started the whole process over. Therefore, that meeting would be  
19 declared moot and would not be allowed to be part of the record because we have  
20 started the process over with today's meetings.

21  
22 Mr. Spriggs stated he does see the applicability because those issues pertaining to  
23 the preliminary plat that may have been considered in the form of a final plat and  
24 may be relevant to this particular appeal; however, he agrees that anything dealing  
25 with the zoning and annexation has already been resolved today, so it would have  
26 to deal specifically with the subdivision of the land. He also stated if there is  
27 relevant information from that hearing affecting the subdivision then it should be  
28 considered, but if it involves annexation or rezoning it really is not germane to  
29 this particular appeal.

30  
31 Mayor Cordova asked why Council would consider anything in that hearing if the  
32 whole process has been started over. Mr. Clough stated the Council can consider  
33 the February 4, 2008, hearing if they wish, but it depends on why it is being  
34 offered. Mr. Rose stated his point is that it was in January, 2009 that the Planning  
35 & Zoning Commission approved the final plat, so if they are appealing from the  
36 January, 2009, meeting, they would have to show that the February 4, 2008, Town  
37 Council hearing on zoning was presented to the Planning & Zoning Commission  
38 in January, 2009. He believes they are appealing the decision made by the  
39 Planning & Zoning Commission in January, 2009. Mayor Cordova asked Mr.  
40 Maestas to give his reasons for wanting to appeal that decision.

41  
42 Mr. Maestas stated their position is that the Town failed to get the ordinance in  
43 place for the annexation and failed to get the ordinance in place for the zoning and  
44 any work done prior to today on the preliminary plat or the final plat or any other  
45 plat is void because the Town, including the Planning & Zoning, did not have the

1 authority to decide how to use that particular land, which is why everything from  
2 the beginning to now is related.

3  
4 Mayor Cordova stated the Planning & Zoning Commission does not have  
5 authority to grant an annexation and any final plat or zone change is contingent on  
6 Council approval. He asked Mr. Spriggs and Mr. Clough if it is proper for  
7 Council to hear this item given the concerns brought up by Mr. Maestas. He also  
8 asked if the Planning & Zoning Commission gave this approval in their capacity  
9 and subject to Council approval and if this is the process which follows the  
10 Planning & Zoning Commission's action.

11  
12 Mr. Spriggs stated yes, the Planning & Zoning Commission has done everything  
13 in terms of meeting its procedural requirements. He stated they are not the final  
14 authority, their actions have all been advisory and have been consistent as to the  
15 rezoning, annexation and subdivision of land. He also stated the decision only  
16 becomes final when the Council makes its final decision. He explained there was  
17 an intention to make that final decision on annexation and rezoning, but due to  
18 some procedural errors, that final decision for the Council was not final, so those  
19 issues are being revisited today - to make them final so that Council could hear  
20 the decision by the Planning & Zoning Commission as an appeal of the decision.  
21 In addition, Mr. Spriggs stated what the appeal has done is shorten the time frame  
22 and asks if the Council approves final plat because this would come to the  
23 Council from the Planning & Zoning Commission for their decision on the final  
24 plat. If anything, the appeal is expediting that process because Council will not be  
25 asked again if they approve the final plat.

26  
27 Mayor Cordova asked if the Land Use Development Code states that the applicant  
28 must wait until the annexation and zone change are granted before they begin the  
29 plat approval process.

30  
31 Mr. Spriggs stated the Land Use Development Code actually requires an applicant  
32 to view things accumulatively particularly at the Planning & Zoning Commission  
33 level, but it is left up to the property owners on how they proceed. Normally, in  
34 the course of development, an annexation and rezoning run concurrently. He  
35 stated an applicant does not go to the point of committing to doing a subdivision  
36 until they know they have the zoning and annexation in place. They can,  
37 however, take the risk, as this applicant has to decided to do, and go for the full  
38 blow because they believe so strongly that they will receive the zoning that they  
39 are willing to commit and subject themselves to the expense and the risk that they  
40 will actually achieve the subdivision. He stated securing the letter of credit and  
41 having an engineering design done is a business risk if you do not have your  
42 annexation in place. He further stated Planning & Zoning by no means will stand  
43 in anyone's way from making that business decision if they are willing to take  
44 that risk. And that is what the Council is facing today.

45

1 Mayor Cordova asked Mr. Clough if Council can proceed with this today given  
2 the concerns of Mr. Maestas. He asked if all the procedures were followed  
3 correctly and whether the Council has the authority to listen to this item.  
4

5 Mr. Clough stated yes. If he understands what Mr. Maestas is doing, he is  
6 preserving his record to make what amounts to a legal argument at some  
7 subsequent time and he thinks on the basis of that and for that limited purpose all  
8 the material can be included in the record. He asked Mr. Maestas if he is correct.  
9

10 Mr. Maestas stated yes, what he is trying to do is simply show the Council the  
11 applicant has been through all the issues. They have written letters, they have  
12 discussed the issues back and forth, they have submitted documents, and findings  
13 of facts and conclusions of law. They have been through all the issues. All he is  
14 trying to do is make sure they are part of the record so that they can move forward  
15 from whatever decision the Council makes. That is all he is trying to do. And he  
16 simply wants to clarify one issue and that issue has to do with the sequencing  
17 because he disagrees with Mr. Spriggs. He wants to let Council consider that,  
18 they already know everything else and there is no sense in belaboring the point.  
19

20 Mr. Clough stated for those purposes it would be admissible for limited historical  
21 use. Mayor Cordova recommends that they do admit the materials for the  
22 recorded as he would not want another appeal on this issue.  
23

24 Mayor Cordova asked if there were any comments by the applicant.  
25

26 Mr. Rose asked to add all of his documents to the record as he has exchanged  
27 numerous letters and mails with Mr. Ferguson and Mr. Maestas. He stated they  
28 have discussed all these legal issues over and over.  
29

30 Mr. Maestas went on to state the reason the procedures are important and the  
31 reason they believe that the applicant cannot take the preliminary or final plat  
32 approval as it was done and then submit it to the Council before the annexation  
33 and zoning takes place is because it fails at its inception to make sure that the  
34 neighbors and anybody else who is interested in the plat know that they are going  
35 to be affected. He stated if the neighbors do not know what that plan is, if they  
36 know that somebody says that there is going to do a subdivision somewhere, but  
37 they know it's not next door and will not affect their property for the most part  
38 they do not care and will present their experts and will not stand in opposition to  
39 it. When the neighbor learns that the Town has published a new ordinance that  
40 says that a piece of property next to theirs is now R2 PUD, and 28 new houses are  
41 going to be placed in their neighborhood it becomes important to them as a  
42 citizen, as a neighbor, as a user of those roads or if that information that comes  
43 through Planning & Zoning, now it becomes important. Now the neighbor needs  
44 notice and an opportunity to give their input.  
45

1 Mr. Maestas further stated the letter that was sent to the Town Attorney, and  
2 courtesy copied to the Mayor, very clearly laid out the appellant's position. He  
3 feels everybody cannot go back and say they did this preliminary plat approval  
4 and everybody knew what they were doing and they took everybody's comments  
5 and then later on say now they are going to rezone it, annex it and pretend as if  
6 there was the authority to make those decisions at the very beginning. That is the  
7 point that he is trying to make that is not already on the record.  
8

9 Mayor Cordova stated he is concerned that we are not moving forward. He  
10 understands where Mr. Maestas is coming from, but this has gone through so  
11 many public hearings and he is not convinced that nobody knew what they were  
12 doing, but they will go through the process. He understands Mr. Maestas'  
13 rational; however, he does not agree with it. Everybody is here today because of  
14 a technicality, but to say none of the neighbors knew what was taking place and  
15 what the intent of the applicant was to do by this annexation and the zone change,  
16 he thinks would be the furthest thing from the truth because clearly this has been  
17 going on for a long time. On the technical end of that he can understand some of  
18 what Mr. Maestas is saying but he disagrees that everybody is at this position  
19 because neighbors did not have that due process of notification.  
20

21 Mr. Maestas stated he is not saying the neighbors did not know. What they know  
22 about justice and fairness is not linked to the end result because anything changes  
23 the end result. The only thing that we as a society, as the Planning & Zoning, as  
24 the Town Council can do is follow a procedure that is the same for every single  
25 individual that comes before the Council. He stated the results are going to come  
26 back differently depending of the facts of that particular case of that particular  
27 situation. They have to if everybody is doing their jobs and thinking. He is  
28 informing the Council that the Town did not follow the procedures. He stated that  
29 means those rights and those abilities to exert information or to add information  
30 were not available because of the procedure - then the procedure is fundamentally  
31 unfair to someone. He suggests to the Council that because the zoning and  
32 annexation was not in place when they began, this should go back through the  
33 system to make sure that anyone who is now more cognizant of what is going on,  
34 who now wants to make a better record, who now cares, can actually give their  
35 input so that the same procedure is followed for each and every part of the case  
36 before the Council.  
37

38 Councilmember Sanchez asked for an opinion from the attorney as to what Mr.  
39 Maestas just stated.  
40

41 Mr. Clough stated what he believes Mr. Maestas is saying and what this will  
42 ultimately be if there is an appeal - it will be on the grounds of due process. As to  
43 the adequacy of notice and the opportunity to be heard, that is phrasing it in a  
44 constitutional framework. He is sure there may be other issues Mr. Maestas may  
45 raise. Having said that, he stated the rules for administrative due process are very  
46 flexible and if the ultimate question is if he feels comfortable defending such a

1 case based on this record, he does. He does not know if he will win, and that is a  
2 call to be made by a judge at some other time.

3  
4 Mayor Cordova asked Mr. Maestas if his remedy is for the final plat to go back to  
5 the Planning & Zoning Commission. Mr. Maestas stated he is suggesting that it  
6 go back for preliminary plat approval and then on to final approval. He stated that  
7 should not incur that much more time or that much more work because to a large  
8 degree what we are going to be doing is revisiting the exact same issues. The  
9 only difference is going to be that people who have an interest in this issue,  
10 because of the zoning and annexation ordinances, will now have an opportunity to  
11 say that they are now being affected and they were not being affected before. He  
12 feels unless that is done, everybody is going to end up making decisions and  
13 people are going to say that if they had known that the property was going to be  
14 annexed or rezoned they would have had some input.

15  
16 Mayor Cordova asked, if that is the basis for the appeal, would Mr. Maestas  
17 declare relief if this Council remanded the final plat back to the Planning &  
18 Zoning Commission and further asked if there are any other concerns that the  
19 acequias have or is that the only concern that the procedures of due process were  
20 not followed.

21  
22 Mr. Maestas stated no, this is only the procedural concern. The findings of fact  
23 and conclusions of law submitted long ago indicate their very first concern is lack  
24 of adequate information on the hydrology of that particular area. In there,  
25 Council will see issues that pertain to whether or not the master plan is being  
26 followed. He stated there is a whole series of issues that are laid out. The reason  
27 he focused on the issue of public notice is because there is not a very clear record  
28 of what their position is, although they did raise it in those letters they submitted  
29 to the Town Attorney. He stated he would ask for the remedy of remanding the  
30 final plat back to the Planning & Zoning Commission, but does not know if that  
31 would happen.

32  
33 Mayor Cordova stated that now that he is looking at his findings of facts and  
34 conclusions of law there would appear to be more issues. Mr. Maestas stated yes  
35 there are and they are laid out in there.

36  
37 Mayor Pro Tem Abeyta stated he spent 22 years in the Air Force, and as a retired  
38 Colonel he can say that in the military he was highly trained to follow processes.  
39 If a person did not follow procedures F16s got shot down, nuclear weapons went  
40 off, etc. In this particular case an administrative process is being discussed. He  
41 feels the people involved had an opportunity to attend the preliminary plat  
42 hearings that were duly noticed. The people had an opportunity to attend today's  
43 hearing that was duly noticed. He stated there were extenuating circumstances  
44 because an ordinance had not been approved and the Council had to rehear  
45 annexation and rezoning issues, but that is been taken care of and he does not  
46 believe it is necessary to send the final plat back to the Planning & Zoning

1 Commission. He believes this is a stall tactic by Mr. Maestas to push it back. He  
2 informed Mr. Maestas he does not mean that disrespectfully but it is his belief.  
3 For that reason he suggests moving forward.  
4

#### 5 STAFF PRESENTION 6

7 Mr. Spriggs stated in regards to Mr. Maestas' comments, the Planning & Zoning  
8 did go through a process and there was adequate public notice, as a result the  
9 Council is here today. He stated the preliminary plat was duly noticed and  
10 considered and there was substantial public participation. He is not sure who may  
11 not have been involved or had concerns, but certainly they would be here today if  
12 that were the case.  
13

14 Councilmember Sanchez asked if the plat had changed since approval in January  
15 of 2009. Mr. Spriggs stated there have only been graphical changes, but no  
16 boundaries were changed.  
17

18 There was a discussion regarding an easement for the acequia and Mr. Spriggs  
19 stated there is nothing in the Land Use Development Code that says what the  
20 easement should be. The applicant needs to work with the Acequia Association to  
21 find out the needs.  
22

23 Councilmember Sanchez asked if the Acequia Association came to an agreement  
24 with the developer.  
25

26 Stephen Rose, Managing Member of Valverde Commons, LLC, was sworn in and  
27 stated he has met with the Acequia Association and their attorney made an  
28 agreement with the developers. He stated the developers do acknowledge the 10  
29 foot easement as requested by the Acequia Association.  
30

31 Councilmember Sanchez asked why the Acequia Association has not signed the  
32 document. Mr. Rose stated they do not want the project to proceed. He stated the  
33 developers do honor the ditch and will leave it in its location.  
34

35 Mr. Spriggs stated there are 18 conditions and emphasized the applicant shall  
36 begin the construction of the improvements within two years of the recordation of  
37 the subdivision.  
38

#### 39 APPLICANT'S PRESENTATION 40

41 Mr. Rose stated the applicants would like to make sure all items presented  
42 become part of the record because he feels the final plat will likely be appealed.  
43 He referred to the Land Use Development Code 6-3.6 A-C and reintroduced  
44 Exhibit A (the white binder) and Exhibit B, the engineer's drawing from the  
45 previous public hearings.  
46

1 Mr. Rose continued and stated the final plat was approved on January 7, 2009 by  
2 the Planning & Zoning Commission. He further stated the final plat met all  
3 requirements in the Land Use Development Code 6-3.6 (Tab 9 in binder) and also  
4 meets each of the requirements in the staff report.

5  
6 Mr. Clough stated that since this is a quasi judicial appeal, any witnesses and  
7 records are controlled by the two parties. If they have no further testimony, the  
8 record should be closed, and public comments can be taken later but would not be  
9 part of the record.

10  
11 Mr. Rose requested that all evidence presented in the other two hearings to be  
12 accepted in this hearing. Mayor and Council approved Mr. Rose's request.

13  
14 Mr. Maestas stated the Acequia Associations are here if there are any questions.

15  
16 TESTIMONY FROM ACEQUIA ASSOCIATION

17  
18 Eugene A. Sanchez was sworn in and read from the Land Use Development  
19 Code. He stated Taos Valley Acequia Association is point of contact for acequias  
20 and they do not have authority to negotiate easements. The commissioners are the  
21 managers of the acequias and they were not notified.

22  
23 Mayor Cordova stated this testimony has value; however, he feels it is not for this  
24 governing body and if there is a conflict it is not with the Town of Taos.

25  
26 Mr. Maestas stated the reason the Acequia Association is here is because it is  
27 important to note that there is no agreement as to the width of the easement and  
28 there is no reason why there would not be a lawsuit with the civil courts about the  
29 width of that particular easement.

30  
31 Mayor Cordova stated there are several letters from the mayordomos in the packet  
32 but he does not feel the Council is the governing body who should address that.

33  
34 Bob Draper, Managing Member of Valverde Commons, LLC was sworn in and  
35 stated a couple of acequia commissioners would not respond to his calls and  
36 stated Malaria Ditch is the only ditch running through the property. He stated a  
37 contract has been unsuccessfully attempted; however, they have granted a 10 foot  
38 wide easement for the ditch.

39  
40 There was a lengthy discussion regarding the traffic access manual and the  
41 engineer's traffic study.

42  
43 Councilmember Sanchez asked how drivers will see around the corner from the  
44 exit.

45

1 Terry Brown, engineer, was sworn in and stated the speed limit is posted at 20  
2 miles per hour; however, with the curve, it is about 10 miles per hour. He further  
3 stated the site distance turning left is 115 feet and 100 feet turning right. They  
4 would like to do modifications to the fence.

5  
6 Councilmember Sanchez stated the developer is not meeting the criteria. Mr.  
7 Brown stated they will meet the criteria with modifications. Councilmember  
8 Sanchez stated even with a stop sign he does not feel the criteria will be met and  
9 believes the intersection is dangerous.

10  
11 Mayor Cordova asked if it is a condition that the applicant meets the requirements  
12 in the access manual. Mr. Spriggs stated they would need to meet this  
13 requirement. Mayor Cordova asked if they would meet the access code with the  
14 conditions of approval.

15  
16 Alex Abeyta, engineer, was sworn in and referred to page 78b of the access code  
17 and stated the code calls for the last twenty-five feet of the access road (Valverde  
18 Road) be at a grade of 2% or flatter and from there down, the grade needs to be  
19 10%. Mr. Abeyta stated that through the process modifications were made to the  
20 engineer drawing to meet that requirement so any car leaving the subdivision as  
21 they approach Valverde Road will come up on that 2% section for 25 feet which  
22 will improve their site visibility. The analysis they did in the application process  
23 shows that a car leaving the access will have that 124 foot of site distance up  
24 Valverde Road if they are turning right; and if they are turning left they have a  
25 site distance of about 200 feet. He also stated this is based on the speed being  
26 lowered to 10 miles per hour which will meet the code.

27  
28 Mr. Rose asked Mr. Brown if the intersection and access road are safe and if they  
29 meet with Town Code. Mr. Brown stated the intersection is not currently safe but  
30 his plan is to do modifications to make it a safe intersection.

31  
32 Councilmember Sanchez stated currently there is not a line of site to make it safe.  
33 Mr. Brown stated he does believe he can make it safe after the speed limit is  
34 changed.

35  
36 Councilmember Silva stated Mr. Brown is a professional engineer and believes  
37 his statement, that he can make the intersection safe, to be true.

38  
39 **Mayor Pro Tem Abeyta made a motion to deny the appeal and approve the**  
40 **final plat for Valverde Commons 28-lot Subdivision to include the following**  
41 **18 conditions:**

- 42  
43 1. The applicant's engineer must revise the submitted cost estimates to reflect the  
44 costs of modifying the roadway which enters the subject property to meet the  
45 10% grade requirement. This must be completed prior to the signing of the  
46 plat by the Community and Economic Development Director.

- 1           2. Prior to the signing of the Final Plat by the Community and Economic  
2           Development Director, the applicant shall submit final versions of the "Letter  
3           of Credit" and "Agreement to Assure Completion of Infrastructure" to the  
4           Town of Taos Attorney for review and approval.
- 5           3. The applicant shall submit the proposed Covenants, Conditions, and  
6           Restrictions in a form ready to record with the Taos County Clerk's Office  
7           prior to the signing of the Final Plat by the Community and Economic  
8           Development Director.
- 9           4. Existing site features that will be removed in the subdivision shall be labeled  
10          "To be removed" and include, but are not limited to, the following:  
11          a. Fences.  
12          b. Berm and associated pond.  
13          c. The dirt track and associated gates on the south end of the subdivision,  
14          within the Sunset Park Dedication.
- 15          5. The location of the exterior "loop road" shall be placed on the plat and shall  
16          refer to the correct sheet and detail on the civil engineering plans.
- 17          6. The "Valverde Parke" easement shall be labeled "Easement to be vacated and  
18          roadway to be removed" and the main privately maintained roadway shall  
19          include a reference to the recorded easement allowing access to the properties  
20          to the north of the subdivision. Include note that the access from Valverde  
21          Parke onto Valverde Road shall be closed to vehicular traffic and reference  
22          appropriate civil engineering design sheet and detail.
- 23          7. The six foot (6') utility easement between lots 26, 27, and 28 shall be labeled  
24          "Utility and pedestrian easement" to afford legal access to lot 27.
- 25          8. The legend shall rename the "parking easement" to "parking and access  
26          easement."
- 27          9. Label all extraneous property lines as removed upon recordation.
- 28          10. The twelve foot (12') access easement across the Sunset Park Dedication in  
29          the southwest corner of the property shall reference the legal document that  
30          provides the easement rights.
- 31          11. The appropriate crossings of the acequias shall be called out on the plat and  
32          provide reference to the appropriate civil engineering sheet(s) and detail(s).
- 33          12. The label "Sunset Park Dedication" shall be amended to read "Public open  
34          space and recreational land dedication to Sunset Park, Inc."
- 35          13. The zoning of the property (R-2/PUD) to be divided shall be provided on the  
36          plat.
- 37          14. The acequia easements shall reference the legal documents providing the  
38          rights and uses of the easement to the benefit of the acequias.
- 39          15. The plat shall define and call out the legal access for the property at the  
40          northeast end that is currently accessed via the cattle guard.
- 41          16. The plat shall show that the main thirty foot (30') ingress, egress, utility, and  
42          drainage easement shall be a privately maintained roadway to the benefit of  
43          the public.
- 44          17. The full set of civil engineering plans shall be recorded with the Final plat of  
45          the subdivision.

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18. The applicant shall begin the construction of the improvements within two (2) years of the recordation of the subdivision. If the construction of the improvements have not begun within the above timeframe, then the subdivision shall be subject to review by the Town Council and, after notification by certified mail to the owner and applicant who requested the subdivision, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or to take legislative action to cause the property to revert to its former un-subdivided state.

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

**8. ADJOURNMENT:** A motion was made by **Mayor Pro Tem Abeyta** and seconded by **Councilmember Silva** to adjourn the meeting. The motion carried unanimously and the meeting adjourned at **3:55 p.m.**

**APPROVED:**

\_\_\_\_\_  
**Darren M. Cordova, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Renee Lucero, Town Clerk**

*PLEASE NOTE: The Town of Taos records most Town Council Meetings via audio, however, only Regular Town Council Meetings and some Special Town Council Meetings, with controversial issues, are video recorded. Copies are available upon request at the Town Clerk's Office located at 400 Camino de la Placita (575-751-2005) at a fee of \$5.00 for audio recordings and \$25.00 for video recordings.*