



**IN THE MATTER OF THE FINAL PLAT APPLICATION FOR LA ISLA, LLC,
“APPLICANT” REPRESENTED BY MARK YARAVITZ “AGENT” FOR THE
FIVE (5) LOT LA ISLA SUMMARY SUBDIVISION**

**AMENDED DECISION OF THE PLANNING DIRECTOR’S DESIGNEE
MARCH 17th, 2017**

On March 15th, 2017 the Taos County Planning Director’s Designee in accordance with Article 6 Summary Review, Section 6.1.2 [Administrative Decision] of Taos County’s Subdivision Regulations [Ordinance 2005-8] which states “All subdivisions under summary review shall be approved or disapproved administratively by the Planning Director, unless a variance is requested pursuant to 9.4 of these Regulations. In that case, the Planning Commission shall approve or disapprove the variance and the subdivision”, administratively approved the five (5) lot La Isla Summary Subdivision. Mark Yaravitz “Agent” representing Ben Mares through his company La Isla LLC “Applicant” proposed a five (5) lot Type 3 summary subdivision that will occupy 1.25+/- acres of a 9.838+/- acre parcel that is defined as “Tract A” on the approved subdivision plat at the north of and adjacent to the intersection of Upper Ranchitos and Millicent Rogers Roads. The application for the proposed five (5) lot summary subdivision was prepared in accordance with Taos County Subdivision Regulations [Ordinance 2005-8]; and the

TAOS COUNTY PLANNING DIRECTOR’S DESIGNEE in a letter dated March 16th, 2017 deemed the proposed five (5) lot La Isla Summary Subdivision complete. The Taos County Planning Director’s Designee found that the Applicant complied with the requirements of Article 6 Summary Review of Taos County’s Subdivision Regulations [Ordinance 2005-8]; and the

TAOS COUNTY PLANNING DIRECTOR’S DESIGNEE found that the Applicant’s property taxes are paid and the Applicant paid the required application and lot fee in accordance with Article 10 subsection 10.1 [Administrative Fee] of Taos County’s Subdivision Regulations [Ordinance 2005-8]; and the

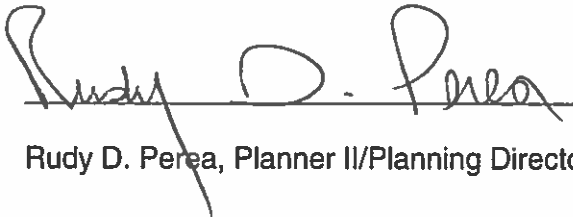
TAOS COUNTY PLANNING DIRECTOR’S DESIGNEE also found that the five (5) lot La Isla Summary Subdivision did not request a variance from the requirements of Article 6 of the Taos County’s Subdivision Regulations [Ordinance 2005-8]; and the Planning Director’s Designee further found that the subdivider/applicant based on the documentation submitted by the Applicant’s Agent, can fulfill the proposals contained in the disclosure statement; and the subdivider’s proposal conforms with the New Mexico Subdivision Act and with Taos County’s Subdivision Regulations [Ordinance 2005-8], and therefore approved the Final Plat of the proposed five (5) lot summary subdivision subject to the following conditions:

1. The Applicant is being considered for the application submitted. Any changes in the application will have to come into the planning department for review and approval, or if the proposed changes do not comply with applicable Taos County Subdivision regulations, denial.
2. The Final Plat of the La Isla Summary Subdivision shall not be signed by the Planning Director until all infrastructure improvements required by Taos County Subdivision Regulations [Ordinance 2005-8] have been installed by the Applicant in a manner and to the design standards outlined in these regulations and as delineated in the utility plans prepared by the Applicant's civil engineer.
3. The Applicant shall provide all of the technical documentation related to the the infrastructure required to support the five (5) lot summary subdivision to the Taos County Planning Department prior to constructing it.
4. At the time all supporting infrastructure for the five (5) lot summary subdivision has been constructed, the "As-Built" Utility Plans associated with said infrastructure will need to be recorded at the Taos County Clerk's Office and be referenced as part of the documentation (i.e. which includes the survey plat, disclosure statement, and covenants, conditions, and restrictions) of the La Isla Summary Subdivision.
5. The Applicant shall be prohibited from selling, leasing, or otherwise conveying land within the five (5) lot summary subdivision until the following items have been addressed:
 - a. The Final Plat for the La Isla Summary Subdivision needs to be signed by the Taos County Planning Director and filed with the Taos County Clerk's Office.
 - b. The Subdivider agrees to complete all infrastructure improvements within the La Isla Summary Subdivision within eighteen (18) months after the filing of the Decision of the Planning Director's Designee in the office of the Taos County Clerk.
 - c. A letter from the Applicant's engineer of record needs to be submitted to the Taos County Planning Department certifying that all infrastructure improvements that will support the five (5) lot summary subdivision have been installed as per his specifications and recommendations.
6. The culverts that need to be placed at the entrances to each of the five (5) approved lots shall be installed by the Subdivider in accordance with the designs delineated in the utility plan prepared by the Applicant's civil engineer.
7. The Applicant shall ensure that the Declaration of Easements, Covenants, and Restrictions assess a sufficient amount of annual dues so that the shared roads within the five (5) lot summary subdivision can be properly maintained.

8. The Applicant shall pay for and install the following public utilities prior to the conveyance of any of the approved lots within the La Isla Summary Subdivision:
 - a. Electric Lines
 - b. Telephone Lines (provided that a telephone service provider is available)
 - c. Gas Lines
9. The Applicant shall pay for and install the water lines to support the approved five (5) lot summary subdivision prior to the conveyance of any of these lots.
10. The Applicant shall pay for and install the sewer lines to support the approved five (5) lot summary subdivision prior to the conveyance of any of these lots.
11. The Applicant shall pay for and install any fire hydrants required to support the five (5) lot summary subdivision as mandated by the Taos Fire Department. The fire hydrants shall be operational and inspected by the Taos Fire Department prior to the conveyance of any of the subdivided lots.
12. Prior to commencing earth work within the approved subdivision the Applicant shall obtain an approved Excavation Permit from the Taos County Building Department.
13. No construction or development shall occur on or within any drainage easements as these are designated within the subject subdivision.
14. Prior to commencing grading or excavation activities within the approved subdivision, the Applicant shall obtain an Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (SWPP) and provide a copy of this permit to the Taos County Planning Department.
15. If the Applicant or lot purchaser at the time of constructing the infrastructure to support the approved five (5) lot subdivision unearths any historic features or artifacts all work shall cease and the State of New Mexico Historic Preservation Division shall be contacted.
16. Any land retained by the Applicant that is adjacent to the approved five (5) lot summary subdivision is subject to a five (5) year holding period prior to the conveyance of the retained land. However, nothing in section 6.2.2 of Taos County's Subdivision Regulations prevents the Applicant from using an exemption other than Exemption #13 or subdividing the retained land under the provisions of the subdivision regulations and such will terminate the five (5) year holding period.
17. A copy of the Decision of the Planning Director's Designee shall be made available to all potential lot buyers.

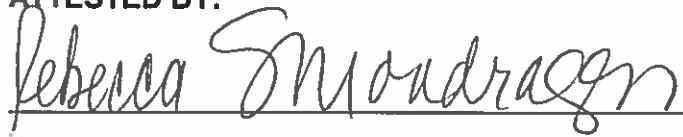
18. Lots within the La Isla Summary Subdivision are prohibited from being further subdivided.
19. The use of an exemption(s) to the definition of a subdivision is also prohibited within a previously approved subdivision with the exception of Subdivision Exemption Number seven (7) Lot Line Adjustments. Where in the case of the La Isla Summary Subdivision, lot line adjustments will only be allowed for the purpose of increasing the size of contiguous lots within the subdivision and where the number of lots is not increased.
20. Any proposed subdivision may be combined with a previous subdivision and upgraded for classification purposes by the Taos County Planning Commission in accordance with section 9.1.1 subsections (A) and (B) of Taos County's Subdivision Regulations [Ordinance 2005-8].

APPROVED by the Taos County Planning Director's Designee this 17th day of March 2017



Rudy D. Perea, Planner II/Planning Director's Designee

ATTESTED BY:



Rebecca S. Mondragon, Administrative Assistant

Any subdivider or interested party that is adversely affected by this decision made by the Planning Director's Designee regarding this five (5) lot summary subdivision may appeal this decision as set forth in Article 11 of Taos County's Subdivision Regulations [Ordinance 2005-8].

