

**COUNTY OF TAOS  
RESOLUTION NO. 2010-46**

**A RESOLUTION TO ADOPT BY REFERENCE "ATTACHMENT A" (ATTACHED) TO THE TAOS COUNTY FLOOD DAMAGE PREVENTION ORDINANCE UPDATING THE REFERENCED FEMA FLOOD INSURANCE STUDY (FIS) FOR TAOS COUNTY, AS PROVIDED FOR IN THE ORDINANCE.**

**WHEREAS**, the Taos County Board of Commissioners did approve on March 3<sup>rd</sup>, 2009 the Taos County Flood Damage Prevention Ordinance as an emergency action to protect and preserve public health and safety, and;

**WHEREAS**, such action was authorized under New Mexico Statutes Amended 1978 Section 3-18-7, requiring a county or municipality with identified flood hazards to adopt such protections by ordinance, and;

**WHEREAS**, Article III, Section B, Subsection 1 of the Taos County Flood Damage Prevention Ordinance, cites as "the basis for establishing the lands to which this ordinance applies" the Federal Emergency Management (FEMA) "Flood Insurance Study for Taos, New Mexico, dated August 4, 1988, with accompanying Flood Insurance rate maps and Flood Boundary-Floodway maps (FIRM and FBFM) and (that) any revisions thereto (by FEMA) are hereby adopted by reference and declared to be part of this ordinance", and;

**WHEREAS**, FEMA has updated the August 4<sup>th</sup> 1988 Flood Insurance Study (FIS), FIRM and FBFM for Taos County, and such adoption by October 6<sup>th</sup>, 2010 of such changes by the enforcing local government is a precondition for continued participation in the National Flood Insurance Program (NFIP),

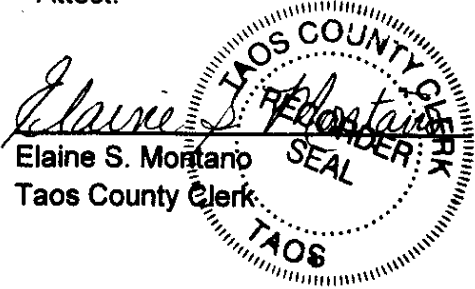
**WHEREAS**, public notice of the availability of all maps and documents referenced by this ordinance for public inspection has been published by both FEMA and Taos County in 2009 and 2010 on multiple occasions, without comment or objection;

**NOW, THEREFORE, BE IT RESOLVED** that the Taos County Board of Commissioners, do hereby accept, approve and adopt the updated October 6<sup>th</sup>, 2010 FEMA Flood Insurance Study (FIS), for Taos County, New Mexico, with accompanying Flood Insurance Rate Maps (FIRM), Flood Boundary – Floodway Maps (FBFM), as identified in " Attachment A" of this resolution, and in conformance with the requirements of 44 Code of Federal Regulations (CFR), Section 60.3 (c. ) of the National Flood Insurance (NFIP) regulations and it shall become part of Article III, Section B, Subsection 1 of the Taos County Flood Damage Prevention Ordinance.


In conformance with federal law, these changes shall take effect at 12:00 AM, October 6<sup>th</sup>, 2010.

Attest:

Taos County Board of Commissioners



Elaine S. Montano  
Taos County Clerk

  
Daniel R. Barrone, Chairman

  
Joe Mike Duran, Commissioner

**ABSENT**

Andrew D. Chavez, Commissioner

  
Larry Sanchez, Commissioner

  
Nicklos E. Jaramillo, Commissioner

Vote Record

Daniel R. Barrone	<u>yes</u>	no	abstain	absent
Joe M. Duran	<u>yes</u>	no	abstain	absent
Andrew D. Chavez	yes	no	abstain	<u>absent</u>
Nicklos E. Jaramillo	<u>yes</u>	no	abstain	absent
Larry A. Sanchez	<u>yes</u>	no	abstain	absent

Attachments:

Attachment A; amendments

Attachment B; Ordinance 2009-01

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BY DENAD

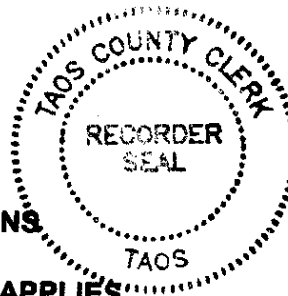
"ATTACHMENT A"

Taos County Ordinance No. 2009-01, adopted March 3<sup>rd</sup> 2009, entitled, "Flood Prevention Ordinance", consistent with the language of Article III, Section B., Subsection 1 of the ordinance, is hereby amended as follows:

ARTICLE III, General Provisions, Section B. Basis for Establishing The lands To Which This Ordinance Applies:

The following underlined language shall be substituted in Subsection 1:

1. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Taos County, New Mexico", dated effective October 6<sup>th</sup>, 2010, with accompanying Flood Insurance Rate Maps and Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. (*Changes underlined*)



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**ARTICLE III**

**GENERAL PROVISIONS**

**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Taos County, New Mexico, and other floodplain areas that are adopted by the Board of County Commissioners of Taos County.

**SECTION B. BASIS FOR ESTABLISHING THE LANDS TO WHICH THIS ORDINANCE APPLIES**

1. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Taos County, New Mexico," dated August 4, 1988 October 6<sup>th</sup>, 2010, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.
2. Other floodplain areas may be designated by the Board of County Commissioners upon request by the Floodplain Administrator. These floodplain areas may be determined in one of two ways:
  - a. Floodplains may be delineated by accepted hydrologic and hydraulic practices; or
  - b. Floodplains may be areas flooded by a historic flood.
3. Before floodplains other than special flood hazard areas designated by the Federal Emergency Management Agency may be adopted, they must be approved by the Federal Emergency Management Agency for floodplain management purposes.
4. If the base flood (100-year flood) has been determined for a stream reach, in no case shall a floodplain be adopted that has a flood elevation lower than the base flood elevation.

**SECTION C. ESTABLISHMENT OF A FLOODPLAIN USE PERMIT**

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

**SECTION D. COMPLIANCE**

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

**SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.