



## County commission kills land use code

### Heated debate precedes 3-2 vote

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Taos County Commissioner Dan Barrone was red with fury after being outvoted by his fellow commissioners who wanted to suddenly “drop” the county’s proposed land use code.

“Six years of work down the drain,” Barrone said Tuesday (Jan. 31) as he stormed into the courtyard of the county administration complex immediately following the vote.

Barrone’s frustration was countered by those who just a few minutes earlier cheered and applauded when commissioners Joe Mike Durán, Andrew Chávez and Larry Sánchez voted to stop the process dead in its tracks. Commissioner Nicklos Jaramillo joined Barrone in voting to keep pushing forward.

The abrupt decision came after hours of heated public comment on the controversial new regulations. It also came after a two-month PR blitz that included 35 public meetings to explain the code and \$20,000 in mailed notices and advertisements.

Though Durán thanked county staff for their work, he said the code was going nowhere. “Everybody here is just spinning their wheels,” Durán said just before the vote. “I think we need more time on this. I so move to drop all this, these land use regulations.”

“This ain’t never going to pass the way we’re working now,” he later added.

The decision to kill the code capped six days of public hearings, which had become increasingly divisive and political. Well over 100 people filled the commission chambers and spilled into the hallways Tuesday morning — by far the largest crowd to turn out during the last week.

Though the code has been in development for years, it has failed to draw the attention or support of most residents, especially longtime Hispanic families with deep roots in the area.

Instead, the project has been nudged forward by a revolving door of county staff, with the help of volunteers from neighborhood associations across Taos County.

For years, previous drafts of the code amounted to little more than false starts. But the document that was on trial last week was the closest the land use overhaul had come to passing. The commission was scheduled to put the issue to a vote Tuesday, and the very real threat of new regulations undoubtedly drew the vocal and passionate group Tuesday.

“Miscommunication” was the buzz word of the day. Residents complained they’d been left out of the loop. Some wanted the 187-page document translated into Spanish. Neighborhood associations countered that the proposed changes were being misread and misinterpreted. County officials admitted they still might have some outreach work to do.

### ‘Woken up’

Taking advantage of the sizable and attentive crowd Tuesday, Taos County Manager Jacob Caldwell spent a half hour Tuesday morning explaining the proposed regulations to dispel what he considered widespread misinformation about the regulations.

Caldwell explained that the county currently has just one zone that allows property owners to build a single-family home or do agriculture. For any other use, such as starting a business, the county now requires landowners to get a “special use permit,” which Caldwell called a “very difficult, very time consuming and very unpredictable” process.

Plus, with more and more people moving to Taos, development is putting greater pressure on land and water resources, Caldwell said. “I think over the course of time it will be proven that it will be detrimental to the county if it continues to grow without any level of control or regulation,” Caldwell said. “I understand it’s a bitter pill to swallow, but nobody’s trying to force it down anyone’s throat.”

The proposed code would revamp and tighten up the application process at the county planning department, and zoning would only apply to 11 neighborhoods that have independently drawn up “overlays” for their areas. Volunteer neighborhood associations have been meeting for years to come up with maps that delineate boundaries for residential, agricultural and commercial use. Other neighborhoods would have been able to add their own zoning maps in the future.

“Zoning is a reality of today’s way of life,” Caldwell said. “As much as there is a traditionalist sentiment throughout the county, including on this commission and among staff, it’s a reality that we need to face and we need to prepare for.”

Hours later, during the public comment portion of the meeting, county resident David Romo responded to Caldwell’s statements. “These issues that you guys and us have to solve are not going to be solved today. They’re not going to be solved next year, next month. It’s going to resolve collectively,” Romo said. “But what we have now is not a community. If we agree to disagree, that’s great. But we’re not even doing that. We’re too busy ‘us-against-them.’ It’s always been that way.”

The “us-against-them” sentiment was punctuated by a push from some Arroyo Seco/Valdez/ Arroyo Hondo residents insisting that the code be translated into Spanish. They argued there were some older landowners who were being left out because they could not comprehend written English. The county said it would likely cost tens of thousands of dollars to do an adequate job of translating the highly technical document, and some contended that the move was nothing more than a stall tactic to sabotage the code.

Commissioners dodged a vote on the politically prickly issue of translation, but it remained a topic of heated debate. Judy Mangina, a resident of Taos County for two years, was booed loudly when she said the United States was an “English-speaking country” and that it would be a waste of tax dollars to translate the code. During his address, Romo explained that Hispanic

residents of Taos County usually have a “live and let live” policy and aren’t quickly stirred to action. Romo said Taos’ longtime families have little but the land they’ve owned for generations. New arrivals have been coming in droves in recent decades, driving up the cost of living and real estate values while providing few attractive job opportunities.

“How many of us here know our neighbors like we used to?” Romo asked. “All my neighbors, they’re no longer here. They live somewhere else. Their kids, even my kids, live somewhere else. Economically speaking, because they’ve got to find a job somewhere else.”

Romo admitted he and other Hispanics had not been involved in the planning process, a fact that only added to the perception that the land use code is being pushed by newcomers. “I’ll be the first to admit I failed in paying attention. Then I woke up,” Romo said. “As Hispanic people, we have a problem with white people telling us what to do, or outsiders telling us what to do.”

The county has insisted that the new code will not prevent families from passing land to their children, but Romo said some people did not fully understand the implications. “I just request that you guys give us more time, give me more time,” Romo said. “You’ll see me more often at these meetings. Us Hispanic people, we have to be woken up.”

Caldwell responded by expressing his concern that the land use code had become especially polarizing at a time when people needed to be working together.

#### Old timers and newcomers

One of the more telling discussions Tuesday was the apparent clash between traditional agricultural use and modern developments. The catalyst for the debate was a minor zoning provision put forward by the Upper Las Colonias Neighborhood Association that would limit some residents to a single greenhouse with a maximum size of 1,500 feet.

“I think that the Upper Las Colonias community has become one of condominiums, and I think a lot of the traditional values — and the role of the county in terms of encouraging and allowing people to grow their own food or to raise their livestock — are being lost in our community,” said county resident Vivian Bonzo. “I understand the needs of the outsiders to come in and make sure that their property values are as high as possible ... But if people need more than one greenhouse, they should damn well be able to have it.”

Bonzo’s comments drew wild applause from the crowd.

Though Bonzo said she had never been invited to a planning meeting, representatives of the Upper Las Colonias Neighborhood Association insisted they had made every effort to include everyone from their area. Association president David Winch said the organization even met for an hour last weekend to try and accommodate concerns from Bonzo or others.

Winch explained the dilemma in simple terms. “We have to balance the common good versus the individual right, and they sometimes conflict,” Winch said. “The individual landowner wants to do what they want to do, and I respect that. But the neighborhood as a whole is impacted on that.”

An exchange between commissioner Jaramillo and Phil Caston of the Upper Las Colonias Neighborhood Association also highlighted the issue. Jaramillo said he had been called by residents who had some concerns about the proposed zoning.

Caston was quick to respond. "With all due respect, you got calls from two or three people. I talked to all of the neighbors on the road, and the majority of them agree with some restrictions," Caston said. Barbara Sheppard, president of the Las Colonias West-Mesa Preservation Neighborhood Association, said she was not entirely surprised by Tuesday's vote. She did say she was discouraged that there wasn't any resolution to the land use question .

"We've been continually led to believe that we have finished our work," Sheppard said, adding that the commission's decision showed "a disregard to the people who've participated in the process."

Sheppard also rebuked claims that landowners had been left out of neighborhood planning. "At what point do adults take the responsibility to find out what's happening in their community?" Sheppard asked.

Five minutes after the code was squashed and the crowds filed out, Caldwell was still sitting at his seat on the bench overlooking the empty commission chambers.

When asked for comment on the decision, Caldwell shrugged his shoulders. "I haven't really digested it yet," he said. "I'm disappointed."