

State panel approves town annexation

By Matthew van Buren

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Despite protests from many in the audience May 23, the New Mexico Municipal Boundary Commission approved the town of Taos' request to bring about 268 more acres into town limits.

The town had requested the annexation of 20 areas contiguous with town limits in order to address split lots and parcels with no official annexation paperwork on file, as well as "to make town boundaries more contiguous, reasonable and based on town-maintained roadways."

Several county "islands" within town limits were also included. The commission came to Taos February 2012 to vote on many of the parcels included in last week's hearing; however, it was determined that legal notification requirements were not met, and the 2012 meeting adjourned without a vote.

With a series of unanimous votes May 23, the commission approved the town's requested annexations. The town categorized about 72 acres as "corrective annexations." Official annexation paperwork could not be found for half of those acres, and half were "split parcels" on the town boundary. Taos County had lodged a legal challenge against the town for its failure to properly record many annexations since it was incorporated in 1934.

The town sought to annex another 196 acres to make town boundaries more "reasonable" and based on town-maintained roadways. The largest annexed areas include 90 acres between Este Es Road and Arroyo de los Coyotes, nearly 60 acres bounded by the town boundary, Gusdorf Road, Los Pandos Road and Cruz Alta Road, about 35 acres between Upper Ranchitos Road and Calle Ezequiel, and nearly 30 acres off of Weimer Road and Hennings Street.

Members of the public filled the Town Council chamber for the hearing. Commission chair Frank Bond told the audience the commission would not be considering the town's annexation of the regional airport, which Taos County has contested in court, and that the commission can only consider two factors when making its determination: whether a property is contiguous with the town and whether town services, such as police, fire, utilities and roads, can be provided to newly annexed areas in a reasonable amount of time.

Town Manager Oscar Rodriguez addressed the commission, emphasizing that the town currently has no ordinance requiring people to hook up to town water within a certain amount of time after lines are laid. He said anyone served by a well at this point would be "grandfathered," and that town ordinances dealing further with water connections will have to be taken up after the Abeyta Water Rights Settlement proceeds further.

“It’s a proposal at this point,” Rodr’guez said of a hookup deadline. “Policy does not address that.”

Town attorney Brian James said adjudication under the Abeyta settlement is likely to take some time, and until it is complete the council has chosen not to enforce the strict terms of the code except in the case of subdivisions on wells and drilling new wells.

Nearly all of the residents who spoke were opposed to the proposed annexations, and they raised a number of issues. Most said they do not want to give up their wells or septic systems and be faced with the expenses associated with hooking up to town water and wastewater.

Others complained about town spending decisions, from soccer fields to the Kit Carson Regional Command Center, and said they do not want to pay town property taxes.

Vince Mart’nez said he lives off of Upper Ranchitos Road. He said he was concerned about the approximately 15 percent increase he would see in his property taxes. He also said he is worried he would no longer be able to keep livestock on his property and that he doesn’t want to be forced to hook into town water and sewer lines.

Regarding livestock concerns raised by several commenters, Rodr’guez said such uses would be defined under town code as “pre-existing, nonconforming” uses that would be allowed to continue after annexation.

According to town code, “nonconformities” may continue as long as they are not removed, abandoned for at least six months, destroyed or otherwise terminated. James said the town’s master plan contains a “very, very strong policy statement” in favor of preserve agriculture, including acequia systems.

Stephen Ortiz spoke along similar lines, saying he feared he would lose his water rights and face expensive hookup costs if the annexation went forward. He also complained about town “cronyism” and warned town officials they would “face our wrath” come election time.

Few members of the public returned to the meeting following a lunch break, though then-Taos County attorney Barbara Mart’nez, who did not attend the morning session, briefly discussed the history of the annexations, cast doubt on the sufficiency of the town’s petition to annex and questioned whether the meeting had been properly noticed.

Bond told her the meeting was advertised four times in the *Albuquerque Journal North* , and the town went “above and beyond the state law” in advertising in *The Taos News* and mailing letters to affected property owners.

The commission went on to vote on each of the 20 areas with little discussion, unanimously approving the town’s annexation of all the parcels it had requested.