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Proposed county land use code could get to a vote next month

By Elizabeth Cleary

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Publication of the proposed land use regulation ordinance has been pushed back, after Taos County commissioners reasoned county staff needed to do some more tweaking on the document.

A work study session to discuss the land use regulations Feb. 25 was nearly full, and it appears county residents remain divided on whether the ordinance is the right move for Taos County.

One of the central issues on which county residents disagreed was whether developers should have to notify residents of a proposed development within 500 feet, 1000 feet or just adjacent to the proposed project. The current regulations say developers must notify property owners within 1,000 feet, and that it's up to developers to send notifications to every property owner within that boundary, even if records at the assessor's office fail to provide an accurate list of who lives within that boundary.

Deputy County Manager Rick Bellis said county commissioners are now looking at a graduated system, whereby developers looking to develop in a "modest impact" capacity would have to notify within 500 feet, and higher impact developments would have to notify within 1,000 feet.

Denver resident Pauline Rivera filed a lawsuit last year after a 200-foot cell tower was installed next to her family's home in Costilla. The issue remains unresolved, and County Commissioner Tom Blankenhorn said it was the result of inaccurate assessor's office records.

County resident Lawrence Baker told commissioners that a 500-foot notification boundary "sounds like serving developers" over residents.

Blankenhorn insisted Baker's assertion was untrue, and that the proposed ordinance has nothing to do with favoring one side or the other.

Meanwhile, county resident Joe Torres insisted only adjoining property owners should be notified. He said this would be a more straightforward way of informing developers because it's obvious whose properties are adjacent, whereas specifying a certain distance can confuse the issue.

Torres is a long-time opponent of a new land use ordinance. In August 2012, when the county was pushing for a different set of regulations, Torres repeatedly spoke out against the land use document and said the county should translate it into Spanish. He also gathered hundreds of

signatures for what he called “*La Gente*” (the people) petition against the proposed ordinance. Despite months of deliberation, the commission never pushed that ordinance through.

This time around, Blankenhorn said he hopes the fact that the neighborhood zoning overlays — regulations that apply only to a given neighborhood — are separate from the code will eliminate some of the confusion that led to the commission’s failure to pass the code last time.

This time, it is clear Torres feels the proposed ordinance is the product of outsiders coming in and trying to tell people whose families have lived here for hundreds of years what to do with their land.

“People are coming in here trying to tell us what guidelines to follow,” he told commissioners on Feb. 25. “We’ve been living here for hundreds of years just fine.”

Bellis said in an interview that people need to understand that a land use code is a “living, breathing document” that can be revisited every year and changed based on what’s working and what’s not working.

He called the current land use code the worst he’s ever seen, and said adopting this code is simply falling in line with what the rest of the country is doing. Under the current land use code, there are no commercial and no industrial zoning classifications, and the proposed code provides a means by which those can be put into place.

“It’s kind of common sense,” he said.

Bellis said he hopes the commission will vote to publish the code at its next regular meeting on March 18, after which the county must advertise that the commission will consider passing the code, and after a month the commission can vote on whether to pass it.