

Taos County passes new land use code

By Elizabeth Cleary

The Taos News, 6/12/2014

After months of deliberations, meetings and document- tweaking, Taos County finally has a new land use code.

The 146-page ordinance that serves to overhaul the county's existing land use code passed the commission in a 3-2 vote on Tuesday (June 10.) Commissioners Joe Mike Durán and Larry Sánchez cast the dissenting votes.

Community members packed the commission chambers and the hearing lasted hours while residents spoke either in favor of or against the proposed land use code.

County resident Barbara Sheppard addressed the commission Tuesday to say the new code is crucial in preserving agricultural traditions and promoting economic development.

Sheppard said that without a new code, "this community continues to suffer."

The new code creates the possibility for a business owner to apply for an administrative permit if zoning allows for the type of business that the applicant wants to open. There are considerably fewer hoops to jump through with this type of permit versus a special use permit, which many business owners have to apply for by default under the old code, because there aren't any commercial or industrial zoning classifications under that code.

Resident Jeff Stadler spoke in front of the commission and argued that the county can't enforce the much shorter code it currently has in place, and asked why, then, would commissioners want to pass a much more extensive code.

When David Maes, president of the Ranchos de Taos Neighborhood Association, spoke to commissioners, he said the county is in a much different place than it was in the mid-20th century. Whereas several decades ago the county was mostly Hispanic and had a much smaller population, the county today is relatively populous and only about half of residents identify themselves as being Hispanic. Because of this growth and change, a comprehensive set of land use regulations would serve to preserve cultural traditions within the county, he said.

"We can choose to fight each individual battle against developers who do not understand our culture or share our love of our traditions, or we can adopt a land use code that will set into law a blueprint that will preserve our agricultural lands, historic plazas and rural lifestyle," he told commissioners.

Commissioner-elect Candyce O'Donnell, who will take Joe Mike Durán's seat on the commission next year, addressed the commission and asked them not to approve the new land use code.

"I'm going to step out of the box here and ask you not to pass these land use regulations," she told commissioners.

She said the current commission shouldn't vote on the new code because at the end of the year three out of five commission posts will change hands. She also said the acequia associations aren't given enough power per the language in the new code, whereas the neighborhood associations are given too much power.

Commissioner Tom Blankenhorn told O'Donnell the language in the code states parties that can have a say in a proposed development include "a state or federal agency regulating or protecting a governmental interest," and acequia associations fall into this category. O'Donnell argued acequia associations should be listed explicitly as parties.

County resident Ceilidh Creech told commissioner the acequia and water source setbacks under the new land use code would render development on her property impossible because multiple waterways run through her property. She handed commissioners copies of a petition, which had about 50 signatures, asking commissioners to delay voting on the setback portion of the code.

In an interview after the meeting, commissioner Blankenhorn said he would ask the commission to amend the code to have shorter setbacks, particularly for streams, wetlands and springs, which under the new code are 150 feet on plots of land that are two acres or more. Blankenhorn says that's too much, and told Creech she should apply for a variance, or exemption, to this rule, because she would probably receive it.

Tres Piedras resident Deborah Graves told commissioners she's spent years and thousands of dollars trying to obtain a special use permit to open a small café in Tres Piedras. She called the special use permit process a "disgrace" but said the county shouldn't adopt the new land use code. Instead, she said, they should make changes to the existing, much shorter document.

Commissioner Durán told attendees toward the beginning of the meeting that two commissioners are against the new code and three are for it, and the comments made during the meeting probably wouldn't change any of the commissioners' minds.

A couple of hours into the meeting, he suggested to commissioners they close the public hearing and vote on the code immediately. Commissioner Gabe Romero said the commission owed it to constituents to let them speak.

As predicted, when it came time to vote, two commissioners, Durán and Sánchez, voted against the code and three commissioners, Romero, Blankenhorn and Dan Barrone, voted for it.

Barrone, who also serves as town of Taos mayor, has said he planned to hold onto his commission seat in order to vote on the new land use code, and resign after doing so.

The commission tried but failed to pass a similar land use code in early 2012 after community members came out in force to oppose it. Some community members argued the public was not

properly informed of the changes to the code, and said the entire code should be translated into Spanish.

This time, some community members who spoke at Tuesday's meeting said no one told them about the public meetings held to discuss this version of the land use code. The county posted hard-copy notices of the meetings and posted notice of the meetings on its website.

Nathan Sánchez with the planning department said at the meeting the county has held 22 public meetings to discuss the land use code since November. The planning department has also made several amendments to the document and posted several versions of it online since that time.

The new land use code will take effect in 30 days.



Arthur Gallegos, of Amalia, left, and Stephen Trujillo, of Ranchitos, direct the attention of the Taos County Commission to the screen displaying a page taken from the Taos County Land Use Regulations Ordinance at a special meeting Tuesday (June 10).

Tina Larkin