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Ruling on airport case not likely until 2015

By J.R. Logan

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A lawsuit seeking to halt the expansion of the Taos Regional Airport likely won't be resolved until early next year.

At a court conference Thursday (Nov. 20), Judge Jeff McElroy took input from attorneys handling the case to determine when he could hold a hearing on whether the project should go forward or be stopped.

The town owns the airport and is set to break ground on the construction of a second runway. The project has been three decades in the making, but opposition from various community groups and Taos Pueblo have stymied progress.

The Pueblo finally gave the expansion its OK in late 2011, and the town council voted 3-2 in September to award a contract for the project's first phase.

However, the town is still waiting for a permit application to be approved by the Taos County planning director. No decision had been made as of press time Tuesday (Nov. 25).

At the same time, a group of Taos-area plaintiffs filed a lawsuit in September arguing the town of Taos and Taos County governments failed to adopt proper zoning in the area immediately surrounding the airport. The suit seeks to compel the town to get a construction permit from the county planning department, and also asks the judge to halt construction until the county adopts airport-appropriate zoning.

Attorneys for the town and county have both said they are under no obligation to do such zoning, but the county has acknowledged it must receive the town's permit before work on the project can begin.

McElroy said at Thursday's hearing that the case was of significant public interest and he would like to have it decided sooner rather than later.

"I don't want to have [the lawsuit] kind of go off into the ether and people not know what's happening," McElroy said.

A ruling from McElroy could delay or derail the expansion, though it's likely it would only come after the county planning director decides whether to approve or deny the town's permit. The judge and attorneys agreed Thursday the case would not be ready to go to a formal hearing until January.

In the interim, if the planning director decides to grant the permit, the town would get the green light to begin work, though its almost certain the approval would be appealed. County regulations would allow the town to begin work while the appeal is sorted out, though county attorney Robert Malone said Thursday the work would be at the town's own risk.

At this point, the county planning director has twice asked the town to provide more information on its application. Once the director officially determines he has sufficient information, he has 30 days to approve or deny the permit, or approve it with conditions.

Any appeals on that decision would first be heard by the planning and zoning commission, then the county commission.