

## **Judge rejects effort to halt airport project**

**By J.R. Logan**

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A Taos judge has issued a ruling saying he will not halt the expansion of the Taos Regional Airport. A group of Taos-area plaintiffs filed a lawsuit last September against the town of Taos and Taos County over concerns the construction of a second runway at the airport was moving forward before the area was properly zoned.

The town owns the airport, and the county is responsible for issuing building permits to allow the project to move forward.

Attorneys for the plaintiffs asked Judge Jeff McElroy to issue an injunction halting work until adequate zoning was put in place.

However, in a letter filed in the case Feb. 9, McElroy said he did not see justification to put the project on ice.

“The law is not on the plaintiff’s side,” McElroy wrote.

In light of the ruling, it appears the town may break ground on the \$24 million project that has been decades in the making. Taos Town Manager Rick Bellis said the contractor has been given the green light to move forward, but work has not yet begun.

In his written decision, McElroy pointed out that those who filed the lawsuit have not yet gone through the entire appeal process at the county level. The same plaintiffs who brought the lawsuit are also appealing the acting county planning director’s decision to give the project a permit.

That appeal will first be heard by the county planning and zoning commission. The board is expected to take up the issue at its March 4 meeting. If that planning board’s ruling is also appealed, it would then be heard by the county commissioners before it could be taken back to district court.

In his ruling, the McElroy said that process should be exhausted before a judge intervenes. He wrote that the county “may choose to ignore or act on the plaintiff’s concerns, but they should be free to do so unfettered by the interference of this court.”

In addition, McElroy noted that he saw no reason why the county would be forced to adopt more stringent zoning.

“If the county, as a result of the political process, chooses to not specifically zone uses in and around the airport, there is no requirement that they do so,” he wrote.

Those who brought the lawsuit argue the second runway will increase air traffic and pollution, and poses a danger to those living around the new flight paths.

While attorneys for the plaintiffs have put much of their case on a map drawn up by the project’s engineers showing specific zoning prescriptions for areas around the new runway, McElroy pointed to evidence presented by the town that the map was preliminary and of no enforceable value.

Instead, McElroy wrote that the final Environmental Impact Statement prepared by the FAA (which is footing most of the bill) studying the possible effects of the project was “more reliable.” McElroy noted that the study found the expansion “to be in the acceptable range on all existing uses, including houses in the area.”