

## Taos hotel overlay zone challenged

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A yearlong battle to challenge the town of Taos Hotel Overlay Zone was heard in 8th Judicial District Court in Taos April 5, further extending the controversy of the highly disputed 175-acre zone in the south end of Taos.

Passed in October 2016, the overlay zone ordinance allows hotels to exceed the height limit established in the town code. In the overlay zones, hotels up to 48 feet in height can be built with an approved variance. Outside of the overlay zone, buildings are restricted to a height of 27 feet with a maximum allowed of 40 feet with a variance.

One hotel has already been approved by the council in the area of the hotel overlay zone on the south side of Taos. A three-story Holiday Inn Express was approved by the town council in August 2017 after developer Jay Batra reworked the originally proposed four-story building.

The case, filed originally November 9, 2016 by 12 Taos area residents, claims the town did not follow its approved master plan Vision 2020 when approving the overlay zone. They are asking the court to reverse the council's decision.

The court document states, "In this case, there can be no question that the Town violated its own regulations by approving a Hotel Overlay Zone that fails to retain existing height restrictions as required by Vision 2020," and that the town "must zone in accordance with its Master Plan."

Vision 2020 is a master plan adopted by the town council after several public hearings in 1999 and was meant to be a guideline for the economic and developmental future of Taos. Land use, community design and infrastructure are some of the topics covered by the plan.

It is used by the town council often when considering or developing ordinances. A later version of the plan, (Re)Vision 2020 was drafted after 2010 as an update to the 19-year-old plan but was not officially adopted by the town.

State law says "the regulations and restrictions of the county or municipal zoning authority are to be in accordance with a comprehensive plan."

The town maintains that Vision 2020 is not a binding legal document that the planning and zoning commission must follow exactly when approving ordinances.

"(Master plans) are also meant to be fluid in that they are a living, breathing document that can be changed to reflect changing community priorities, economic realities or new technologies," said Town Manager Rick Bellis in an email. "The master plan is intended to guide the development of the Land Use Code, which creates the actual regulations, or law, on what actually can or can't be done."

Town officials say the plan is used to develop law, but is itself not law.

According to New Mexico law, "The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality..."

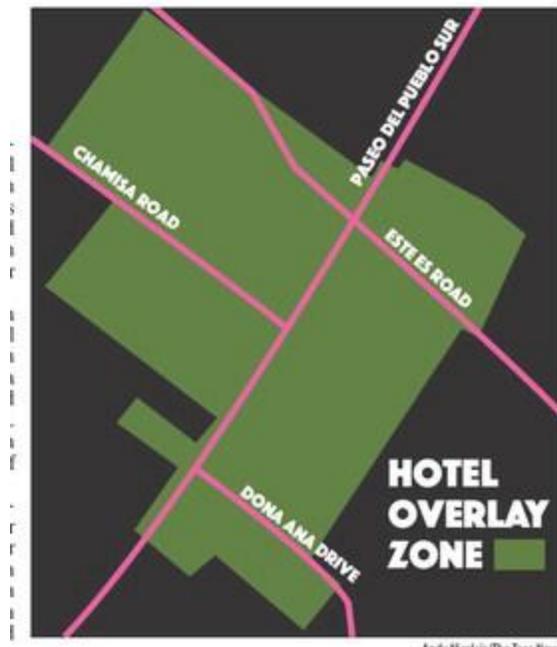
Councilors George “Fritz” Hahn and Nathaniel Evans voted “yes” on the hotel overlay zone in 2016 while Judi Cantu and Darien Fernandez voted against the motion. Mayor Dan Barrone cast a tie-breaking vote to pass the ordinance, approving the ordinance.

“(Master plans) are used as a guide for the town to follow,” Evans said in an email about the issue.

According to Bellis, the town is undergoing some studies to develop a new master plan with initiatives, such as Strong at Heart, conducting some of the required research and gathering the community input needed to develop the plan. Evans said Strong at Heart has nearly four times the amount of public input than Vision 2020 and is still collecting data.

The town attorney’s response to the appellants’ claim says that the ordinance creating the hotel overlay zone establishes height requirements and complies with the wishes of the master plan by doing so. In addition, the overlay zone will create job opportunities, also in accordance with provisions within Vision 20/20.

No decision was available on the case as of press time April 11, but the town is seeking to have the case dismissed.



The Hotel Overlay Zone as marked on the southern end of Taos. The zone allows for hotels to exceed the town’s height limits to permit for three story hotels in the area.

Andy Nicolais/The Taos News

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