

New land use code made public

County regs could bring big changes

By J.R. Logan

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The 222-page document released last week might not be the most exciting read of the year, but it could soon be the template for the future of Taos County.

After years of meetings, workshops, hearings and rewrites, the final draft of the long-awaited Taos County Land Use Code was made public Friday (July 8).

To download a copy of the draft, visit <http://www.taosnews.com/downloads/landuseregs.pdf>.

Users should be warned that it is a large file (14 MB).

The draft will undergo a public comment period in the coming weeks before being submitted to the county commission for final approval.

The new rules are intended to clearly spell out how property owners can use their land. The rules are also meant to improve the planning process so that it runs more efficiently and is not subject to the whims of the county commissioners.

"I think this helps us function more as a community and think about planning long-term," said deputy county manager/planning director Rick Bellis in an interview Monday (July 11).

Bellis, who has been with the county for just over a year, has spent his career in planning and zoning. He said the proposed regulations would bring Taos up to typical standards that have long been in place in other communities.

"It's what's normal other places, and we have to adapt," Bellis said.

But that might be a tough pitch to Taosenos who don't want to be told what they can and can't do on their property. County residents are notorious for valuing their independence, and there are many who see any new rules negatively.

Bellis acknowledged that he and the county are going to have to sell the idea.

“We’re tremendously ethnically diverse here,” Bellis said, noting that the many attitudes of those in the county make it hard to come up with rules that will please everyone.

“We have folks who are agrarian and rural, who have folks who are for growth and those who are against growth, and we have folks who don’t want to be affected by government or outside influences,” Bellis said.

Still, Bellis said the advantages of a comprehensive zoning code are many.

Clearly defining how land can be used eliminates a lot of the guess work that property owners now face, Bellis said. He added that the new code would also improve how properties are appraised because allowable uses that affect value would be more clearly defined. The county currently handles zoning questions using broad definitions that require a time-consuming and sometimes costly approval process. Plus, final decisions are often left to the board of county commissioners — a practice that has stirred up plenty of controversy in recent years.

The county is still in the midst of a lawsuit regarding Outlaw Garage — an 8,750-square-foot auto shop that the commission approved as a “cottage industry” despite complaints from neighbors about noise and pollution.

Bellis said the current commissioners have told him they would prefer to see the process “depoliticized” so that they would not be stuck making those kinds of decisions. By taking control out of their hands, it’s harder to claim that commissioners are making decisions based on who they know.

“If you’re into political favoritism, then (the new regulations) are probably a disadvantage. But if you’re into everyone treated fairly, then they’re probably an advantage,” Bellis said.

New zoning regulations are also an important part of planning for the future, Bellis said. Clearly identifying areas that can be developed — and the extent to which they can be developed — helps control growth while making things easier for new businesses, Bellis said.

Rather than making an overarching code, Bellis said the county tried to put zoning details in the hands of local neighborhood associations. Included with the draft are 11 “neighborhood overlays” created by their respective associations that specifically outline what can and can’t be done within their boundaries.

The neighborhoods with overlays included in the draft include Ca-òn, Hondo Mesa, Las Colonias West, Latir and Versylvia, Lower Des Montes, Ranchos de Taos, Taos Canyon, Montoso, Cerro, Stagecoach, and Upper Las Colonias.

David Maes, president of the Ranchos de Taos Neighborhood Association, has been

actively involved in the zoning process for years. He's expressed frustration about how long it's taken to get new regulations in place, and he said it's been hard for people to maintain an interest.

Maes pointed out that technical jargon like "existing vertical infrastructure" and "non-conforming use" don't inspire a lot of excitement among residents.

But Maes said Monday that he was pleased with the final draft. By allowing individual neighborhoods to come up with their own plans, the county may have saved itself a lot of headaches. In the case of the Ranchos area, Maes said the neighborhood identified its priorities and found ways to balance preservation with growth. "I think the over-arching concern for us was to preserve lands in a traditional manner, but it was equally important to come up with a code that also allowed for growth and for small businesses that create jobs," Maes said. "That's what creates a community."

The release of the draft regulations is a major benchmark in the long revamping process. The redesign of the land use code began in 2006, and several versions of the new regulations were turned into the planning department and to the county commissioners, only to be sent back for revisions.

In August last year, the commission was presented with what was then called the "final draft" of the new code. Planning department staff had hoped to have the new rules in place by the start of 2011. That deadline came and went while the document underwent a comprehensive legal review as well as a major restructuring to make it more coherent.

With the release of this final draft, Bellis urged residents to take a look at the document and understand how it might affect them. Meetings in various parts of the county will soon be scheduled in order to give people a better idea of what the new regulations entail.