

## Taos County to take another crack at land use code

By J.R. Logan

*The Taos News*, 11/17/2011

A few months ago, the unveiling of what was then called the “final draft” of the Taos County Land Use Regulations sparked an uproar of public opposition.

Community members complained they were left out of the planning process. Realtors said a portion of the code would unfairly deprive property owners of land value. Others simply said they didn’t want government telling them what to do.

The Taos County Commissioners balked at moving forward with the adoption of the code, and county staff once again went back to the drawing board to rewrite parts of the document.

This week, Taos County is once again preparing to unveil the most recent “final draft” of the land use code. Taos County Manager Jacob Caldwell told

*The Taos News* Tuesday (Nov. 15) the new version will be “a lot cleaner” than other drafts. Caldwell said previous iterations of the code included inconsistencies that made it hard to read as a single, coherent document.

Part of the reason for the incoherence could be that the process of developing the code spans nearly 10 years, several county managers and planning directors, and countless volunteer contributors. Only six of the 20 people originally appointed to a task force charged with fleshing out an outline in 2003 stuck with the process. The interest of individual neighborhood associations also waned as the implementation of the code dragged on.

Ranchos de Taos resident Rae Domenico is one of the few who’ve seen the code develop from the beginning. She said in a recent interview that turnover has been one of the biggest challenges to getting rules in place. People come and go, and each time someone new comes on board, they have to be brought up to speed on the entire process.

Domenico said a zone known as “Irrigated Agriculture” is a perfect example of how a changing cast of characters led to less cohesive regulations. According to Domenico, a special subcommittee was formed midway through the planning process to develop a way to protect and preserve agricultural lands in the county. Domenico said the subcommittee came back with a proposal that had the right intentions, but there were concerns that the details hadn’t been completely ironed out.

Instead of being reworked, the Irrigated Agriculture subcommittee fizzled, but the proposal never changed. And Domenico said that when a draft of the code came out earlier this year, the half-baked idea of how to handle irrigated lands was simply stuck in with the rest of the code.

The Irrigated Agricultural zone became a flashpoint for controversy when the draft code came out last summer. It essentially limited development to less than a third of a lot in areas identified by neighborhood associations as Irrigated Agriculture.

Though the limit would apply to a very small amount of the county, many (including the Taos County Association of Realtors) claimed it was a “taking” that would drastically reduce the value of property within the zone. Conservationists also said the language of the zone would eliminate tax incentives that provide tax breaks to those who voluntarily preserve open space.

Caldwell acknowledged that frequent turnover is at least part of the reason it has been so difficult to put together a final draft of the land use code. But he thinks the forthcoming version of the document will be much more straightforward and coherent.

In addition, the Irrigated Agriculture zone has been removed completely. Caldwell said it is a good idea to separate it from the bulk of the land use code.

“At this point, it makes sense that it be treated as a separate, stand-alone ordinance,” Caldwell said.

As for a new timeline for adoption, Caldwell said a version of the land use code has been made available to the county commissioners for review.

At a special meeting Nov. 22, the commissioners will consider whether to publish notice of adoption of the land use code. If it does, the county plans to hold public information meetings over the next several weeks to explain the code and take comments.

The commission would not make a final vote on whether to adopt the new code until sometime in January at the earliest, Caldwell said.