

Taos County begins another review of land use code

By Matthew van Buren

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Taos County is beginning to distribute a new draft of proposed land use regulations and has scheduled a series of public meetings to review the code.

The County Commission could adopt the code early next year, though it has seen many iterations since the revision process began five years ago. It includes zoning overlays prepared in conjunction with a number of neighborhood associations, and previous versions have included an "irrigated agricultural" zone that has been a source of contention. Commissioners have expressed concerns about wording, and the drafts have undergone extensive legal review.

The new code would create a Board of Adjustment that would hear requests for variances and appeals of decisions made by the planning director, as well as temporary use permits, permitted uses and other areas not in the current code. It generally seeks to make the approval process quicker and less expensive than the current code, particularly by detailing administrative review processes. Regarding special use permits and major developments, the revised code gives the county "greater latitude" in requiring or waiving certain studies, such as traffic studies.

According to information from county Planning Director and deputy county manager Rick Bellis, changes in the new version of the regulations include describing the responsibilities of key participants in the development review process in greater detail and setting the number of Planning Commission members at five (the commission currently has nine members), among others. The draft regulations also lay out guidelines for quasi-judicial proceedings and explicitly prohibits *ex parte* communication and conflicts of interest, as well as specifying sanctions for violations by applicants.

The new version of the code contains more definitions of key concepts and aligns definitions with those used by individually zoned neighborhoods. It also "creates the category of administrative review, reducing approval requirements and time for the most common development requests," according to a summary Bellis prepared. The code would allow businesses to make modest expansions or property owners to make improvements such as carports, decks, roofing and plastering without having to seek a special use permit from the county.

"There are a greater number of uses and activities that are either exempt entirely from any type of review or which require only administrative review," Bellis wrote, "such as expanding (up to 25 percent) or replacing (up to 50 percent) an existing nonconforming use."

The latest version of the code also spells out processes for enforcement, allows for extensions and corrective action agreements and allows the county to recover expenses it incurred in remediating properties or pursuing legal action.

Letters will be sent to all property owners in the county summarizing the code, telling residents where it can be viewed, when meetings will be held and how to send comments or ask questions. Questions and comments can be sent to the county Planning Department by email at planningdepartment@taoscounty.org, by calling (575) 737-6440 or by mailing a letter to Taos County, Attn: Land Use Comments, Suite A, 105 Albright Street, Taos, NM 87571. Public input forms will also be available at taoscounty.org.

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