

II. A HISTORY OF TAOS COUNTY LAND USE ETHICS, PLANNING, AND PRACTICE

"We have lived upon this land from days beyond history's records, far past any living memory, deep into the time of legend. The story of my people and the story of this place are one single story. No man can think of us without thinking of this place. We are always joined together."

A Taos Pueblo man describing his relationship to the land.

The landscape around Taos is a product of this relationship expressed through land use practices since at least 1000 A.D. by Tiwa Indians, Hispano settlers, and the more recent multi-cultural arrivals. What we see in Taos County today—everything from "wildlands" to tree-lined lanes and *acequias*—is a cultural landscape imprinted by a long history of management and use.

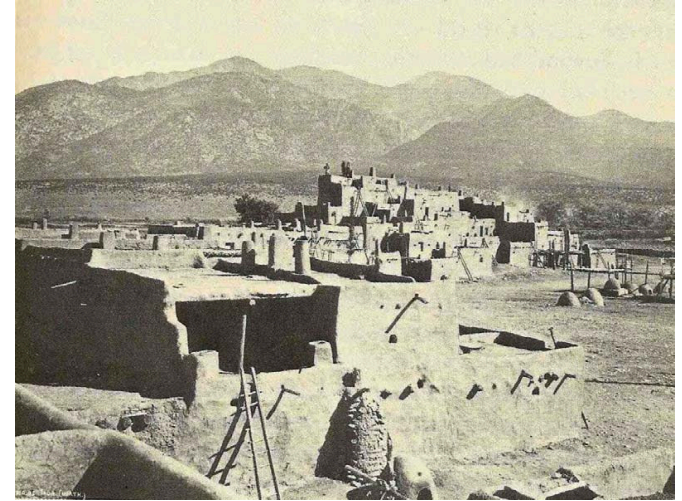
Earliest evidence of people living on this landscape dates to about 8,000 years ago during the hunting and gathering Archaic Period. Those hunter-gatherers could very well be the same people who took to agriculture and permanent settlements and became the Tiwa-speaking peoples of Taos and Picuris Pueblos. Around 1000 A.D. Pueblo ancestors starting building permanent structures, and today pit house sites and abandoned pueblos are found throughout Taos Valley, from Arroyo Hondo to Los Córdovas and Llano Quemado, up Pot Creek, and around Picuris Pueblo. The current location of Taos Pueblo was settled in the 14th century. The Picuris area was settled in the late 12th century. Land use throughout the first 500 years of permanent settlement was primarily irrigated farming in the fertile lowlands, supplemented by abundant hunting and gathering in the mountains and mesas surrounding the Pueblos. Much like the *acequia* tradition that persists today, communal irrigation farming required a high level of community organization and cooperation. Clustered housing units, like we see today at Taos Pueblo, were densely populated, leaving farmlands and hunting and gathering areas undeveloped. Overall population density was low and the natural resource base was not overtaxed. Simple agriculture of primarily corn and beans, along with silt from flood irrigation, naturally replenished the soil rather than depleting it. In all, Taos Pueblo once used approximately 300,000 acres of surrounding land for subsistence.

Both Pueblos were relatively isolated, compared to southern Pueblos, but were cultural crossroads and trade centers for nomadic plains tribes, Utes, Apaches, Navajos, and Tewa Pueblos from the south. Hunters from both Pueblos occasionally traveled to the eastern plains for buffalo, as well. The ecological setting of Taos Pueblo between fertile valleys and wildlife-rich mountains, and the economy that maximized resources with a balance of farming, hunting, and gathering, created an exceptional abundance in the area. Fray Francisco Dominguez wrote in 1776 that "everything yields such an abundant harvest that when there is scarcity in most of the kingdom, everyone goes to Taos and leaves there well supplied, not just once, but many times."

The land represented more than physical sustenance, however. Upland areas were also used for ceremonial activities, as Taos Pueblo's Blue Lake Wilderness is still, and the people were guided in proper land use and in striking an ecological balance with nature not only by pragmatic concerns, but also by "the divine instructions given to the people." According to Pueblo Historian Joe S. Sando, "There were guidelines for well-ordered living. What the Pueblos have now as an unwritten 'Tribal Code' was essentially in operation in ancient times, remembered and obeyed as though carved in stone. The Code was respected, understood, and taught from generation to generation." This was the nature of land use planning and practice in Taos County for many centuries.

Spanish and Mexican Period

The first Spanish *entrada* into what is now New Mexico was led by Francisco Vázquez de Coronado in 1540. Hernando de Alvarado visited Taos that year as part of the Coronado expedition and saw the same multistoried pueblos that still stand today, but there was no permanent Spanish presence or influence in the area for nearly 60 more years. Picuris Pueblo probably did not have any direct contact with the Spanish until Gaspar Castaño de Sosa visited in 1591. In 1598 Juan de Oñate led the first party of colonists into the region.



The Village of Rodarte.

These first “Spanish” settlers already carried a mixed heritage of blood, customs, and traditions from Moorish and Sephardic Judaic cultures, but also included a large percentage of Tlaxcalan Indians from Mexico.

The first decades of Spanish colonization involved an *encomienda* system that required Indians to pay “tithes” to the church and the civil government in the form of labor or material tribute. At the same time, native religious activities were severely repressed. After 80 years of this, all the Pueblos in the Southwest joined together in the 1680 Pueblo Revolt, which succeeded in driving the Spanish out of the territory for 12 years. At the time of the revolt, the Taos Valley was still a remote frontier of New Spain and only about 70 Spanish settlers were living in the area. It was a successful revolt in that when the Spanish returned, in general it was with greater deference and respect for Pueblo culture and lands.

In 1689, the Spanish governor Diego de Vargas legally recognized Pueblo rights to at least a portion of their ancestral lands and waters by issuing land grants of about 17,500 acres to each Pueblo. (Through reacquisition of the Blue Lake tract and other purchases, Taos now controls approximately 100,000 acres; Picuris about 15,000 acres). From then on, non-Indians were not allowed to live on Indian lands (which was not always strictly enforced). Subsequent Spanish land grants could not infringe on Pueblo grants and the Spanish government provided legal protection and advocates for the Pueblos. After the revolt, the *encomienda* system never returned and there was far more religious tolerance.

As the Spanish settled in the area and established new communities, they had very clear guidelines for land use planning and management in a document called *Recopilacion de Leyes de los Reynos de las Indias*, or Laws of the Indies. The Laws of the Indies has been called a blueprint for bioregional sustainability. It prescribed everything from the basic qualities and resources that the land required for establishing a new settlement to specific urban planning requirements including lot sizes for different uses.

Settlers would choose a location “taking into consideration the health of the area, which will be known from the abundance of old men or of young men of good complexion, natural fitness and color, and without illness . . . the sky clear and benign, the air pure and soft . . . without excessive heat or cold. . . . And they should be fertile areas with an abundance of fruits and fields, of good land to plant and harvest, of grasslands to grow livestock, of mountains and forests for wood and building materials for homes and edifices, and of good and plentiful water supply for drinking and irrigation.”

Once a site was selected, the Laws prescribed very specific guidelines for urban development, including: laying out a plan for the entire town around a defensible central plaza with roads of certain size radiating out in certain directions; the location of the church, government, and other public buildings around the plaza; the location of slaughter houses and other “industrial” buildings in areas where waste can be easily disposed of; assigning specific house sites of specific size to settlers; leaving sufficient open space for growth; setting aside public open space, or “commons,” sufficient for recreation, livestock grazing, and farming; and ensuring architectural consistency of structures, “for the sake of the beauty of the town.” Other laws required the construction of *acequias* to irrigate crops. *Acequias* were usually built first, even before the church. The cooperation that was required to build and maintain an *acequia* was the foundation of democratic community governance.

If all the requirements of the Laws of the Indies were met, a community of settlers could petition the Spanish government for a grant of land. That land grant would include a house site and enough land for gardening and farming for each family, plus the *ejido* lands that were owned and managed communally for livestock grazing, timber and firewood, hunting, and control of watersheds that fed the *acequias*.



Like Indian pueblos, Spanish towns and villages were built in clustered units. Clustered pueblos or villages were more defensible in the event of an attack, but also maximized the surrounding irrigated farmland and natural resource base. The characteristic central plaza was a vital public space for social and ceremonial activities, local commerce, and day-to-day interaction with neighbors. The *resolana*, or sunny side of the plaza, was a communication center where generations of villagers engaged in idle gossip or shared news and opinions about recent activities. *Resolana* is a cultural concept and practice that is still important to local communities.

Despite a difficult beginning to the relationship between the Pueblos and Spanish settlers, over the centuries there has been intermingling of blood, traditions, and adaptations for survival. For defensive reasons, Hispano settlers lived within Taos Pueblo on and off until the end of the 18th century. The new settlers borrowed from well-adapted Pueblo architecture, settlement patterns, and crops to blend the ancient institution of the *acequia* with existing Pueblo irrigation practices. The Pueblos adopted from the settlers domesticated animals, fruit orchards, and the distinctive *horno* adobe oven. Over time, villages, farming techniques, land use patterns, staple foods, and even a few ceremonies all began to look alike. “Their shared experiences under the same sun, on the same land that is nourished by the same water have brought aspects of the two cultural views together, leaving a unique legacy to New Mexico,” according to one sociologist.

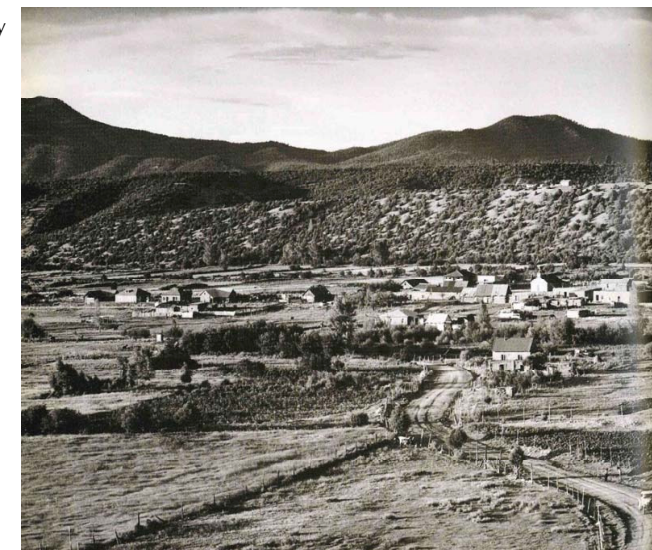
Many aspects of land use among Hispano communities were prescribed by the Laws of the Indies, but, as with the Pueblos, land use was also guided by traditional cultural ethics. Cultural principles like *querencia*—a deeply-rooted connection and sense of responsibility toward a familiar place—guided much of the local land ethic and land use practices. *Dichos* like “*la tierra es la madre y el agua es la sangre* (the earth is the mother and the water is her blood),” or “*para yo, para vos, y para todo los animalitos de Dios* (‘for me, for all of us, and for all of the animals of God’),” explains why a farmer plants three seeds at a time, and also illustrates the local ethic.

As Hispano populations grew and land grants were established, communities were concentrated around both Taos and Picuris Pueblos, reflecting the choice areas for building and agriculture already selected by the native communities. New communities were always established along streams where villagers could have easy access to water for drinking and irrigation. Prominent land grants in Taos County included both the Pueblo grants, a large section of Sangre de Cristo at the northern end of the county, Antoine Leroux in the Rio Hondo watershed, Arroyo Hondo and Antonio Martinez or Lucero de Godoi in the northern part of Taos Valley, Don Fernando de Taos at the current location of the Town of Taos, Cristóbal de la Serna and Gijosa in the southern end of Taos Valley, and parts of Embudo, Las Trampas, and Santa Barbara at the southern end of the county. In all, there were once 35 land grants or parts of land grants in Taos County comprising nearly half of the land area. Most of these were community grants that were communally owned and managed by the local community.

In 1846, just before the U.S. conquest, about 95 percent of Pueblos and Hispanos were still directly dependent on the land and age-old subsistence activities, with limited trading of surplus produce and other goods. Taos Valley continued to be a vibrant regional trade center with the Taos Trade Fair becoming an annual event.

U.S. Period

Early US residents, mostly trappers and mountain men, had been making their way to Taos since the early 1800s. In the late 1840s, the U.S. Army under General Watts Kearney invaded and annexed New Mexico, making it a territory of the U.S. Soon after the conquest, most of the land grants on which local communities survived were lost during an adjudication process that favored the U.S. government and private land speculators over the land grant residents. The new economy, with railroad transport and expanded markets to the east, encouraged destructive land use practices, including extreme overgrazing and forest clearcutting which caused the severe erosion that local watersheds and agricultural lands are still recovering from today. Land and economy have always gone hand in hand in this region and the combination of these changes led to chronic poverty in many local communities. In his book, *Forgotten People*, George Sanchez describes Taos County in the 1930s as an area with serious land management problems, extreme poverty, and little opportunity.



These economic and land use problems led to a slew of federal New Deal projects in the 1930s and 40s. As part of what was called the “Hispanic New Deal,” the Taos County Project pursued a variety of programs intended to revitalize local lands and communities. Activities included helping Costilla and Amalia buy back historic grant lands (Rio Costilla Park), leasing other private lands for livestock grazing, developing a new irrigation system for Cerro, helping communities organize to get access to better Forest Service grazing permits and gain control of the local soil conservation district, setting up a successful cooperative marketing association, and conducting public education on soil conservation and agricultural production.

The War on Poverty in the 1960s continued similar efforts. The Northern Rio Grande Resource Conservation and Development Project established by the U.S. Department of Agriculture attempted to use local initiative and local leadership to address the region’s persistent poverty. Projects included development of recreation areas, wildlife habitat improvement, *acequia* rehabilitation, and new processing and marketing facilities for local agricultural products.

A few years later, in 1972, Regional Forest Supervisor William Hurst wrote a new policy directive to help address the “economic and social needs of the people of Northern New Mexico.” Acknowledging the land grant history of the area, Hurst recognized that local Native and Hispano cultures have close ties to the land and that their economic well-being is closely bound to national forest resources. In the mid-1990s the Camino Real District of the Carson National Forest made an effort to implement Hurst’s directive with its Collaborative Stewardship program, working with local communities to conduct forest thinning for the mutual benefit of ecosystem health and local economic health.



Recent County Planning

All the history and tradition, land use practices, laws and policies, exploitation and economic development efforts outlined above created much of the landscape and communities we see today, but there was no land use planning on a countywide scale until recently. Though some general regulations had been in place earlier, it wasn’t until the early 1990s that growing public concern about the pace of development spurred the Taos County Commission to undertake systematic land use planning for the first time. One piece at a time, a comprehensive approach to land use planning and management has been underway since 1993.

The Taos County Commission was already concerned about development and thinking about land conservation in 1991. Taos County Resolution 1991-35 first recognized voluntary conservation easements as an important land conservation tool. The resolution recognizes that “open space land, including farmland, so important to Taos County’s cultural heritage, scenic beauty and economic well being faces competition from uses of the land for continuing development and population growth” and that “the extraordinary scenic beauty of Taos County is a continuing and significant source of public benefit to residents of the County and to the many visitors who come to Taos.”

A new County Commission that took office in 1993 hired two planners in September of that year and in October passed Resolution 1993-34, “Adopting a Mission Statement for the Process Leading to a Comprehensive Land Use Plan.” This resolution recognized the threat of rapid development and uncontrolled growth and the need for orderly land use planning and implementation. It was quickly determined that the process of developing a comprehensive plan would take a long time, and the Commission decided in the interim to draft a Temporary Zoning Ordinance. There was strong public opposition to zoning, however, and in April of 1995 the Commission passed Ordinance 1995-4, enacting the Taos County Land Use Plan that did not include any zoning.

In response to public opposition to an imposed zoning ordinance, the County tried a new approach that the Planning Department hoped would be less political and encourage public involvement. The County launched a program to develop and empower neighborhood associations as citizen groups that would guide the land use planning process. Each neighborhood association was asked to create a Neighborhood Plan that presented vision statements, goals, objectives, and an action plan, which was eventually to be used to create neighborhood or community zoning plans. Resolution 1997-50, the Taos County Comprehensive Plan was the culmination of this process, integrating Neighborhood Plans developed by 24 neighborhood associations. To date, only the Upper Las Colonias and Stagecoach Neighborhood Associations have created a zoning plan and had it formally adopted by the County in two amendments to the Land Use Regulations.

The temporary land use regulations in Ordinance 1995-4 were made permanent in Ordinance 1997-4 and revised again in Ordinance 1998-6. The current version of Land Use Regulations, Ordinance 2005-10, specifies the role of neighborhood associations in developing a Comprehensive Plan, includes performance standards in the absence of zoning plans for all special use permits (including the same environmental impact statements and water availability assessments required in the Subdivision Regulations, outlined below), and establishes specific conditions for major developments.

County Subdivision Regulations had been adopted in 1973 then again in 1982. In early 1994 the Commission established a Subdivision Task Force to review and update existing subdivision regulations and incorporate changes required under a new state law that would be appropriate to address issues related to rapid growth in Taos County. Extensive amendments to the Subdivision Regulations were adopted in March of 1996 as Resolution 1996-12. Those amendments were later judged to be inadequate and in 1998, after some interim measures, the County Commission approved the Taos County Subdivision Regulations, Resolution 1998-4. Another Subdivision Task Force was established in 2002, which led to the latest revision of the Subdivision Regulations in Taos County Ordinance 2005-8. They require applicants for new subdivisions to complete an environmental impact statement, a water availability assessment to ensure adequate water supply for a period of 50 years, and water conservation measures.

The latest planning activity is the *Taos County Comprehensive Plan Update: Vision, Goals and Strategies*, adopted in 2004 as Resolution #2004-69. This is a planning document that includes a county-wide vision statement and goals for each of the seven plan elements, including an extensive implementation element. It addresses planning issues on land and water, economic development, housing, transportation, infrastructure/community facilities, and neighborhood association plans.

