



FACTSHEET TAOS COUNTY STREAM BUFFER/SETBACKS

Introduction:

This is a fact sheet intended to help with the understanding of stream setback protections/regulations that exist in Taos County and other incorporated municipalities within the County. The Taos County Land Use Regulations regulate development and land use within the jurisdiction of Taos County, the boundaries of the county being defined in NMSA 1978, 4-29-1. In addition to Taos County, the Village of Taos Ski Valley also has stream setback requirements.

Buffer Zones/ Setbacks

Buffer- A strip of land intended to create physical, visual, and/or noise separation between potentially incompatible use of land.

Setback- The distance between the building and any lot line. Minimum setbacks define the building envelope and establish required yards - front, rear, and side. Boundary fences may be permitted within side and rear setbacks, but not front setbacks.

Limits	Less than 2ac.	2ac. or more	Comments
Minimum Setbacks from Acequias	20 ft.	20 ft. residential 50 ft. commercial	measured from the nearest bank of the acequia
Minimum Setbacks from water sources, streams, wetlands, springs etc.	85 ft. Commercial 40 ft. Residential	150 ft. commercial 40 ft. Residential	Measured from nearest bank of stream, spring, or wetland

*These setbacks may be more or less if established by acequia bylaws (Ordinance 2015-02 Land Use Regulations Section 4.8, pg. 71, Limits Table)

For Acequias

- “No acequia, whether on-site or off-site, shall be disturbed in any way by building development or construction activity unless approved or deemed approved by the acequia commission.

- “All applications for a parcel containing an acequia, or a parcel within 20 feet of the nearest bank of an acequia, shall be submitted by the applicant for review by the applicable acequia commission. The acequia commission has 30 calendar days upon receipt of the application to respond. Failure of the acequia commission to respond within 30 calendar days shall be deemed approved.”

(Ordinance 2015-02 Land Use Regulations Section 4.8, N)

For Wetlands

- “In order to preserve the crucial water recharge capacity and wildlife of the county’s critical wetland resources, any proposed development on a tract which contains wetlands shall be limited to the development of areas within the applicant’s tract that are not wetlands. Any proposed development that impacts a wetland, must obtain a Special Use or Major Development permit from the county, will require a delineation of the wetlands by a licensed professional, and shall adhere to all federal, state, Taos County Soil and Conservation District, and all other governmental and acequia regulations or requirements.”
- “No proposed development may disrupt or alter the natural collection of water in wetlands, or the wetlands source waters, or contribute any contamination or man-made run-off as a result of construction or development.”

(Ordinance 2015-02 Land Use Regulations Section 4.8, P)