

Rezoning debate: Infill versus open space

By J.R. Logan

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A controversial plan to rezone about 20 acres near downtown will now be decided by the Taos Town Council.

The town Planning and Zoning Commission voted Feb. 3 to recommend a version of the rezoning, which includes property from Los Pandos Road north to Quesnel Street. Town officials, who are asking for the rezoning, say it's necessary to make an "arguably blighted area" more attractive to developers and serve as a "gateway" to downtown.

Many of the people who spoke out publicly against the proposal at that hearing were residents of Montoya Street who were concerned that any development in that area would create a nuisance and change the character of the neighborhood. But the proposal has raised bigger questions about the town government's vision of what Taos should look like – and how it can balance smart growth with protection of open space and water.

Supporters of the change, including town officials, argue it would improve the curb appeal along Paseo del Pueblo Sur. They say a large developer like Smith's Food and Drug (which has expressed interest in relocating) could afford to give that stretch of highway a face-lift, and the timing would fit perfectly with a highway reconstruction, for which the state has promised funding.

Additionally, they argue such a project would be a clear example of "infill" — development in the center of town that reduces sprawl and cuts the cost to taxpayers of extending services and utilities.

However, critics of the plan complain that the rezoning extends into the southern portion of a vacant piece of land known as the Couse Pasture — a parcel that holds acequia water rights and was once said to have "very high" value as a rural historic landscape.

The town council is expected to take the issue up at its Feb. 23 meeting, which is the last before the March 1 election for two council seats.

Impetus

At least part of the impetus for the change is to accommodate the possible relocation of Smith's.

When town planners first brought the proposal before the planning commission, Town Manager Rick Bellis said it was not to make room for any specific developer. Since then, preliminary plans for a possible relocation and expansion of Smith's Food and Drug have been made public, and the town has acknowledged that rezoning is needed if the company wants to most to the east side of Paseo.



This stretch of Paseo del Pueblo Sur, north of Los Pandos Road, bisects an area proposed for rezoning by the town of Taos. Proponents argue the change would encourage development in what some town officials call an “arguably blighted area.” Opponents are primarily concerned with any project that would affect a vacant property known as the Couse Pasture, which lies to the east and part of which is included in the rezoning.

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Town officials have said such a move wouldn’t be possible without rezoning, including the Couse Pasture.

Bellis said at a public meeting last week Smith’s needed to move because its current building is “sinking.”

“You know why Smith’s can’t stay where it is?” Bellis said. “It’s built on a lake.”

When asked whether the building is actually sinking, Marsha Gilford, a spokesperson for Kroger (the parent company of Smith’s), said in an email the existing store “is in need of very costly repairs to bring it to the level we would like to have to serve our Taos customers.”

Gilford added that the company could not rebuild in the same spot because the existing store “is much smaller than any new store we are currently building.”

At this point, Gilford said the company is still deciding what to do. “We are just in the discussion phases of what a new store may look like,” Gilford said. “It is too early to speculate on final details or certainty of a new store project.”

While Smith’s may be considering a move to the other side of the street, at least two property owners in the area say they have made no arrangements with Kroger, and they say there are currently no sales that hinge on approval of the rezoning.

John Slenes owns a 3.3-acre parcel just west of the Couse Pasture. It's the property on which the Indian Hills Hotel is located, as well as the nearby building in which SOMOS and the Enchanted Florest currently operate.

Slenes said Wednesday he's owned the Indian Hills for 41 years and is ready to move on. He said he listed the parcel about five years ago for \$2.25 million.

Slenes said he had a few bites, but no buyers. He thinks rezoning the property to allow for easier commercial development would make it more marketable.

Despite talk of a Smith's relocation, Slenes said he has no committed buyer at this point. He declined to name any person or group that has recently inquired about a sale. "At this moment, I'm not in a position to say who I'm talking with and who I'm not talking with," he said.

But he was clear he was eager to make a deal.

"I don't care who buys it," Slenes added. "I'm perfectly happy to sell it to the first person who walks up and writes me a check."

Couse Pasture

Another prominent property up for rezoning (and no doubt the most controversial) is the southern portion of the Couse Pasture — 20 acres of open space located between Paseo and Montoya Street.

Tax records with the county assessor show the entire 20-acre Couse Pasture is owned by Irwin W. Couse and John F. McCarthy. The town used the same information when it listed the ownership of all property slated for rezoning last week.

But deeds and other records at the county clerk's office suggest the main portion of the pasture was split into at least three lots more than 30 years ago and has multiple owners.

A deed shows an organization called Campo Sabio, Ltd. took over ownership of 14 acres on the south side of the pasture in 1982 and is still the owner of record today. The 6 acres on the north side — which are outside the area up for rezoning — belong to the Couse Trust. Both groups have been tied to the Couse family, which is descended from the famous artist who occupied the historic studio on the hill off Kit Carson Road.

The 1969 hydrographic survey of water rights in the Taos area shows the entire 20-acre pasture was irrigated at some point by lateral ditches coming off the Acequia Madre del Pueblo.

County records show water rights associated with the property were transferred to Campo Sabio in 1992, though the parcel does not appear to have been irrigated in many years.

The New Mexico Secretary of State has no record of a corporation called Campo Sabio, but other deeds show the partnership was controlled by Irving W. Couse.

Also found on some Campo Sabio records is the signature of Santa Fe tax attorney Rudolph B. Sacks, Jr. In an interview Wednesday (Feb. 10), Sacks said he has represented the Couse family as an attorney for

decades. He also expressed the Couse family's desire to not become involved in what is quickly becoming a controversial issue.

In the 100-plus years the family has owned the pasture, Sacks said there have been some offers to purchase.

"Over the last 30 years, there have been discussions with other parties discussing the potential development of part of the pasture," Sacks said. "But nothing has come to fruition, and there is nothing outstanding."

"We have no agreements with any parties at this time," he added. "We have nothing to hide."

An October 2002 real estate listing from the website *loopnet.com* lists an "off-market" 9-acre parcel in Taos called "Campo Sabio" for \$1.47 million. The zoning and location on the listing match that of the southern Couse Pasture.

Sacks said he was unaware of that listing. He said he did not know if there was a price for which the family was willing to sell all or part of the property.

"If there is [a price], I don't know what it is," Sacks said.

Sacks said he had not been contacted by anyone with the town regarding the rezoning. He also said he doesn't know if the family has any opinion on the town's plan.

Rezoning redux

This is not the first time rezoning has been proposed on the Couse Pasture. In 1992, Irving Couse approached the town about rezoning at least part of the property so he could build a retail complex.

Colorado architect Gary Udall was involved in the planning of that project. Udall said in an interview with *The Taos News* Tuesday (Feb. 9) the plan was to create a pedestrian-friendly shopping area made up of little stores that would feature high-quality art. Udall said the goal was to make something cultural and tasteful to balance the growing amount of touristy kitsch on Taos Plaza.

Udall said Couse supported the project because he was trying to find a way to preserve the Couse Studio on the hill. A portion of sales at the shops would have gone to a fund to keep that property secure and in the family in perpetuity, Udall said.

"Irving was excited about it," Udall said, noting that Couse had no qualms about seeing the horse pasture developed.

In fact, minutes from a town Planning and Zoning Commission meeting from October 1992 show that Irving Couse was asking to change the zoning from Residential Agricultural to Central Business District. It's not clear from those documents exactly which parts of the pasture were slated for [development](#). It's also not clear if any rezoning was ever done.

Like the current proposal, that development also drew its share of criticism, especially from neighbors. After being repeatedly turned down by the town on what Udall considers unfounded grounds, he and the investors walked away from the project.

Value of infill and open space

Much of the current controversy over the rezoning boils down to a single debate: the value of infill development versus the preservation of open space.

Employees of the town planning department highlighted this dilemma at the planning and zoning meeting last week, and they went so far as to say people on both sides of the issue could find language in the town's comprehensive plans to support their case. Those same staff members also pointed out they could find no record that the town council had yet adopted parts of that plan, which was finished years ago.

In support of the rezoning, the town's (Re)vision 2020 plan makes a strong argument for "infill" — development within the existing footprint of the town. The logic is that infill development prevents sprawl on the outskirts of town and reduces the cost of extending service and utilities. In a report on the rezoning, town staff said rezoning fit well with the infill philosophy because it would encourage infill and growth in a part of town that "serves as a central corridor for pedestrian and vehicular traffic." A pending proposal to extend the architectural requirements of the historic district to part or all of the rezoned properties would further improve the look and feel of any development, according to town staff.

At the same time, however, the (Re)Vision plan also emphasizes the importance of maintaining open space and green corridors, as well as protecting agricultural lands. In fact, as a matter of policy, the plan says: "The Planning & Zoning Commission and the Town Council will not approve zoning applications that convert fallow or active agriculture and ranching lands to residential or commercial development."

The (Re)Vision plan says a "Green Infrastructure Map" to inventory key open space and make room for trails and parks should have been completed by 2013. *The Taos News* could find no record of such a document.

The Taos Land Trust is spearheading a similar effort right now called a "green print," but it's still in the works.

The Couse Pasture itself was specifically identified in a 2007 report done by the Taos Land Trust and commissioned by the town. The report recommended properties that might qualify for Rural Historic Landscape designation under the National Historic Preservation Act. Such designation doesn't limit development, but certainly adds another hurdle.

"In the context of the densely developed town center and rapid development throughout the community, the overall integrity of this property [the Couse Pasture] and value as a rural historic landscape is very high," the report states.

Despite that assertion, town officials say the owners of the pasture weren't interested in such a designation, and the idea went nowhere.

If the landowners are unwilling to preserve the pasture as it is through a designation or conservation easement, perhaps the only other option for permanent protection of that space would be for a conservation-minded entity to buy it outright. But considering what land goes for in that part of town, that would probably take a conservationist with a few million dollars to spend.