

**MINUTES OF THE SANTA FE COUNTY
COUNTY OPEN LAND TRAILS AND PARKS ADVISORY COMMITTEE (COLTPAC)
Santa Fe County Administration Complex
100 Catron Street, Santa Fe, NM 87501
Wednesday, October 20, 2021 at 6:00 P.M.
Via Webex**

1. OPENING BUSINESS

A. CALL TO ORDER

A special meeting of the Santa Fe County Open Land, Trails and Parks Advisory Committee (COLTPAC) was called to order on the above date at approximately 6:07 p.m. by Chair Rubén Cedeño.

B. ROLL CALL

Roll Call indicated the presence of a quorum as follows:

Members Present

Rubén Cedeño, Chair (District 3)
Linda Siegel, Vice-Chair (At-Large)
Jan Cohen (District 5)
Morika Hensley (At-Large)
Sandra Madrid Massengill (District 1)
Apple Snider (At-Large)

Members Absent/Excused

Matt Piccarello (District 4)
Jean Pike (At-Large)
One Vacancy

Staff Members Present

Maria Lohmann, Open Space/Trails Planner
Robert Griego, County Staff

C. APPROVAL OF THE AGENDA

Member Siegel moved, seconded by Member Massengill, to approve the Agenda as published. The motion was approved by unanimous voice vote with Members Cohen, Hensley, Massengill, Siegel, and Snider voting in favor and none voting against.

2. MATTERS OF PUBLIC CONCERN

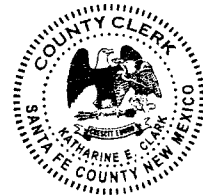
There were no matters of public concern.

COUNTY OF SANTA FE) COLTPAC MINUTES
STATE OF NEW MEXICO) ss PAGES: 5

I Hereby Certify That This Instrument Was Filed for
Record On The 13TH Day Of July, 2022 at 10:33:55 AM
And Was Duly Recorded as Instrument # 1992822
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Dusty Bromow County Clerk, Santa Fe, NM



SFC CLERK RECORDED 07/13/2022

3. DISCUSSION ITEMS

A. Discussion of conservation tools and development of a conservation strategy for County Open Space properties.

Ms. Lohmann reviewed the background on formation of COLTAC while sharing her screen. COLTAC was created in 1998 with a \$12 million County Bond issue and the Committee's Plan was adopted in 2000. It was reorganized in 2010 with 9 members and included parks so it was renamed COLTPAC.

She shared a spreadsheet of the 5,100 total acres of open space in the County's inventory and showed the reason for purchase, the last of which was a Dale Ball Trail connection.

She shared the four open space conservation options: conservation easements, deed restrictions, transfer of development rights, and land trust. She described conservation easements as a legal agreement for the landowner to put permanent restrictions on the use or development of the land to protect values on their property for conservation. It is recorded as part of the deed and binds current and all future owners of the property. The owner may receive tax benefits but may require fees from the owner. It does not prevent the property being sold.

TDRs are a provision involving two properties, one for development and one for conservation as an in-house (County) transfer. TDRs are permanently enforceable. Deed restrictions determine the limits on development and uses of a property. They are not in perpetuity and don't prevent property sales. Land Trusts are private, nonprofits formed to protect natural resources with purchase of a property or accepting donations of property. The land trust is in perpetuity by federal law and can receive federal tax benefits, but they are difficult to organize and maintain.

Chair Cedeño asked how a TDR gets received by the County or how the transaction get transferred.

Mr. Griego briefly explained the process between the owner and the County with a TDR certificate that provides a way to sell to a developer. The property owner can sell the rights to the developer.

Member Hensley asked to clarify how these different options are used when current landowners work with the County to preserve open space or want to transfer development rights. She referred to the spreadsheet that showed which open spaces had development rights. The zoning of any open property could have potential transferable development rights and County-owned open space property rights depend on the purpose for which the County purchased

it. Some are for restoration. One was purchased for archeology features, etc. And not all properties have restrictions on the deed or the plat. But all properties shown on the table were purchased for open space.

Mr. Griego said the South Meadows 22-acre property was purchased for open space but there was no deed restriction on it. Over the years, things can change, and properties can be rezoned.

The South Meadows plat showed community garden, outdoor classroom, conservation, and public education for uses. Access status is undeveloped.

Member Cohen and Member Hensley discussed the tools that might have been used to protect the South Meadows property from being developed and questioned which tool would have been most helpful.

Ms. Lohmann said all the tools would have helped in some way except a TDR. And what has occurred was not anticipated. The event reveals the need for a process to be used in the future and to ensure it is a public process. Those things need to be firmed up so COLTPAC can have a conversation on them.

In response to Member Siegel, Ms. Lohmann agreed the BCC did vote to sell this property in June 2020.

The Committee briefly discussed the cost of easements and land trusts.

Ms. Lohmann said having County funding for resource management would be great and why the TDR program is interesting to explore. That funding goes back into the Open Space Fund. The County would need to budget for the fees to put the restriction on these properties.

Member Hensley felt a land trust would be the safest so for a property with high risk should be the tool to use. It would be in our strategy for different properties.

Ms. Lohmann said the term "risk" is interesting to her. None of them are at risk. But we could have a subcommittee address the project and work together to put assessments on them.

Member Snider thought it would be a great thing to do.

Ms. Lohmann said she had not worked on the water rights issue. There might be some properties with water rights but others without. She would need to verify that. The County would need to keep those water rights and that would be a big part of how to manage the property. We should add that to the list of what we work on.

Mr. Griego agreed and added that we need to work on how to maintain and keep the water rights with the property in perpetuity. The TDR tool does keep water rights with the property.

Ms. Lohmann said language in the deed restriction or easement would do that too.

Member Hensley was interested in being part of the subcommittee to work on priorities and triage them for which might be helpful on each. She was sorry Ms. Lohmann and Mr. Griego were caught in the middle of all of this and treated unfairly. "We really appreciate you."

The Committee commented further on the South Meadows open space and what might be done about it. A reporter was at the meeting who also wanted to hear more.

Chair Cedeño suggested having it included on the November agenda.

Ms. Lohmann agreed. She noted the COTPAC role is clear on acquisition in the Resolution, but it is silent about disposal of property. She believed it was mostly because nobody could foresee what happened in this instance. In 2000, the County was concerned with acquisition and disposal was never outlined in the resolution.

4. MATTERS FROM THE COMMITTEE

Chair Cedeño noted that at the November meeting the agenda would include consideration of why the Committee did not have a role in that process.

Ms. Lohmann restated it as how COLTPAC can advise on these matters. She will work on that.

Chair Cedeño remembered the Committee reviewed the charter two years ago and now the Committee has newer members, and we should revisit it in light of South Meadows and the disposition of property to get people back up to speed. And in January 2021, the Committee shifted to a quarterly meeting schedule which left gaps in getting regular information. So we could revisit that meeting schedule.

Ms. Lohmann said she also needed to provide project updates.

Chair Cedeño suggested he and Vice-Chair Siegel could meet with Ms. Lohmann to discuss what the agenda should include.

Member Siegel agreed.

Chair Cedeño asked for any other requests for the November agenda.

Member Cohen thought about the trail lease and had done research on it.

Ms. Lohmann agreed that is on the agenda.

Member Siegel recommended water rights on the agenda next time.

Ms. Lohmann agreed to get together on Tuesday to complete the agenda.

5. NEXT MEETING - Wednesday November 3, 2021

Chair Cedeño thought it will still be on Webex. Ms. Lohmann agreed.

6. ADJOURNMENT

Upon motion by Member Cohen and second by Member Hensley, the meeting was adjourned at 7:30 pm.

Approved by:

Dr. Rubén S. Cedeño
Rubén Cedeño, Chair

Submitted by:

Carl G. Boaz
Carl Boaz for Carl G. Boaz, Inc.

SFC CLERK RECORDED 07/13/2022