

**MINUTES OF THE  
SANTA FE COUNTY  
COUNTY OPEN LAND AND TRAILS PLANNING AND ADVISORY COMMITTEE  
(COLTPAC)**

**Thursday, February 18, 2010**

**1. CALL TO ORDER**

A regular meeting of the Santa Fe County Open Land and Trails Planning and Advisory Committee (COLTPAC) was called to order on the above date at approximately 6:00 p.m. by Chair Matthew McQueen at the Santa Fe County Community Projects Conference Room, 901 West Alameda, Santa Fe, New Mexico.

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**Members Present**

Matthew McQueen, Chair  
Sam Pallin, Vice Chair  
Brent Bonwell  
Todd Brown  
Jack Frost  
Jan-Willem Jansens [arriving later]  
Sandra Massengill  
Jerry Rogers  
Scott Stovall  
Stephen Schoninger

**Members Absent**

Lou Ann Hunt [resigning]  
Martin Gabaldon [resigning]  
Judy McGowan

**Staff Members Present**

Colleen Baker  
Beth Mills  
Allison Moore  
Scott Kaseman

**Others Present**

Bill Baxter  
Jennifer Jenkins  
Sam Hitt and Ms. Hitt  
Damien Terrell

**3. APPROVAL OF THE AGENDA**

Chair McQueen asked to change the order of Bentley and Terrell

**Dr. Pallin moved to approve the agenda as amended, switching the order of Bentley and Terrell. Mr. Rogers seconded the motion and it passed by unanimous voice vote.**

#### **4. APPROVAL OF MINUTES**

##### **A. January 21, 2010**

Dr. Mills apologized for a communications mixup that resulted in members not receiving the minutes in a timely manner. She had printed copies for anyone who wanted a copy and agreed to email them to all the members.

**The Committee postponed approval of the minutes to the next meeting.**

#### **5. ACTION ITEMS**

##### **B. Preliminary approval to proceed with Terrell (Arroyo Hondo) application.**

Ms. Baker reported on this application. The County was approached by Sam Hitt several months ago about this property to which he was a neighbor. Staff suggested that the owner submit an application. Damien Terrell was the owner and submitted the application.

Staff had some questions but tonight it was being presented to talk through. The packet was not yet complete, lacking an appraisal but there were some time constraints. The property was actually on the Arroyo Hondo between the Rail Trail and bordering Oshara Village so it would fit in the Arroyo Hondo Trail. She asked who wanted to present it.

Ms. Jennifer Jenkins said Damien Terrell was en route. Mr. Hitt said he could start and have Mr. Terrell address it when he arrived.

Mr. Hitt shared a plat of the property. It was 43.8 acres and there was an adjacent piece that was 7.5 acres. The original proposal was to do a four lot subdivision of this property He pointed them out. He pointed out where he lived nearby and noted that other neighbors, including Betty and Norbert, were present at this meeting.

He was concerned about it because the soil was remarkably fertile and deep. He thought there had to be a better use for it than urban sprawl. It was rich agricultural land and would provide a trail corridor. He pointed out on the plat that the red lines indicated the flood zone.

Dr. Mills explained the three zones for flooding for the property.

Mr. Hitt noted that the agricultural potential of upper right hand corner was best and that was where the lots were located.

Dr. Pallin asked if that area was about 10 acres.

Mr. Hitt said it was about 15 acres. Each of the lots was 2.5 acres.

Mr. Terrell arrived.

Mr. Hitt said they got the application in just yesterday. There were tremendous wildlife values - ephemeral appearing wildlife habitat; the arroyo runs in monsoon season. The neighbors hike the area.

Mr. Jansens arrived.

Dr. Pallin asked about equestrian use.

Mr. Hitt said there was some. The Tapia family lived nearby. The Tapia family used to own that land back in the 1940's. There was some dispute on it. They lived up at the top of the road (Old Galisteo Road) and were concerned about public use of that road. He went to talk with the Tapias first about the County acquiring this property and after talking, they had all four Tapia families on board.

There was always some conflict but to date no one had opposed this proposal.

Ms. Baker pointed out the relative locations of the Petchesky Ranch and the Terrell property nearby to the east.

Mr. Hitt said it was the largest undeveloped area in the eastern part of the Community College District.

Dr. Pallin asked if the access was suitable for a trail head.

Mr. Terrell thought that was doubtful but it could be a connection to Jefferson. He showed where Oshara was and then Richards to the west.

Mr. Baxter noted that if it was not open space it might be subdivided and would add to traffic either way.

Mr. Terrell said that was why the proposed subdivision was appealed and he had legal expenses in the legal battle.

Mr. Stovall asked if he would consider selling part of it.

Mr. Terrell said he actually would prefer to sell part of it.

Mr. Stovall asked if there was an easement on the trail now.

Mr. Terrell said there was not.

Ms. Hitt agreed but added that it wasn't that far from the tracks. That property was all owned by Mr. Wilder.

Mr. Rogers saw that the plat showed 15 different lots.

Mr. Stovall asked if he had talked with the Board at SFCC

Mr. Hitt said they would be at the board meeting this month. It was about a 20 minute walk from SFCC and a good place for education around sustainability issues.

Chair McQueen noted there were no water rights.

Ms. Jenkins said the well there provided more water than was needed. The 44 acres could theoretically have 17 lots and the County allowed a shared well so maxed out it would be 4 ac/ft annually and there was plenty for the well to supply that.

Chair McQueen said that wouldn't help with agriculture.

Mr. Hitt said he would like to see them do water harvesting there and a greenhouse - with the college.

Ms. Jenkins said all of the lots would be on the east as a density clustering. The County preferred smaller lots.

Mr. Terrell said Oshara had them clustered close to Richards.

Ms. Baker showed the trail easements they had to the west near the Petchesky Ranch. A spur trail that went to New Mexico Central Trail. It was on the trail plan.

Mr. Stovall asked if it had been appraised or if the asking price was still \$2.5 million.

Ms. Jenkins said they didn't have an appraisal on it yet.

Dr. Pallin said if there was no access for trail head the Committee would want a small trail. It should be reasonable to acquire the easement in the flood plain.

Mr. Frost agreed since they wouldn't be able to develop it so they would have to exclude it if they developed the lots.

Mr. Terrell acknowledged that it was not developable but it did count for a density transfer.

Mr. Stovall asked if it was 4 five-acre lots.

Ms. Jenkins said there were three at 2.5 acres and the fourth was 35 acres. Total was 43.8 acres.

Chair McQueen asked what time pressure there was on this.

Ms. Jenkins said they were asking a bank to be patient while they saw this process through. They were waiting for now.

Mr. Terrell explained that it was a construction loan and feds wanted all of them retired.

Chair McQueen explained how the process worked.

Ms. Baker said a hold up was no appraisal.

Ms. Baker said there was about \$700,000 unallocated now.

Ms. Jenkins suggested they could think creatively. The arroyo was of primary interest to the Committee and potentially a phasing option could be done in the future based on the financial constraints.

Ms. Baker said staff just wanted to gauge committee response tonight so they could decide what options they had.

Chair McQueen explained about the Santa Fe River work and the lot where they didn't want a house and would sell it if they had to acquire all of that property. He thought this was challenging but looking at the Arroyo Hondo alignment, this was a big piece of it.

Mr. Terrell said he would like to be able to keep the buildable area at the top but wanted to work with the COLTPAC on it. They could establish a partnership and hold on to the well. Purchasing the arroyo would help preserve the rest of this. His sister's estate portion had their family graves to the north and he wanted to preserve that with conservation easements. It had been in their family since 1933. He was trying to hold on to it and dealing with other issues that came up.

Ms. Baker thought there were lots of options - they could purchase of a piece, do conservation of a piece or a larger part. It might be the County and/or other organizations. If they wanted to, she could see just purchasing the arroyo - fee simple of it or fee simple of whole thing.

Mr. Stovall asked if it would be possible to bring back an application just on the arroyo.

Mr. Rogers said at least one member was interested in more than the trails.

Mr. Schoninger asked if the bank would release the riverbed portion if the County just took that part of it.

Mr. Terrell thought they would. They were trying to work with him.

Mr. Schoninger wanted to know if they discussed that with him. That wash wouldn't appraise very high. So before they got involved, he wanted to know if LANB would release it and at what amount.

Ms. Jenkins said they didn't know what it was worth.

Mr. Schoninger said they were trying not to waste everybody's time.

Mr. Terrell said the plan in 2008 was 18-2- acre lots. That would give him 8 lots with density transfer and it was at \$150,000 in 2008.

Dr. Pallin clarified that's what the value was to him to develop it but to COLTPAC it was not worth that. The amount for the wash would be much less. That made it very difficult.

Mr. Terrell asked if that was true even though the application was based on residential values.

Ms. Baker said they just had one of 15 acres in which only 8 acres had any value.

Mr. Terrell concluded it was almost half of the property but not half of the value.

Chair McQueen said he had not wanted to ask them to do another application but to be flexible with options.

Ms. Baker thought she could instruct the appraiser to do those values separately and then negotiate with Mr. Terrell.

Mr. Frost asked if he had built the road or brought in utilities.

Mr. Terrell said he had not.

Ms. Jenkins said it was just the well.

Mr. Jansens asked to what extent the description of future land use was in the Community College District Plan and how the application would fit into that plan.

Ms. Jenkins said the whole area east of Oshara was identified as an existing neighborhood. Most parcels were developed in a rural pattern and the County wouldn't impose urban development on them. The entire Community College District was Tier One. But under that was recognition of developed neighborhoods. It made more sense to develop with existing patterns.

Mr. Schoninger asked if there was a way they could agree to a price for the wash and give him the credits for that.

Dr. Pallin said he was just going to say that. He asked if they- could buy an easement of a cultural access.

Mr. Schoninger asked if there was a way the County could convey those credits.

Ms. Jenkins said there were provisions for such transfers but she didn't know about fee simple.

Mr. Hitt pointed out that the neighborhood was more interested in preserving much more of it. The road was a source of controversy too. They did have an appeal in front of the County now.

Dr. Pallin noted that an agriculture easement would take some money too.

Mr. Hitt said that was why they wanted to work with the college

Dr. Pallin said there might be some grant money.

Chair McQueen said they had other things on this agenda. He summarized that there was lots of interest by the Committee but it depended on several issues being resolved.

Dr. Mills said staff would like to hear direction from the Committee on what to do .

Dr. Pallin moved to go forward with an appraisal that would include a staged valuation, keeping sufficient property adjacent to the arroyo for a trail on one hand and the rest on the other hand. Mr. Rogers seconded the motion.

Chair McQueen asked if phases over time would be of interest.

Ms. Jenkins and Mr. Hitt agreed.

Ms. Baker said the other possibility would be to pursue other ownership.

Chair McQueen felt it didn't have to be a conservation easement - it could just be a trail easement.

Mr. Terrell asked if they should start the appraisal as a whole and then negotiate from there on the type of land use.

Chair McQueen explained it would be the property as a whole and then the flood plain separately as field interest and as conservation and as a trail easement.

Chair McQueen asked if the 7.5 acres just above to the right was part of the application.

Mr. Hitt said yes. There were upland areas on the corner but most were flat.

Mr. Terrell added that there was an easement from Old Galisteo Road.

Mr. Frost asked if the protest was on improvements to the road.

Mr. Terrell said County staff wanted the improvements.

Ms. Jenkins shared the variety of easements along there. It needed 20' for emergency access. So there was an adequate easement and legal access and the widening was minimal. There were fences that would have to be moved.

Mr. Hitt said there would have to be trees taken down and utilities relocated to do that. The neighborhood wanted it from the west from Rabbit Road through Oshara.

Ms. Jenkins said they wanted to acquire a temporary easement from Oshara whose development would eventually get there and the Community College District plan showed a road improvement from Oshara into this property. The only way 17 lots could make sense was once there was additional access through Oshara. The County wanted to make sure. Oshara was coming in with Phase 2 right now and staff were aware of that need for connection. So the trail head could come from there. But taking the road through to Old Galisteo would make no sense.

Chair McQueen went back to the 7.5 acres. He had a hard time seeing how the County would want to buy that. It could be an agricultural opportunity but he couldn't see it without having looked at the property.

Ms. Baker said staff would like to do the appraisal on this first property now. The County would pay for it to start but it would be negotiated in the price settlement.

Mr. Jansens asked if they had looked into the designation of TDR for sustainable land as there was pressure in some areas for financial gain. Transfer of Development Rights for 17 lots might help with purchase of this property.

Chair McQueen asked Mr. Hitt if there was community involvement and funding participation as that would make a difference. With Arroyo Hondo the community did raise some of the money.

**The motion passed by unanimous voice vote.**

Mr. Brown asked if they should talk with Oshara.

Chair McQueen said they didn't own all that property yet.

Ms. Baker agreed. Oshara had options on this property but didn't own it yet. Mr. Terrell had a verbal agreement with Oshara for easement access there.

**A. Final Recommendation on Bentley Acquisition**

Chair McQueen asked for a brief update from staff and then have a closed session.

Dr. Mills gave the update on the little triangle piece of 30 acres with direct access on CR. 42. It had wetlands area at the south end where original homesite was. It was a great initial trail head. The Committee had scored it two months ago and came out with 61% which was fairly high. Comparatively -



very few properties in the past achieved that percent. Ananda was higher - Arroyo Hondo when it came back was quite high.

The valuer was \$175,000 in the appraisal so it was \$5,700 per acre.

Mr. Stovall thought that was a good value.

Dr. Mills said he first asked \$350,000 for it.

Mr. Kaseman asked if the other party was considering it.

Dr. Mills said they were on hold.

**Mr. Bonwell moved to go into closed session pursuant to NMSA §10-15-1.H(8) to discuss matters related to the acquisition of real property. Dr. Pallin seconded the motion with an amendment to include Mr. Baxter in the session. Mr. Bonwell agreed and it passed by unanimous voice vote.**

The Committee went into closed session at 7:12 p.m.

**The Committee returned to open session at 7:29 p.m. upon motion by Mr. Bonwell, second by Mr. Jansens and unanimous voice vote.**

Chair McQueen announced that no actions were taken in closed session and the only matters discussed pertained solely to the consideration of acquisition of real property.

**Mr. Stovall moved to recommend the purchase of Bentley at the appraised value to the Santa Fe County Board of Commissioners. Mr. Jansens seconded the motion and it passed by unanimous voice vote.**

Mr. Bonwell said the owner could pay for a certified appraisal and make a counter offer if he wanted.

## **6. MATTERS FROM OPEN SPACE AND TRAILS STAFF**

### **A. SLDP update and schedule retreat / social meeting.**

Dr. Mills said that Chair McQueen had been reviewing the Santa Fe County Strategic Land Development Plan (SLDP). The County was holding meetings on Wednesdays and Thursdays taking the plan chapter by chapter and wouldn't conclude until March. Thursday's meeting at 2:00 would be on Open Space.

Mr. Jansens said he would try to go.

Dr. Mills clarified these were the public meetings.

Dr. Pallin asked if she had issues she want addressed.

Dr. Mills agreed but they were not ones that would be easy to address.

Mr. Bonwell asked if she could email the members about it. Dr. Mills agreed.

She said there were two other chapters possibly three that were salient. One on conservation, one on agriculture and ranch land and one on how to fund all of this. It was on the county website.

Mr. Jansens said there was a chapter on water. They were between 20 and 60 pages each.

Dr. Mills hoped they could have gotten together and discussed it before these meetings. Like in the REI Community Room. She asked if that was something they should still consider. Also, staff had done a lot of work regarding the property at Chimayo and it was turning out to be very beautiful. It needed the acequia cleaned out. She asked if they should meet up there instead of REI.

Chair McQueen thought they should continue site visits but didn't think they could combine both of those purposes.

Mr. Jansens thought they could meet at Rancho de Chimayo.

Mr. Brown asked if there were trails.

Ms. Baker said they couldn't do trails. It was not a great place for a trail. They tried to build one but it was very narrow with drop-offs into the creek.

Dr. Mills wanted to combine them in mid March.

Mr. Jansens said the last of the public meetings on the Plan were March 12 but they would go on a little bit. They would probably include the Committee's comments by the third week of March.

Dr. Mills said she wanted to meet and discuss the Plan whether combined or separate.

Ms. Baker said it would depend on how much time the Committee wanted to commit to it.

Chair McQueen thought it would be good for members to look at the plan elements.

The Committee preferred to combine them.

Mr. Jansens suggested March 13<sup>th</sup>.

Mr. Bonwell said spring break was March 20<sup>th</sup>.

Ms. Massengill could not be present on the 20<sup>th</sup> but could on the 13<sup>th</sup>.

Mr. Jansens suggested they check on space for both dates.

Dr. Mills agreed to check 13<sup>th</sup> 20<sup>th</sup> and 27<sup>th</sup> and would check with Robert Griego on the deadline.

## **B. Discussion about Resignations, Reappointments and New Members**

Dr. Mills reported that Lou Ann Hunt and Gabaldon agreed to resign but had not submitted anything in writing.

Dr. Pallin asked staff to send them a resignation letter and ask for their signature.

Chair McQueen thought an email was okay.

Dr. Mills said that meanwhile she had advertised in the Mountain View Telegraph and New Mexican and it was posted on the web site.

She explained that the alternates were not bumped up automatically and there were geographic requirements.

Mr. Bonwell asked if candidates could be invited to the March meeting to see what it was about.

Mr. Brown asked if the docent program was going to start up again.

Dr. Mills said they were working on some alternatives for docents but added that they needed to keep folks away from the hill for a couple of months.

Mr. Brown said he would still like to be involved. He asked how many showed up for the meeting.

Ms. Baker said there were eight. The Commissioners were very appreciative of the program.

### **River Project Update - Ms. Baker**

Ms. Baker said the appraisal was not back yet. McMillan agreed to a lot split and she went out today to determine the lot split location. The old windmill would be in the open space (somewhere around an acre). She would get appraisal.

For the Agua Fria storage piece the owner was the previous owner and Daniel Brown represented the sellers. She gave an indication that the County might be interested in it at half of their asking price. They didn't seem interested. Their approval for self storage expired June 2011. So the Committee could let that one sit for now.

In trying to move to a purchase agreement she commented that the County hadn't sold off the bonds so they only had \$500,000 of the \$3.5 million bond in hand. She was trying to explore what they could do. The bonds were approved but not released for sale.

Mr. Stovall asked if it was okay to seek new members when they hadn't received the formal resignations yet.

Ms. Baker said it was okay.

Dr. Mills said they needed to get everyone in line for the April BCC meeting.

Dr. Pallin asked if there wasn't a mechanism to discharge these members. Chair McQueen said no.

Dr. Pallin said regarding the storage property that they didn't talk about just buying an easement. They were not sustaining their note and had been given extra time. It wasn't worth what they wanted. It was a nice property but perhaps the Committee should be looking at it another way. They might agree to get part of it buy selling the easement to extend themselves with the bank.

Ms. Baker said they were not clear on how much of the property would be needed. They were probably better off with the fee instead of an easement because of the millions they were investing for restoration. She agreed they didn't have the river plan to know how much they would want and the appraisal was so high. She explained they just took 20% for the unusable land and that was really high.

Dr. Pallin agreed with staff that they didn't need to move quickly on it.

Ms. Baker said staff wanted to have a conceptual plan done to get a better idea on how much land was needed even if eminent domain had to be used.

Mr. Bonwell said he wanted more than just the river. It wasn't like a land locked parcel and it would make a really good park and open space. So they should get the whole thing.

Dr. Pallin noted that those trailer parks were going to go away before long.

Mr. Stovall asked if the River Coordinator had been hired.

Ms. Baker said no because of the hiring freeze.

## **7. MATTERS FROM THE COMMITTEE**

Ms. Baker asked that next time they should budget regional TDR monies and identify what was going to be for the river; to spread out the plan and use that money. She hadn't talked to the City and explained it would have to go through the RPA.

8. ADJOURN

Mr. Rogers moved to adjourn the meeting. Dr. Pallin seconded the motion and it passed by unanimous voice vote.

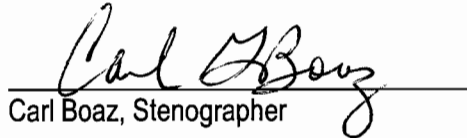
The meeting was adjourned at 8:05 p.m.

Approved by:



Matthew McQueen, Chair

Submitted by:



Carl Boaz, Stenographer

COUNTY OF SANTA FE )  
 STATE OF NEW MEXICO ) ss COLTPAC MINUTES  
 PAGES: 13  
 I Hereby Certify That This Instrument Was Filed for  
 Record On The 1ST Day Of March, 2011 at 02:45:47 PM  
 And Was Duly Recorded as Instrument # 1628304  
 Of The Records Of Santa Fe County  
 Witness My Hand And Seal Of Office  
 Valerie Espinoza  
 Deputy County Clerk, Santa Fe, NM

