

**MINUTES OF THE  
SANTA FÉ COUNTY  
COUNTY OPEN LAND TRAILS AND PARKS ADVISORY COMMITTEE  
(COLTPAC)**

**Thursday, March 21, 2013**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Roll Call indicated the presence of a quorum as follows:

**Members Present**

Judy Kowalski, Chair  
William Hutchinson, Vice-Chair  
Devin Bent  
Coleman Burnett  
Melissa Houser  
Ernesto Ortega  
Michael Patrick  
Zach Taylor

**Members Absent**

**Staff Members Present**

Colleen Baker  
Beth Mills

**Others Present**

Bill Baxter

**3. APPROVAL OF THE AGENDA**

Dr. Bent had two items to add to the agenda but would be happy to hold his second item to the end of the meeting (after #7).

Chair Kowalski asked if they would take a long time.

Dr. Bent had no idea how much discussion there would be on them but if the rest didn't take that long they would have plenty of time at the end of the meeting.

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**Dr. Bent moved to approve the amendment, placing those items at the end of the agenda. Mr. Taylor seconded the motion and it passed by unanimous voice vote.**

**Mr. Hutchinson moved to approve the agenda as amended. Mr. Ortega seconded the motion and it passed by unanimous voice vote.**

#### **4. APPROVAL OF MINUTES FROM FEBRUARY 28, 2013**

Dr. Bent had emailed his amendments and identified them. He didn't think any of the discussion was needed in the minutes.

Dr. Bent requested the following changes to the February 28, 2013 minutes:

When "interrupted for" was used, he asked to change the words to "raised."

"Mr. Bent" should be changed to "Dr. Bent."

On page 2 it said, "Mr. Bent said he was an expert in public administration and public policy." He requested it be changed to read, "Dr. Bent said that he was not an expert in trails, open space, or parks; instead his expertise was in public administration and public policy."

On page 3 it said, "Mr. Taylor moved to amend the agenda by moving up election of chair after introductions. Ms. Kowalski seconded the motion and it passed by unanimous voice vote." He requested it be changed to read, "Mr. Taylor moved to amend the agenda by moving up election of chair after introductions. Dr. Bent accepted Mr. Taylor's amendment as a friendly amendment. Ms. Kowalski seconded the motion and it passed by unanimous voice vote."

On page 5 it said, "Mr. Bent moved to elect the Vice-Chair this time for a one-year term so that at first meeting next year there would be an officer to conduct the meeting, and for a two-year term in subsequent years." He requested it be changed to read, "Dr. Bent moved to elect the Vice-Chair this time for a one-year term and for a two-year term thereafter, so that in subsequent years there would be an officer to conduct the first meeting."

On page 10 it said, "Mr. Bent asked if COLTPAC wasn't subsumed under Chapter 6 in the plan." He requested it be changed to read, "Dr. Bent asked if the COLTPAC plan wasn't subsumed under Chapter 6 of the Sustainable Growth Management Plan."

On page 10 it said, "Mr. Bent asked if he could get a copy of that." He requested it be changed to read, "Dr. Bent asked if committee members could receive copies of the COLTPAC plan."

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On page 11, he requested that the sentence preceding "Mr. Bent thought COLTPAC needed to advertise its work more" be deleted because it was open to misinterpretation particularly when not offered in the complete context.

On page 13 it said, "Mr. Bent noticed part of criteria was offering the property for free or at a discount and thought that was a strange criterion to use." He requested that it be changed to read, "Dr. Bent noticed part of the criteria was offering the property for free or at a discount and thought that should not be the most important criteria for the location of a playground."

Mr. Taylor asked if the minutes were supposed to be a public record.

Chair Kowalski said she found the finds it helpful to have the discussion included. Mr. Patrick, Dr. Mills and Ms. Baker agreed.

Ms. Baker added that the Committee always had the opportunity to go off the record and go into closed session and turn off the recorder.

Mr. Taylor appreciated the details.

Mr. Ortega asked (on page 3) if COLTPAC was a legislative committee. He thought they were an advisory committee.

Dr. Mills said COLTPAC was not legislative; it was an advisory committee established by the Board of County Commissioners.

Dr. Bent said they were legislative but changing that to advisory was fine.

Mr. Taylor clarified in his bio that he was with the MASTER'S PROGRAM at the charter school.

Ms. Houser said on page 8, under District 3 that sentence in the first paragraph should say, "the Madrid Ball Park."

Chair Kowalski said on page 4 in her introduction that she discovered she had been on the committee two years and not one.

On page 12 she requested a change where it said "Chair Kowalski also heard having a subsurface solution should say "Chair Kowalski also suggested exploring a subsurface solution."

On page 14 after "March 16<sup>th</sup> at 9:30" should be added "and she would send directions."

**Ms. Houser moved to approve the minutes as amended. Mr. Hutchinson seconded the motion and it passed by unanimous voice vote.**

## **5. MATTERS FROM THE PUBLIC**

Ms. Destiny Allison and Mr. Steve Ewers, owners of La Tienda del Eldorado, talked about their business and their intent to be responsible to the community with a focus on vision of connection, convenience and enrichment. They sponsored nonprofit exhibit space for free and a performance space with community forums and town hall meetings and hosted a farmer's market. They sent their newsletter to 700 families and published community events.

Last fall they discussed the need for a garden and green space. Mr. Ewers used a map to show what they hoped would become a county park. He pointed out a 5,000 sq. ft. dog park. About 30-40 people met to work out that project. It was supposed to be only for small dogs but they added open times when any dogs could come and others just for small dogs. They put in horseshoe pits to meet other community needs. The park idea evolved from that.

He thought it would work as a park. He pointed out the waste treatment plant with 9000 gallon storage so they could offer 3000 gallons of grey water per day for watering plants and grass. They had a permit for their well at 3 ac/ft. but provided more for the park for restrooms or water fountains. The system was permitted for 6,000 gallons per day. So they could handle the activities in the park.

They wanted to present this to COLTPAC because three members of the water board were being pressured by the community to put in a soccer field.

Dr. Mills pointed out that the County didn't maintain the trails there.

Mr. Ewers said the Eldorado Improvement Association members would maintain the park if the county put it in.

Ms. Allison said they would support COLTPAC's process completely. They had been asked for walking trails with exercise stations. The folks aged 55 to 75 were pushing the hardest. They didn't have a bridge across the arroyo in the 11 acre area. There were no picnic areas or playground. They had volunteers to help cut trails but didn't know what they were doing. Their goal was to make this work and their vested interest was to continue to generate traffic for their tenants.

They briefly described some of the events that took place there.

Dr. Bent asked if the Committee could approve building in the flood plain.

Ms. Allison said it was in a hundred-year flood plain.

Ms. Baker said the County had to comply with the FEMA ordinance and it was a consideration.

Mr. Baxter asked about the neighbors to the south.

Mr. Ewers said they had 12½ acres and the owner had a constant battle to keep equestrians off of his land so he had put barbed wire across it. The owner passed away but the widow was still there. He added that people could access the park by foot or bike without going on the highway.

Dr. Bent asked if no one ever objected to having kids at a place with a beer pub.

Mr. Ewers said they also had a church meet there. Ms. Allison said it was a family pub and the church was in support of the park.

Ms. Burnett asked about the water treatment processing.

Mr. Ewers said it was a bio-clear system to clean it and connected to tanks storing 9,000 gallons. When full it pumps into the leach field. The NMED issued a permit for using grey water for underground irrigation but it couldn't be used for topical uses. They would want the wells to remain on their property. If the wells were not on their property they would do a lot line adjustment.

Mr. Taylor asked if they had building rights.

Mr. Ewers said they had rights for up to 27,000 square feet.

Chair Kowalski thanked them for coming.

## **6. MATTERS FROM THE COMMITTEE**

### **A. Orientation Bus Tour for COLTPAC and Commissioners (D. Bent)**

Dr. Bent said he met occasionally with Commissioner Mayfield and the bus tour was the Commissioner's idea. The staff could choose places to visit and they could invite commissioners and journalists to attend to publicize it.

He said one of the problems he had was in rating properties from 1-5. He wondered what a 5 would be. An advantage of going by bus was that staff or experienced members could brief the newer members on what they were seeing. He decided not to make a motion to do the tour.

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Ms. Baker said they tried it once before but it could not be done in a day.

Dr. Bent said it should be only of the best places.

Ms. Baker said they had never used a bus and they would need a driver. She related a time when she was the only remaining staff member and when new staff were hired she took them around because they didn't know the county properties. It would take some time to take COLTPAC members to the properties. The County had 23 open space properties and 18 county parks.

Dr. Bent suggested focusing on the highlights and perhaps concentrate on the southern part where they had more to see.

Chair Kowalski asked if Commissioner Mayfield had discussed a tour with other commissioners.

Ms. Baker agreed to discuss it with the staff to see if it would be possible. She noted that staff had taken tours to specific properties at times.

Chair Kowalski pointed out that Commissioners were always invited to all the openings and usually didn't attend. The first thing to find out was if they were even interested.

Dr. Mills announced that on May 11 she was taking a tour to Thornton Ranch and Petroglyph Hill and COLTPAC members could go on it. It would be in the morning and would be a 3-hour trip.

Mr. Ortega saw a value in suggesting the tour. Logistics sometimes gets in the way. It might be a once a year thing for orientation of new members, not to see all of the properties, but to see a few to understand what COLTPAC had done and what possibilities there were.

Ms. Baker agreed it was a much better way to understand what they were doing.

Ms. Houser suggested what could be seen in a day. She had been trying for four years to get the SFCT board members to go on a tour and nothing had happened. She had even offered lunch. So if Commissioner Mayfield would go maybe he could get the Commissioners to pick a day.

Dr. Bent offered to talk further with Commissioner Mayfield about it.

Mr. Patrick noted that if three commissioners went it had to have a public meeting notice.

Ms. Baker suggested staff might do quarterly tours with a small group and organize

that way.

Chair Kowalski suggested if Commissioner Mayfield could organize it the Committee should go for it.

### **C. Community Involvement Park Design and Implementation (Z. Taylor)**

Mr. Taylor wanted to explore the idea of getting students from local community schools into actually designing and building park elements. Other places have done that and it was a cool model to use. He suggested perhaps it could be done at Romero Park.

Ms. Baker agreed it was an amazing model and she was dismayed that the County had not done it before. The biggest hurdle was the County Legal Department who didn't want it to cause undue risk.

Chair Kowalski pointed out it was not a risk to do the design.

Mr. Taylor agreed to do more work on it.

Ms. Houser said the City just shut down the ATV Park because of liability issues. The Trust has additional liability insurance when volunteers work on city or county property.

Ms. Baker said they just needed to figure out how it would work.

Dr. Bent asked if legal staff ever offered how it could work.

Ms. Baker said she made a few individual requests for that but the attorney turnover meant the person who agreed to work on it left before getting it finished. The volunteer problem had to be tackled now. That would cover more injury liability instead of building liability.

Ms. Burnett proposed that they go at least for the design phase and think outside the box. They could review the joint minutes. It seemed that Romero Park offered the opportunity for a skate park. Perhaps they could work with local schools on a local design of it. Kids were not likely to come to a public meeting at night.

Dr. Mills said they also had a good opportunity with the South Meadows space with three schools nearby. Phase 1 was being completed but the schools could help with phase 2 where a community classroom was planned for that open space. It was a good opportunity with phase 2 at South Meadows. Ms. Baker agreed.

Chair Kowalski thought the landscape design scope of work should include a

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requirement to hold a public meeting. It could be done so liability issues were covered.

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

Dr. Mills said she put in the binders the resolutions that had passed since the Open Space Plan for the members.

She asked the Committee if the La Tienda couple should be invited to submit an application or turn them away at this point.

Mr. Hutchinson asked if there was an intent to deed it over to the County. If not, the County could not invest in the property. Ms. Baker agreed.

Ms. Houser said they could make a donation of a conservation easement.

Dr. Bent asked if that gave the County the liability.

Ms. Houser said it was not as much liability but there was still some liability.

Mr. Ortega would like a little more substance to it like a community group working on a proposal - people beyond the Eldorado community. The Committee needed more substance in terms of what community involvement and support there would be.

Ms. Burnett agreed. The application process required that documentation.

Mr. Taylor thought they were going to do it anyway so he questioned why the County should get involved.

Dr. Bent perceived they were saying, "Here it is. Take it over." He agreed they needed more substance.

Mr. Ortega felt it was more community-based than county involvement. They made no bones about it being of economic benefit to them. The Committee had not walked that property yet and didn't know what could be developed there.

Dr. Mills asked if the application process was the right way to flesh that out or if the Committee should just convey its concerns.

Ms. Baker didn't want to ask them to go through all the work and she had concerns about the terrain and flood plain there. She was hesitant to ask them to do it. She was also not sure it was where the County's targeted efforts should go and wasn't sure this was the property to address the community needs.

Mr. Taylor was incredulous about having ball fields next to the highway.

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Dr. Mills said if the Committee was at all interested in digging a little deeper, it would take members' time and staff time to evaluate the application. Ms. Baker agreed and without an application they were just chasing ideas.

Mr. Patrick thought the Committee shouldn't unduly raise expectations.

Ms. Baker said she and Dr. Mills went out there and found it not appropriate for some of the uses they proposed. It was not a ball field.

Mr. Hutchinson asked if the Committee could tell them we could entertain an application but not for some of the uses they proposed.

Ms. Baker reminded the Committee that the County didn't have capital to purchase the property.

Chair Kowalski felt like telling them they would find it easier to develop the park themselves.

Mr. Ortega said the Committee might suggest it was not consistent with what we see with County-owned and administered activities.

Chair Kowalski agreed and if they wanted to do it quickly the County process would take too much time.

Ms. Baker liked Mr. Ortega's suggestion.

Mr. Ortega didn't see the purposes they proposed fitting with the Open Land and Trails Plan.

Dr. Bent wondered if the Committee could ask them to make the proposal realistic, given the rules on flood plains, etc. They shouldn't include a soccer field if they couldn't do that on this property.

Chair Kowalski said COLTPAC should express all of those concerns about the property.

Ms. Baker said in some ways it would be nice to let them do an application in order that the Committee could respond to it instead of staff telling them they didn't like it.

Dr. Mills said the applicant had a way to appeal the decision in an application process.

Mr. Ortega noted that some of the concerns were that the property was not suitable for uses like a soccer field. With the discussion tonight their intent went beyond what the

COLTPAC program entailed. He could see a nature trail and natural resources like the cactus garden.

The Committee discussed their concerns further and Dr. Mills asked for a motion that summarized the discussion.

**Mr. Ortega moved that COLTPAC respond to the presenters that the proposal they presented did not quite fit within the parameters of the goals and objectives of the Open Space and Trails Plan and there were concerns with how the flood plan would affect the development. Mr. Hutchinson seconded the motion.**

**Dr. Bent asked for an amendment to ask if that met their needs. Mr. Ortega accepted the amendment as friendly and the motion passed by unanimous voice vote.**

Dr. Mills recalled at the last meeting people requested the criteria or format for scoring the applications so Mark Hogan provided it. But she cautioned that it didn't include the requested amendments. She suggested this as an agenda item for next time.

#### **A. Discussion of Miller Application**

Dr. Mills said last Saturday they went out to look at the Miller property. They were considering two parcels of about 80 acres that she pointed out on the map. About 20 acres were pulled out for the Highway 285 corridor and that was adopted in 2003 for a commercial development zone. He offered the rest of the property to the County.

The yellow section was a two foot contour and it located the Tewa shrine. The shrine was associated with a couple of coalition sites Pueblo Chamisa Loquita Site which was a pueblo ruins of about 300 rooms. Another coalition site nearby had about 100 rooms and had been taken out by the exit construction. They were the same pattern as seen at the Arroyo Hondo site.

We looked at views from the shrine and Mr. Miller talked about his plans for the property.

Dr. Mills shared several photos of the site taken while they were there including one from the shrine showing the Pueblo Chamisa site. One showed the stones that were part of the shrine and another was toward Chamisa Loquita. They also viewed a mine just down from the shrine that had been tagged as a turquoise mine.

Mr. Baxter said it looked like a copper mine in the territorial period (late 19<sup>th</sup> century).

Mr. Taylor said the view toward the mountains was where Rancho Viejo was set to

be developed

One picture showed the copper sulfate in a rock and just traces of gold to make it interesting.

Dr. Bent asked if the shrine rocks were brought up from below.

Mr. Baxter agreed the rocks were imported from below and few or none had been located there to being with. Nobody was hauling rocks a quarter mile.

Mr. Ortega noted south of the shrine there was a limestone ledge and that was obviously the source of those rocks.

Mr. Baxter added that the Native Americans never made tunnels but tunnels were typically done in the territorial period by others.

Dr. Mills said the archaeologists considered this a world shrine. It was a big deal for folks who occupied the Galisteo Basin.

Mr. Baxter said there was some evidence people had taken moss covered rock from the site.

Dr. Mills had been working with the Galisteo Archaeological Protection Act. Having looked at the property and the shrine, the Committee needed to figure out a way to protect the shrine and hillside and try to work toward a way for Native American to access it as development began to surround it. Those were key things. The shrine needed protection and monitoring and to provide for Native American visitation.

Mr. Patrick agreed and asked how staff could work with the Preservation Act and that process because the site encompassed a larger geographic expanse. Perhaps through that vehicle some protection would be done.

Ms. Burnett understood that Act provided no protection for sites on private land.

Mr. Ortega thought there was a way to work with owners for a cultural conservation easement and modify their deed to encourage preservation of the site. He agreed there was no actual authority to do anything on private land.

Ms. Burnett asked if Mr. Romero would entertain that.

Mr. Hutchinson recalled Mr. Romero's plan was for a gated community.

Dr. Mills said if the County didn't purchase the property the owner could put in 23 residential lots down there to the east. The county code would not allow him to disturb the shrine or develop it for terrain management issues. But it would be accessible to the

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subdivision owners as their open space and have no level of protection except form building.

Chair Kowalski asked then if this was not appropriate as open space property.

Mr. Ortega noted that some of the pueblo had already been impacted. But the principal resource was the shrine. He agreed that the mine was not of any significance with the Indian population. It was an important site but he didn't know to what extent the County could do something. Maybe Mr. Romero could donate an easement through a nonprofit and then they could work at preserving it.

Dr. Mills thought the County could purchase the conservation easement or have the Trust purchase it.

Ms. Houser said the Trust could provide him a tax credit with donation. It was up to \$250,000 and transferable. The interest on the endowment was used for maintenance and protection. Or Mr. Romero could do a bargain sale to the County and receive credits for that too.

Chair Kowalski agreed they could suggest that. She got the impression the community was considering donating this to the County and not have part of it be acquired.

Dr. Mills didn't think so. One thing for due diligence of County staff was the outreach to Alteza and the homeowners' association.

Mr. Baxter said they were not part of Eldorado.

Ms. Baker related that when Mr. Miller first approached her two years ago, that was his idea. He was trying to bargain. There were other things too. Mr. Miller was possibly having a legal battle with the County. He said the County Attorney told him to talk with her about this property. So there were other things at work.

Ms. Baker said the Trust talked with the previous owner and Mr. Miller bought it quickly and came to her to ask if the County wanted to purchase it.

Dr. Mills added that he wanted \$17,000 per acre.

Ms. Baker thought that was a high price.

Ms. Houser said he had other lands within the area and he would develop them if possible.

Ms. Baker knew this had tremendous significance and she didn't think they had a land owner who was likely to work out a solution other than selling it.

Dr. Mills wondered if it was less acreage than what he would be able to develop anyway and could develop an access easement. Staff needed to do outreach to the subdivision and see what they were willing to do. She had been contacted by some residents who told her that the shrine itself was important to them.

Mr. Patrick said it looked like 25 acres was unbuildable and was the most obvious to consider purchasing with road access.

Dr. Mills said Mr. Romero wanted to hold onto the commercial part.

Chair Kowalski said the part next to the freeway was not to be part of the open space. Maybe he could consider a smaller price for the shrine itself or maybe some other alternative.

Dr. Mills said they could approach a couple of groups. One was the BLM who wanted to purchase auxiliary parcels. Another was to take the whole project to the Galisteo Working Group and ask for their recommendation. If we were able to carve out the land to project and access, there could be funds from many people to participate.

Dr. Bent said apparently his development plans had not been approved. But we need to think about consulting for his development.

Mr. Ortega liked what Dr. Mills said about getting various parties aware of the proposal and exploring the possibilities available to the Committee.

Chair Kowalski was confused and asked if he was offering the open space so the COLTPAC should say they were willing or if COLTPAC could broker with others.

Ms. Baker said they were in a transition period where they had to entertain acquisitions in a different light by leveraging funding. The County wouldn't buy it. The application was part of the first offer in and the Commission could assess whether they should spend time on it. There were things that needed to be researched, even without considering the criteria tonight.

Here the Committee didn't have an applicant who could do the fleshing out for them so they needed to reach out to potential partners. If it looked like it was worthwhile, the Committee could invite the application. It was important enough to begin to entertain it.

Mr. Taylor asked if the Committee could agree the northern parcel was not particularly important to the Committee.

Ms. Baker agreed without making it official.

Dr. Mills was satisfied with the discussion without any motion. She wanted to get a

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clear idea whether it was worth pursuing. She got the sense the Committee wanted to pursue the project. She thought it would still be a discussion item in April.

**B. Linking New Trail Construction to the New Solid Waste Convenience Center in Jacona (D. Bent)**

Chair Kowalski asked to defer discussion on this trail for now.

**8. ACTION ITEMS**

There were no action items.

**9. ADJOURN - Next Meeting: Thursday, April 18, 2013**


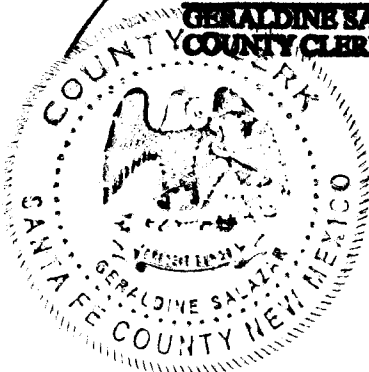
Dr. Bent moved to adjourn the meeting. Ms. Houser seconded the motion and the meeting was adjourned at 8:05 p.m.

Approved by:

  
\_\_\_\_\_  
Judy Kowalski, Chair

Submitted by:

  
\_\_\_\_\_  
Carl Boaz, Stenographer

ATTEST:  
  
\_\_\_\_\_  
GERALDINE SALAZAR  
COUNTY CLERK  
8/22/2013  


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