

**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, August 4, 2021 at 6:00 P.M.
Via Webex**

1. OPENING BUSINESS

A. CALL TO ORDER

A regular meeting of the Santa Fe County Open Land, Trails and Parks Advisory Committee (COLTPAC) was called to order on the above date at approximately 6:00 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)
Jan Cohen (District 5)
Morika Hensley (At-Large)
Sandra Madrid Massengill (District 1)
Matt Piccarello (District 4)
Jean Pike (At-Large) [arriving later]
Apple Snider (At-Large)

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

COLTPAC MINUTES
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I Hereby Certify That This Instrument Was Filed for
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Witness My Hand And Seal Of Office
Katharine E. Clark

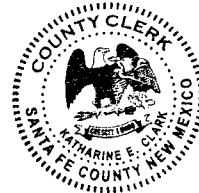
Deputy Katharine E. Clark County Clerk, Santa Fe, NM

Members Absent/Excused

Linda Siegel, Vice-Chair [excused]
Sue Murphy (District 2) [excused]

Staff Members Present

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



C. APPROVAL OF THE AGENDA

Member Piccarello moved, seconded by Member Cohen, to approve the Agenda as published. The motion was approved by unanimous voice vote with Members Cohen, Hensley, Massengill, Piccarello, and Snider voting in favor and none voting against. Member Pike was not present for the vote.

D. APPROVAL OF MINUTES

- **May 5, 2021**

Member Cohen requested a correction on page 7 at the top where her intent was to publish for one day. And on page 12, under #4, she might have said it took us ten years to get there but she asked to eliminate that sentence.

Member Cohen moved, seconded by Member Massengill, to approve the minutes of May 5, 2021 as amended. The motion was approved by voice vote with Members Cohen, Hensley, Piccarello, and Snider, with none voting against. Member Pike was not present for the vote.

2. MATTERS OF PUBLIC CONCERN

There were no matters of public concern. Ms. Joanna Garcia and Mr. Erick Aune were present and spoke later.

3. DISCUSSION ITEMS

A. Discussion of South Meadows Open Space Disposition

Ms. Lohmann sent out a memo on the South Meadows Open Space in July. The purchase agreement was executed earlier and part of it was to set up a park area for the community. The City had a conversation about acquiring open space and the owner does not need all of it. The agreement has a set-aside for an open space project. The plan included a school and public park on the property. The property is accessible for the school and the public and it would be maintained either by the school or the Homeowners Association.

Member Pike was present at 6:22.

Ms. Joanna Garcia was present and gave a brief update on the work she undertook since the last meeting and made clarifications on the status. Among other things, she noted the issue of notification seemed improper and did not provide any chance for the public to participate in any hearing on it. If there was any notification in the newspaper, it was fine print she did not see. Usually there is a large sign at the property but was not on this property. That gave Homewise an inside track on purchasing which she felt was a violation. She said she has an appointment with Councilor Abeyta to discuss it and make her request that it be kept open. She thought it had been purchase with COLTPAC funds and could not understand how it got sold out from under them. She and her group still had many questions how the County decided to sell it without notifications to anyone. They felt very let down.

Ms. Lohmann said the City had a conversation about acquiring open space and understood the owner does not need all of the property for the plans they prepared. For the City, this property is governed by the City's General Plan Amendment.

Mr. Griego clarified that the agreement would be through May 2032.

Chair Cedeño recalled when Ms. Garcia first presented this to the Committee he understood they had accepted the acquisition request and asked if that was true.

Ms. Lohmann did not know but understood the agreement would allow for a school, a park, and no less than 40 homes as well as an office park.

Member Cohen did not remember that residences on the property was mentioned.

Ms. Lohman said that could have been an oversight. She needed to learn more about it and had tried before the meeting to learn more.

Member Piccarrello said when he saw it was surrounded by other developments, he thought this was a good use with a school and a park. He remembered it was annexed in 2014, but the County still owned it. That was confusing. He asked if there were any legal protections on County-owned open space and whether the sale proceeds would be going to further the open space. He also asked if the plan would include affordable housing.

Ms. Lohmann said there were not such properties with legal protections.

Mr. Griego added that there are when Open Space funds are used to purchase a property.

Ms. Lohmann agreed. There were discussions about retention of this open space in perpetuity but that was not fleshed out in terms of a resolution or an ordinance.

Member Piccarello understood about the lack of legal protection with a bond sale. He asked if there is a formal process by which COTPAC members would be alerted before the County sold open space properties. The Committee needs to get the Code changed or present a request for a resolution to the Board of County Commissioners so COLTPAC is officially notified before a proposed sale, since there are no legal protections here. He asked if there were any other County properties like this that could be sold.

Ms. Lohmann said it had been envisioned to have such a process when an open space would be reversed, including notification to COLTPAC for recommendations. That process was mentioned but never officially implemented. It would need to be formalized to keep COLTPAC involved in the process in the future.

Member Cohen said the State Legislature came up with a State plan for open space protection in a mandate that 10% of any donation of land is allocated to the Nature Conservancy as the State agency to ensure this kind of agreement doesn't happen for

state properties. She suggested this Committee could serve that role for the County.

The Committee advocated for a transparent process of notification when considering a sale of open space for development.

Mr. Erick Aune, representing the Santa Fe Metropolitan Planning Organization, related the importance of this property in their planned Acequia Trail which would cross this property at the west end. The City has received \$2 million funding for that trail. The MPO was unaware the County had made this decision to sell it. He hoped Homewise knew about the trail set-aside on this property and asked Staff to please communicate to Homewise the importance of preserving this trail easement. The MPO is at work on the trail design which will cost \$400,000 and \$1.4 million for construction, using the \$2 million revenue. He hoped the Committee would consider that option.

Member Piccarello asked that an action item for the future be scheduled to incorporate requirements for public input on sales and transfers of open space land as a process. He pointed out that there was no formal notification to COLTPAC because there doesn't have to be.

Member Cohen said the Environment Assessment (EA) was done 20 years ago and the County has had no update on the condition of the property for moving forward without all the safeguards that need to be in place.

Mr. Griego clarified that the Environment Assessment (EA) was done when the County purchased that property, and the EA documented the resources on the property and the conditions but that was not the same as the NEFA that was completed 20 years ago to make sure we were acquiring it not in secret or to address things needing to be cleared up.

Ms. Garcia asked if this wasn't just like a conservation district with wildlife on it. The area needs to be preserved. She questioned how the County could just dispose of pristine property that has been taken care of and does have wildlife. It has been protected and now is just another piece of property to be disposed of. She knew she would have to go up against the City Council to preserve the foliage instead of being flattened with homes, school, more traffic and disregard for the environment. She wondered if the Board of County Commissioners has any responsibility to the stakeholders for specific meetings on such things. She and her neighbors are stakeholders and the neighborhood surrounding this open space. In an ideal world, they would have been notified by the County, rather than just saying the Board has a meeting every month that is open to the public. She thought COLTPAC would have a policy that would engage stakeholders in a more transparent notification. She and her neighbors knew nothing about it until about a year after the fact. No one else seems to have any voice in the process.

Member Massengill agreed the Committee and neighborhood were blindsided.

COLTPAC should be a kind of safety net for that. We need to ask how this happened to be able to reply to our constituents. Once preserved for open space, we should know how to keep such a sale from happening again.

Member Piccarello agreed. It seems that this should be an action item for the future. Some sort of notification must be made so the Committee is also provided an opportunity to voice opinions and recommendations on it.

Mr. Griego said there is a lot to be done before May 2022 when the sale is to be completed. He did not know the status with Homewise and the City right now.

Ms. Garcia concluded that the sale was not yet complete so we have to go to the Board of County Commissioners and the City to plead our case. We may need to work with Homewise to get it worked out. It should have been the County Board's responsibility to inform COLTPAC and constituents should have been notified. It would have been nice for the County to do their due diligence in disposing of this property. Maybe the City was just focuses on the money but this is just a beautiful piece of land, twenty years in the making and a crying shame to just let it go without COLTPAC being notified. When she met with Commissioner Hansen, she said there were no objections in the vote.

Ms. Lohmann said the due diligence was done at annexation before research to determine if it could be sold. The annexation into the City meant the City could develop it.

Mr. Griego added that when it was annexed, the City zoned the property R-1, so the project went through the City process for Homewise. It still needs to go to the City's Planning Commission unless it is the County doing development based on the City Code.

Member Piccarello understood that was done in 2014, not 2019.

Mr. Griego said the answer from Legal would be whether the County would be funding projects in the City. It was a priority process and a distinction with how the City processes it. He was not sure whether it was the County that decided to sell that property or the City's. He pointed out that the County is still managing the River Trail project that is in the City. This was just a land use and funding decision. He reminded the Committee that the annexation included the whole area with thousands of acres.

The discussion ended at 7:30 pm.

B. Discussion of the process for ensuring conservation of open space property through TDRs or other conservation tools

Mr. Griego explained the purpose and process for the TDR program to prevent it from being developed with a perpetual preservation. Land put into TDR could be used to

acquire other property in the County. It is a tool the County has and was previously discussed at COLTPAC how the tool could be used to preserve properties. The next step would be to decide which ones have development rights on them that are based on the zoning district and how many acres are identified.

Member Cohen mentioned the Financial Protection Act which she and others are trying to renew as a Conservation Act that provides protection for waterways and endangered species. It is a safeguard to use in the City. The Committee could identify species to be preserved. It would provide a leg up on this property with the City and the County.

Mr. Griego spoke to the TDR process to qualify properties whose owners are interested and noted the problem was no County funding for that.

Ms. Lohmann pointed out the TDR is only one of several options and in the near future, COLTPAC could make such recommendations.

C. Review policy framework and discussion of the process for acquisition and disposition of property for open space and trails program

Member Piccarello moved, seconded by Member Massengill, to table this item to a future meeting. The motion was approved by voice vote with Members Cohen, Hensley, Cohen, Piccarello, Pike, and Snider, with none voting against.

4. MATTERS FROM THE COMMITTEE

Member Piccarello asked if there was language we can pick up on or do we need to start from scratch to give COLTPAC the role in preserving property.

Ms. Lohmann agreed to search the data for COLTPAC, and it is her responsibility to take that on. She could share a draft and figure out how it could be accommodated for an interim meeting to fit with her schedule. She could not give any dates now.

Member Piccarello pointed out the Rail Trail has lots of erosion damage from recent heavy rain. The deep cuts would be places to take measures for repair.

Ms. Lohmann agreed and thanked him for that. She added that Staff have fixed a lot of the erosion but and then it rains again so they will have to go out again.

Chair Cedeño asked about fixing the buckled path.

Ms. Lohmann said the City was working on that.

5. NEXT MEETING

A. Next Meeting: Wednesday, November 3, 2021

The November meeting is still on the calendar and Ms. Lohmann agreed to recommend a date for an interim meeting.

6. ADJOURNMENT

The meeting was adjourned at 7:55 on motion by Member Piccarello and second by Member Massengill. It was approved by acclamation without opposition.

Approved by:

Dr. Rubén Cedeño
Rubén Cedeño, Chair

Submitted by:

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

SFC CLERK RECORDED 07/13/2022