

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

Thursday, December 17, 2009

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
Jack Frost
Jan-Willem Jansens
Sandra Massengill
Judy McGowan*
Stephen Schoninger
Scott Stovall

Staff Members Present

Colleen Baker
Allison Moore
Beth Mills
Scott Kaseman

Members Absent

Todd Brown
Martin Gabaldon

Members Excused

Lou Ann Hunt
Jerry Rogers

Others Present

Bill Baxter

3. APPROVAL OF THE AGENDA

Chair McQueen asked if they were supposed to have Public Comment. Dr. Mills agreed.

Dr. Pallin moved to approve the agenda. Mr. Jansens seconded the motion and it passed by

unanimous voice vote.

4. APPROVAL OF MINUTES

A. November 19, 2009

Chair McQueen noted that they forgot to go into closed session to discuss property.

Ms. Baker thought it was an option.

Chair McQueen said they were to have the discussion in closed session.

Mr. Boaz noted that many agendas have a disclaimer on agenda notices to allow for closed session without further notice.

Chair McQueen noted the resolution on page 9 should be listed as 2009-206

He requested that at the bottom of that page it should say, "the developers made him uncomfortable."

He requested on page 10 to change Tom Hesse to John Hesse

Mr. Jansens noted that on page 2 Willem was not part of his last name. Mr. Jansens was okay.

He noted that the issue Chair McQueen brought up was not an amendment to the agenda and he could not find any amendment to the agenda in the meeting.

Chair McQueen said his issue was not included in the agenda.

Mr. Jansens thought it should say that.

Ms. Baker said they could not put it in as an item so they put it in under Matters from the Committee.

Dr. Mills requested that the discussion on page 10 regarding the resolution needed a new topic heading.

Ms. McGowan moved to approve the minutes of November 19, 2009 as amended. Mr. Jansens seconded the motion and it passed by unanimous voice vote.

5. ACTION ITEMS

A. Request approval of Resolution No. 2010---- A resolution to Establish A Clearly Delineated

Santa Fe County Policy To Encourage and Assist Landowners Who Choose Voluntarily to Protect In Perpetuity The Open Space Character Of Their Agricultural Land.

Chair McQueen's resolution was sent out by email and the Committee had discussed it twice already. He said he had circulated it and received a variety of reactions. He emphasized that the purpose was quite specific and he was not trying to solve all of agriculture's woes. It was aimed at verbiage in the IRS tax code. He was asking the Committee for a recommendation to the Board of County Commissioners so when it gets to them, we could tell them COLTPAC already supported it. The Food Policy Committee had supported it.

Dr. Pallin thought it seemed like it was facilitation and he couldn't see anything negative about it. He was surprised anyone would oppose it.

Chair McQueen said it wouldn't cost the County anything.

Mr. Stovall asked what prompted it.

Chair McQueen explained that at the state level some hostility had been shown about agriculture easements. So this was "pursuant to a clearly delineated agriculture easement policy."

Mr. Stovall thought it was well done but understood when you were dealing with water rights and irrigated land you would find some hostility. They went through them with a fine tooth comb to make sure those easements didn't affect water rights not only for irrigated land but also for dry land farming. The only thing he saw was that someone might ask for the distinction on irrigated versus dry land.

Chair McQueen agreed. Farm land was mostly irrigated but there were some that were not. So he tried to write the resolution to be open to that but did focus on irrigation. The easements were completely voluntary. If a land owner wanted to do the easement, it had to include the water rights.

Mr. Stovall said that on irrigated land it needed to be clear that people could not strip off the water rights and sell it to someone else without the easement owner being notified. So the water rights would continue to be associated to that land.

Chair McQueen said that was not part of the resolution and he encouraged the Committee to not worry about that too much.

Mr. Frost asked if the plat would have a notation regarding the conservation easement.

Chair McQueen said if there was a survey it could put it on the plat.

Mr. Stovall asked if it would be recorded with the title. Chair McQueen agreed.

Mr. Schoninger asked if it could be on the survey then. Chair McQueen agreed.

Mr. Frost asked how it could be done without a survey and if it would be just an itemization of the metes and bounds.

Chair McQueen said it could refer to a prior survey. If it was a partial easement they had to have a description of it.

Mr. Stovall liked that it was voluntary. If they wanted to decide, they had the choice about conserving the parcel with the water rights associated with it for however long the easement lasted. There were lots of acequia associations where it was a big deal.

Mr. Frost commented that now most associations had by-laws requiring them to approve them. He asked why the lower limit was one acre, noting that there were many acequia parcels that were less than that.

Chair McQueen explained there was an issue of materiality. One of the benefits when you had an acequia was that you didn't have a house or septic system. One thing that could be done was put an easement on more than one parcel. We had one project under discussion with an acequia. Maybe they could do several landowners at once and there would be a cost savings,

Mr. Stovall thought most associations had a meeting only once a year.

Chair McQueen said he presented the resolution at one of the association meetings and they were interested.

Mr. Jansens asked what the anticipated effectiveness of the resolution might be. It didn't have any enforcement part to it. He felt the follow up might be to make it stronger to get effectiveness.

Chair McQueen thought it would be quite effective in establishing a policy to qualify at a state level. He said the staff at Energy and Minerals went through this and shot them down for reasons he didn't agree with. The staff member held up a Taos County policy from 20 years ago, so he decided then that Santa Fe should just adopt a policy.

Mr. Jansens asked if he had sought feedback from other associations or organizations like Sierra Clubs, Conservation Trust, Santa Fe Alliance, etc.

Chair McQueen said he had been working with SALSI that was started by the Santa Fe Farmer's Market. The acequia association was invited. He sent it to David Benavides and to County offices, departments and Stephen Ross. At this point he was getting comments from one side and responses from the other side. Some County staff thought it was something the County should not be involved in. So it wouldn't be all things to all people but he tried to make it clear why they were doing this.

Ms. McGowan referred to page 5 and asked if the numbers there were for 1 acre and if they were related to the tax code.

Chair McQueen said the language was straight out of the tax code. The tax code drew a distinction between agricultural structures and others and that could be part of the tax rate. He took that language out of the tax code.

Santa Fe County had a minimum acreage for ranch land. He wanted to make it consistent. The minimum acreage for ranch land in the southern part of the County was 80 acres and in the northern part was 57 acres.

Dr. Pallin said it was 65 in the southern part of the County. He had just gone through it and talked with the assessor's office and they said it was the same throughout.

Chair McQueen said he put in the resolution that it would not matter if the land was leased. In some of Santa Fe County literature it said leases for agriculture did not qualify but nothing in state language said that.

Dr. Pallin said he didn't have 54 acres so he got with his neighbor and leased part of his and they gave both of them an easement.

Mr. Stovall thought it was to enable residents of Santa Fe County to enter into an agricultural easement and so it would get back to who owned it.

Chair McQueen clarified that this was not even guidelines; it was a policy.

Mr. Stovall asked if it would be binding at the state level.

Chair McQueen said the easement would be in perpetuity and was donated to a land trust.

Mr. Stovall said that was a contract between two parties and would work at state and federal levels.

Dr. Pallin understood it would help qualify for federal tax credits.

Mr. Stovall asked if one couldn't do that at the county level too.

Chair McQueen explained that this was designed to help easements qualify for tax credits.

Mr. Frost asked if an owner could split it after the easement.

Chair McQueen said the larger parcel was not to be subdivided. It was something that needed to be addressed. They did discuss different sized parcels and how much could support a structure. Most agricultural easements were flexible.

Mr. Stovall moved to recommend approval of the resolution. Dr. Pallin seconded the motion.

Mr. Jansens was interested in knowing what the ramifications were on protected lands under open space areas. There were probably several of them that would qualify for agriculture use like the Chimayo Trail. He asked if it would harm to encourage more agriculture uses on those properties.

Chair McQueen didn't think it would have any effect on those properties. He noted there were restrictions on the Arroyo Hondo property.

Mr. Jansens thought some grazing might be helpful but there was liability of cattle, fencing, cow patties, etc. in recreation areas so it might be restricted use or maybe stewardship would require building some structures. - or other purposes of the land. He asked how that would relate to the scope of the Committee's work.

Mr. Bonwell said it was just a policy for agreements and they didn't have any of those agreements.

Dr. Pallin added that it only benefitted owners who paid taxes.

Mr. Stovall recalled that question came up a couple of months ago.

Chair McQueen clarified that easements could be amended. It was a contract between owner and Land Trust. The County amended an easement on the Parker property to allow additional trails.

Dr. Pallin said if the amendment was contraindicated regarding trails, that would be a problem.

Chair McQueen agreed. He said he had been working on it a long time now. Sarah Noss recently got a grant to pay him for some of his time on it.

The motion passed by unanimous voice vote Mr. Stovall and Chair McQueen recused themselves from the vote.

Dr. Mills asked if he was going to bring it to Board of County Commissioners or would like staff to bring it.

Chair McQueen said there was a Commissioner who wanted to sponsor and another now want to cosponsor.

Dr. Pallin said at the very least the Committee could send a letter of support and Chair McQueen's name didn't have to be on it.

Chair McQueen said he might ask Dr. Pallin, to sign the letter.

6. MATTERS FROM OPEN SPACE AND TRAILS STAFF

A. Update on Bentley Application

Dr. Mills reported they put out a request for quotes on an appraisal of the Bentley property as the Committee discussed last time. Staff decided to take on the work themselves. She had a deadline of December 30th for them to be submitted. So they could decide who would do it.

Ms. Baker clarified they were paying for it as part of the negotiation in the sale.

Chair McQueen asked if there was a reason the County was not sharing the cost of it with the owners.

Dr. Mills said the owner was hoping that the County would do it.

Mr. Frost asked if they normally did only one appraisal.

Ms. Baker agreed although occasionally they would do another. Generally the cost was split.

Dr. Pallin suggested the County pay for it up front and try to negotiate it later.

Ms. Baker thought it was advantageous to do it this way. They tend to cost \$2-5,000 for them and those costs could easily be backed out in negotiations. Staff asked for start date and completion time on the bid.

B. Update on sustainable Land Development Plan

Dr. Mills reported they were supposed to have the final draft at the CDRC this month and the Planning Department backed off from that and put the CDRC date in January. Meanwhile, staff reviewed a portion of the latest draft that had to do with open space and trails and made comments. They were basically very satisfied with many of the changes that were made. The consultants and staff incorporated most of our changes. Some of them were very significant.

She wanted to bring it to the Committee once they were done and had it packaged for CDRC. She understood that finalizing was strictly in the hands of County staff and not the consultant. She felt they listened carefully to our comments.

C. Update on Project Manager for Santa Fe River Greenway

Ms. Baker reported that staff advertised the position for project manager and it would close tomorrow. They had received interest from some very experienced candidates. They would try to interview in January and select someone.

Dr. Pallin asked if they published a salary range.

Ms. Baker agreed. It had a salary range of \$20-30,000 0 on the low end. The manager would be responsible for design and oversight of all projects of the Santa Fe River. There were no benefits because it was term position and tied to the bond although they would try to keep the manager on longer.

She reported that she had pieces of four acquisitions along the river now and would like to schedule a site visit. Two were right at Camino Carlos Rael that staff would bring forward. Another piece was a fairly long lot off Fairview Lane just west of Siler. It had a house on it and a shop - a big building with a mother-in-law quarters. The owner was offering to sell the whole thing to the County. She had lots of ideas for it - caretaker's house - turn the shop into a rest stop - corral. It was right across from Plants of the Southwest and just west of the roundabout at Siler Road. There was a potential road easement and the river front. This was interesting because there were not many places for a trail head along there. The flyer showed \$600,000 as a sale price but no appraisal. The house was big and she didn't know how big the lot was.

Chair McQueen asked if they might be able to sell part of it.

Ms. Baker agreed. The owner wanted out of the whole thing. She said the property was not yet within city limits.

The other was down near Cottonwood Crossing - a parcel of 15 acres owned by an LLC - Agua Fria Self Storage. They were just now getting the appraisal on it. All four would be up for COLTPAC consideration soon.

D. Schedule site Visits for Santa Fe River Acquisitions

Chair McQueen asked what date they wanted for a visit.

Mr. Jansens offered January 16th.

Chair McQueen agreed. He asked Dr. Mills to send out emails on where to meet Maybe start at 10:00.

Mr. Bonwell preferred 9:00 and Ms. Baker thought that would be better.

7. MATTERS FROM THE COMMITTEE

Mr. Jansens recalled a year ago that COLTPAC had a get together in January to get to know each other and talk about goals and review what COLTPAC had done in the past. He missed it but heard it was a wonderful event. He wondered if they could have such an event this year.

Ms. Baker said they could do an update.

Dr. Mills thought they might also consider talking about what was coming out of the Sustainable Land

Use Plan because it would change the direction of the Committee.

Mr. Jansens suggested a forecast of what the Committee could do and how to be more effective.

Ms. Baker said last year they did it at Del Charro but this year they had no money.

Mr. Bonwell suggested they could pot luck it too or each member pay.

Chair McQueen suggested a place on San Francisco in the back where they could push the tables together.

Ms. Massengill mentioned REI which had a great free community room and food could be from Flying Star or Tomasitas.

Dr. Pallin thought they could do a potluck.

Chair McQueen asked if there was anything else on the Montoya Property.

Ms. Baker said there was. They were trying to pull things together. They talked to TPL today and they were interested in a package. Staff also met with Richard Montoya this week about getting into some sort of agreement. Maybe TPL would be the lead agency. It was a large purchase with over 6,000 acres. With him they talked about an appraisal to get it started and then a negotiation of the sale with an indelible appraisal and getting some federal funding on it.

It wouldn't be final approval but they could take COLTPAC's recommendation to the Board of County Commissioners. In addition to federal funding, they could also look at GRT and bonding issues but putting an option on it and phasing it. So right now they wanted to get the owners into an option agreement.

Mr. Frost asked who owned it.

Ms. Baker said it belonged to the children of Dicky senior.

Mr. Frost asked if it had roads on it.

Ms. Baker said there were just ranch roads but it was platted.

Chair McQueen noted there was a section adjacent that had some development.

Dr. Pallin asked where it was.

Ms. Baker said it was just south of Thornton - across the drainage.

Mr. Frost asked if it went all the way to the river.

Dr. Mills said it did not.

Mr. Jansens said the westernmost was Cunningham Creek. There were a series of properties on Galisteo Creek.

Dr. Mills said there were no well sites on it. She said they also had been in talks with the Galisteo Preservation group who wanted to work with the County and were working on other sites. They wanted to help COLTPAC in any way they could.

Ms. Baker said in addition to the cultural landscape was the wildlife corridor. They saw bear prints and fresh mountain lion tracks there. They were thinking about \$1,000 per acre. So it would be \$6 million.

Mr. Bonwell asked if there were any environmental problems.

Dr. Mills said the Environmental Assessment done a few years ago made suggestions for more detailed work in a couple of places. Staff wanted to be careful because it was right at the edge of the Cunningham mine. The water line was said to be moving away from the creek. So there were issues there to look at it.

Mr. Baxter commented that she had to believe the present owners were aware of it in making this deal.

Mr. Stovall said they would need to talk about remediation.

Ms. Baker agreed. There was a 1,345 acre Santa Fe County open space in the middle of Ortiz Mountains and this was in between that and Thornton Ranch.

Mr. Jansens thought for wildlife this would be phenomenal. It would further the work on wildlife corridors from Sangre de Cristo into Galisteo basin through Three Horse Ranch and restrictions on Galisteo Creek. It would all connect and to the mountains on the other side and down to Edgewood. He considered this a dream coming true. The Galisteo was one of the gaps and achieving it would put Santa Fe on the map and in the news.

Mr. Baxter cautioned that at the same time the Committee needed to do due diligence.

Mr. Jansens said maps were being made and those people would be at the meeting. There would be a series of meetings on wildlife in January about wildlife corridors and connectivity throughout.

Chair McQueen recalled they talked about having maps available at COLTPAC meetings. It would be helpful here to have them.

Ms. Baker apologized and said they would do better next time.

Dr. Mills reminded them staff brought maps last time on this property.

8. ADJOURN

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

The meeting was adjourned at 7:20 p.m.

Approved by:

Matthew McQueen, Chair

Submitted by:

Carl Boaz, Stenographer