

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

Thursday, November 19, 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
Todd Brown
Jan-Willem Jansens
Sandra Massengill [arriving later]
Judy McGowan
Jerry Rogers
Scott Stovall

Members Absent

Martin Gabaldon
Stephen Schoninger

Members Excused

Jack Frost
Lou Ann Hunt

Staff Members Present

Colleen Baker
Allison Moore
Beth Mills
Scott Kaseman

Others Present

Bill Baxter
Ms. Brown

3. APPROVAL OF THE AGENDA

Chair McQueen asked that the Committee consider the draft resolution that was discussed at the last meeting. (Discussion of a Resolution to Protect Agricultural Land in Santa Fe County) and make a recommendation to the County Commission. He asked if they could make it an action item.

Ms. Baker questioned adding an action item that was not included in the public notice for this meeting. She did not think it was allowed under the Open Meetings Act as an action item, especially since it was not a normal recommendation that the Committee would make to the Board of County Commissioners. Mr. Stovall and Mr. Baxter agreed.

Chair McQueen felt this was a normal action of the Committee. It was a draft resolution that Commissioner Holian wanted to bring forward. He asked if they couldn't put it on the agenda without notice under Matters from the Committee.

Mr. Stovall thought it had to be on the noticed agenda if it required action

Mr. Jansens Willem arrived.

Mr. Baxter said it could not be added as an action item.

Dr. Pallin said if he was just seeking a consensus then they would not have to vote on it.

Chair McQueen said they would just put it under Items from the Committee.

Dr. Mills said she wanted to consider the conflict of interest issue at the next meeting since Jack Frost couldn't be at this meeting and he was the one who raised the issue.

She also said she wanted to withdraw 5-B (the Sanchez application) from the agenda. She explained that she met with the County Attorney and the application didn't meet one of the threshold criteria.

Chair McQueen asked that they leave it on and then could deal with it at the time.

Dr. Mills agreed.

Mr. Bonwell moved to approve the Agenda as amended. Mr. Rogers seconded the motion and it passed by unanimous voice vote.

4. APPROVAL OF MINUTES

A. October 15, 2009

Chair McQueen noted they had a list of absent members with some listed as excused. He requested that the minutes have a separate list of excused absent members.

Mr. Jansens said he was confused with a statement at the bottom of page 2 and going into page 3 about excess money that would be donated to the City. The matter was clarified to his satisfaction.

Mr. Jansens said on page 4 he was paraphrased and said it should have said that “all but one of the threshold criteria were met.”

On page 5 it said, “Mr. Rogers said he would recommend acquisition now but...” He said it should have said “and” not “but.”

Dr. Pallin moved to approve the minutes of October 15, 2009 as modified. Mr. Bonwell seconded the motion and it passed by unanimous voice vote.

5. ACTION ITEMS

A. Recommendations for Bentley Acquisition Application

Chair McQueen said the property was scheduled for a site visit last weekend but that was cancelled on 11:00 of that day because of weather but at 2 p.m. the weather was better. He asked if the Committee wanted to approve the application without a site visit. He felt very familiar with this property.

Dr. Mills commented that many members had been out there. She asked if the map she prepared was adequate enough to proceed with the evaluation.

Mr. Rogers said he was personally familiar with it. Mr. Stovall agreed with Mr. Rogers.

Dr. Pallin said he hadn't been there but wouldn't hold up the proceedings.

Mr. Brown believed they should proceed.

Ms. McGowan said she went there this morning.

Ms. Massengill said she was not familiar with it but had visited the adjacent property.

Mr. Bonwell said it might be difficult but thought they could proceed. He asked if Dr. Mills had the aerial photos. Dr. Mills did.

Mr. Jansens felt familiar with the site. He thought they needed to continue and figure out what other information they might need.

Chair McQueen and Mr. Bonwell were okay with proceeding.

Dr. Mills made a brief presentation.

Dr. Pallin asked if they did not acquire it there could be residential development there.

Mr. Bonwell agreed and said it was in the application. It had a 25,000 square foot footprint for the main house, barn, garage and guest house. It would be about 45,000 with parking and driveways so about an acre of the 30 acres.

Dr. Pallin asked if they could fence the perimeter.

Mr. Bonwell didn't think so. Paragraph 4 a or b talked about restrictions on building. The main house would be 2,500 sq ft but the guest house had no area specified.

Dr. Mills thought it was 1,000 square feet.

Ms. McGowan clarified that the County had a restriction on it.

Dr. Mills showed the map. The property was- right next to Thornton near Galisteo. It was the only piece the County didn't own or lease south of CR 42. The aerial showed the county road and New Mexico Central (abandoned) railway line and the BNSF rail line. She pointed out the wetland area. The County prop cut through the wetland and covered about two acres. It was created by damming the arroyo. It had mostly grass edges with Willow and one large Cottonwood as well as some Tamarisk and at least one Olive tree. It was a fairly good habitat. The road in was in good shape. The owner put in one culvert that needed drainage.

Mr. Stovall asked her to show where they drove there.

Dr. Mills said they went in his gate and drove along the fence so they were just east of it.

Dr. Pallin asked if it was a named arroyo. Dr. Mills said no.

Dr. Pallin asked if the two track would become a trail head.

Dr. Mills thought it would work well for that. The ground had already been cleared around there so it looked perfect for a trail head.

Mr. Bonwell said the rail trail from 285 was well over a mile away. The New Mexico Central Rail trail was close by.

Dr. Mills explained that they talked about developing the trail closer to the Kennedy site because they wouldn't have to disturb any ground.

Mr. Bonwell didn't think the conservation easement would allow the Committee to do anything with it.

Dr. Pallin agreed they should negotiate with Commonwealth when making the purchase.

Ms. McGowan pointed out that there were some very deep arroyos nearby but not on this site at all.

Mr. Baxter said the Santa Fe Open Space was an effort to take focus away from petroglyphs there. Some would come for recreation but if they made it historical, not calling it petroglyph hill would help. So this provided an alternate focus and alternate attraction.

Dr. Mills pointed out a walk down the two trail and said that concluded her presentation on it.

Mr. Jansens asked what would be significantly compromised in the strategy of preserving the entire land area. He asked if there were other significant problems they would face given the goals for that area. He found the purchase price rather high and wondered how significant it was to pursue this acquisition.

Dr. Pallin wondered if it was really appraised properly or if they needed another appraisal.

Ms. Baker said they would have to get a new appraisal.

Chair McQueen agreed because this appraisal was done for a loan.

Mr. Bonwell assumed the comparables didn't have conservation easements. Whether the property merited inclusion was their first decision.

Dr. Mills responded that the biggest thing they would lose was the wetland because it had tremendous potential for restoration and habitat. Or they could work with the landowner as a joint project. But they would miss a good opportunity for conservation in the wetland area.

Mr. Jansens asked if staff had done an ecological assessment of the wetlands values.

Ms. Baker said they were not allowed to spend money for that unless the County owned it.

Chair McQueen asked if the wetlands changed the value of it.

Mr. Jansens said it depended on what values were associated with those ecological functions.

Chair McQueen asked if there was any standing water.

Dr. Mills said there wasn't today.

Ms. McGowan noted there was bent over grass.

Dr. Pallin asked if they went through entire procedure, if they would get another crack at it if they didn't like the appraisal.

Chair McQueen thought they could suggest a different price. Also if a new appraisal came back differently, they could offer something different.

Ms. Baker said they would evaluate for the merits of the land if it met their criteria for a program. Then they could come back to the Committee. Tonight they were just evaluating if the property was appropriate for open space.

Chair McQueen asked who paid for the appraisal.

Ms. Baker said it was negotiated every time. It could be split in half or either party pay for the whole appraisal.

Chair McQueen had conversations with the owner earlier and tried to lead him to a bargain sale. He didn't jump on it. He did not apply for a tax credit. Easements were amendable though not frequently done. The Committee did it with Petchesky.

Dr. Pallin noted that if they didn't do that, they were still stuck with a residence there.

Mr. Stovall clarified that if there was no tax credit, the easement could be changed.

Chair McQueen commented that this easement was a draft - not signed.

Mr. Bonwell said it was in Section 4.

Ms. Baker thought a visitor center could be put into that space. So the impact would not be that much.

Chair McQueen noted that recreation was a permitted conservation purpose.

Ms. Baker asked the Committee to do the evaluation on it as is.

Mr. Bonwell handed out the criteria for scoring.

Mr. Jansens felt he didn't have sufficient information to answer the questions.

Chair McQueen suggest giving an educated guess and then they would do the math.

The Committee members did their scoring and the final score was 61.5. They briefly discussed their answers.

The Committee also discussed the scoring form which was confusing.

Chair McQueen said 35-40 members put it together. He saw it as benefit to compare with other properties with value in using the same form and criteria.

Mr. Rogers said it helped him by forcing him to look at a wide range of questions He agreed that being able to consolidate that land area was very, very important.

Chair McQueen asked about lots sold to the north of Thornton.

Dr. Pallin asked if the State was prohibited from trading those easements.

Chair McQueen said the County had control of the easements but exchanges were a lot of work.

Mr. Stovall noted that a woman who lived across the tracks had a grazing easement there.

Dr. Pallin asked where the river was in relation to the railroad tracks.

Dr. Mills said it was parallel to the tracks.

Mr. Jansens thought continuity of open space was an important argument for purchase. He felt they should consider the vision statement on page 79 - equitable throughout the County. This could be the flagship of open space so he thought the vision statement should be taken with a grain of salt.

He still felt that financial considerations were too unclear and the price offered was too high.

Chair McQueen regarding the distributions of resources, said this was not only a sort of flagship but also a destination because it was that large and that worthwhile.

Dr. Pallin agreed and suggested looking ten years into the future. This was a very aggressive trail system. There were very few places to take horses. This was central and had great access.

Mr. Baxter agreed that was originally one of the primary considerations.

Mr. Rogers commented that when NPS bought Padre Island the last parcel cost a lot more than the earlier ones. That could be applied to this parcel as well.

Ms. McGowan felt they had not shown added value for the conservation easement.

Dr. Pallin said there was no imperative that the County had to have that piece. It was not like Padre where the ocean surrounded all of it. He said he and his wife had been looking at properties in that basin. We were looking at some at \$3,000/acre or slightly more. This property could not be developed and had only one house. He thought it was worth about half of what they asked.

Mr. Rogers thought it was extremely important to get that last parcel.

Chair McQueen thought they should say they wanted to move forward and work out the price with a new appraisal.

Mr. Bonwell moved that staff be directed to pursue developing cost estimates for the parcel and getting a current appraisal.

The Committee discussed how the phrasing of the motion might affect their ability to negotiate a better price. Several attempts at a motion were brought up.

Mr. Bonwell moved to affirm that COLTPAC had an interest in this property and wanted to move forward but would like to evaluate the price after receiving an appraisal. Mr. Stovall seconded the motion and it passed by unanimous voice vote.

B. Recommendations for Sanchez Acquisition Application

Chair McQueen clarified that apparently there was a problem with the title.

Dr. Pallin recalled he first applied under the urgency provision and asked if he did a new one.

Ms. Baker said he did. Staff got him to fill out the rest. He also produced the paperwork from the lawsuit.

Dr. Mills said the one criterion not met was title and ownership. She corresponded with the County Attorney today on it. There was a possibility that other people would claim ownership so he could not do a quiet title. There was no survey and it would be very expensive because of the lawsuit with BNSF and also the fiber optic company that claimed an easement along with the railroad on the same property. It was hard to say what would shake out on it.

Ms. McGowan added that his sister in law bought it as excess property from I-25.

Chair McQueen asked if they would tell him the County would consider it if he could clear the title. Dr. Mills agreed.

Chair McQueen thought it was useful to have their opinion. If it didn't meet it COLTPAC wouldn't proceed but he was welcome to fix that.

Mr. Jansens added that there was also the lack of access and safety even for county staff, let alone for visitors, and that was a major impediment to meet criterion 3. That should be included in the message. It would be just for tourists because of the battle site.

Dr. Mills said there was no access to the property.

Ms. Baker thought if it was framed so access was not an issue it would provide an open vista.

Chair McQueen agreed there was visual access. If it was integral to the battlefield it should not be developed.

Ms. McGowan agreed. She said the only way it could be preserved was if it was owned by the

adjoining battlefield.

Mr. Bonwell moved to recommend this property not be purchased because of lack of meeting the criteria, especially access. Dr. Pallin seconded the motion and it passed by unanimous voice vote.

6. MATTERS FROM OPEN SPACE AND TRAILS STAFF

A. Update on Resolution 2009-____, establishing the process and procedures for acquisition of real property under the County's Open Space and Trails Program.

Dr. Mills reported that the resolution as changed was approved. This was the new way. She handed out copies to the members.

Ms. Baker said they now would have to revisit the format of the application. Staff would take that on.

B. Update on Santa Fe Canyon Ranch

Dr. Mills showed the map of the area. She oriented the committee to the map and explained the legend and colors of various areas. The dark purple and blue were what the TPL was working with BLM to acquire. They would sell it to BLM. The area in the pink line was what the County was acquiring, next to La Cienega village. Total acreage was a little over 470 acres. Borrego was retaining 133 acres. Alamo Creek ran through it and Thompson Ranch headquarters was part of it. Phase one for development was to the east of it.

At the last BCC meeting the Commission approved \$7 million into a fund for negotiation. Ms. Ellis-Green told her they were waiting for the environmental assessment before making offers or negotiating with the developer for it. She also told her that whatever happened in the area it would have to happen in close conjunction with the Village of La Cienega. They would be at the table the entire time to determine what the land use would be. Any development, affordable housing, community service, purely open space or whatever would be considered with them present. Today she heard that no closing date had been set for it. .

Chair McQueen asked how they determined the price and where they were getting the money for it.

Dr. Mills said they had an appraisal done. It had nothing to do with open space or COLTPAC's program. It was not the General Fund. There was a certain amount of money the County had to have in surplus to the powers that be and they had well beyond what was needed.

Chair McQueen said the developers bought it for much less two years ago. The developers were ripping off the County and it made him very uncomfortable.

Ms. Baker said that at the BCC meeting they stated the appraised price and were offering something less than that.

Mr. Jansens asked if this was a compromise among conservation groups that wanted to get something done there. Promises might be made to developers who might sue.

Mr. Stovall wondered what legally determined what comes to COLTPAC.

Chair McQueen said there was a resolution and it was originally tied to bonds.

Ms. Baker clarified that it was only the original bond.

Chair McQueen added that the Committee only made recommendations. At times the County had bypassed the Committee.

C. Update on Montoya / Gold Mine Road Property

Dr. Mills said the Montoyas came to the Committee for pursuing acquisition. The property was outlined in red and was about 6,000 acres near the Thornton property. She pointed out the other areas on the map: the gold mine, Ortíz preserve and a creek running through. The property was rich in archaeology resources and incredibly rich in agriculture features. 16% had been surveyed with handful of pueblitos and room blocks, lots of field houses and agriculture features.

Several years ago the trails were flagged. It was extremely dense and had a wildlife corridor. When they were out there they saw bear prints. It was a very species rich wildlife corridor.

Ms. Baker said they came to the County knowing it did not have money right now and were willing to strategize with the Committee. The next step was to meet with people about possible funding like TPL, Rep. Luján's office or whatever was possible. The price was one thousand per acre. They didn't want to put any more money into it so they had lots but no infrastructure.

Chair McQueen asked to be invited if staff set a meeting and also Tom Hesse. He asked that the resolution be put on December's agenda and hoped they would have a quorum for it. This resolution tied into IRS regulations for agriculture easements. He was bringing it at the request of the Santa Fe Farmers' Market Foundation. He said it was not yet the final draft but was close.

Mr. Stovall asked if it included water rights.

Chair McQueen said that was required. This would cost the County nothing to pass. Agriculture was taxed at agriculture rates. He said he had a page and a half on them and they could not be severed.

Mr. Bonwell asked if he could send it to the Committee by email. Chair McQueen agreed.

7. MATTERS FROM THE COMMITTEE

Mr. Rogers distributed copies of the NPS report and would send an email to say more about it. It expressed a vision for NPS and said NPS should work with everyone who was trying to preserve land. The Secretary said it would be in his agenda.

8. ADJOURNMENT

Dr. Pallin moved to adjourn the meeting. Mr. Brown seconded the motion and it passed by unanimous voice vote. The meeting was adjourned at 8:15.

Approved by:

Matthew McQueen, Chair

Submitted by:

Carl Boaz, Stenographer