SANTA FE COUNTY

Resolution No. 2004 - 80

A Resolution Amending Resolution 2000-60 to Refine the Process and Procedures for Acquisition of Open Space Properties Under the County's Open Space and Trails Program.

WHEREAS, voters in Santa Fe County approved General Obligation Bonds establishing funding for the "Wildlife, Mountains, Trails and Historic Places Program," ("Program") on November 3, 1998 and November 7, 2000; and

WHEREAS, the County adopted the Open Land and Trails Plan for the Wildlife, Mountains, Trails and Historic Places Program via Resolution No. 2000-60 on May 22, 2000, establishing an application process ("application process") for review and evaluation of proposals by the County Open Land and Trails Planning and Advisory Committee ("COLTPAC") with final approval from the Board of County Commissioners of Santa Fe County ("BCC") for the acquisition of land by the County for inclusion as open space and trails; and

WHEREAS, the application process does not specify timeframes for regular review of applications and funds are available for additional acquisition.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that Resolution 2000-60 is amended to refine the process and procedures for acquisition of open space properties under the County's Open Space and Trails Program to create an annual review period for acquisition of properties that will include a pre-application and final application process which will allow for timely review of projects and meet the following requirements:

1. Interested applicants must complete a pre-application form (Attached hereto as Exhibit A and as may be amended from time to time). The pre-application requires basic information, including the characteristics, location and owners of the property. The County must receive completed pre-application forms by 5:00 p.m. August 31, of the calendar year. Completed pre-application forms may be submitted at any time prior to the deadline throughout the year.

    a. If the applicant is not the property owner, the applicant is responsible for identifying the property owner (this can be done by searching County records) and contacting the owner in person. The applicant should determine the owner's interest in negotiating. The County encourages landowners and applicants to work with other partners, such as land trusts and conservation organizations, to identify other sources of funding such as private donations or grants.

2. Staff will review and evaluate the completed pre-application form within 30 days of receipt. The pre-application must be deemed complete prior to review by staff. Staff will make a determination to either accept or deny the pre-application.

    a. If staff approves the pre-application, the applicant may submit a final application to COLTPAC (the pre-application form, see Exhibit A attached hereto, and final application, attached hereto as Exhibit B and as may be amended from time to time).

    b. If staff rejects the pre-application, the applicant may appeal staffs decision by requesting review of the pre-application within 30 days of receipt of a rejection letter. The Chair and Vice Chair of COLTPAC or their designated appointees from members of COLTPAC will hear timely requests for review. The reviewing body's decision will be final.

3. Pre-application and final applications packets for projects that are accepted will be reviewed by COLTPAC. COLTPAC will thereafter provide a recommendation to the BCC. This review period is anticipated to be complete within 90 days. The review process includes the following:

    a. Site visit

    b. Applicant may address the committee regarding the application and property details for further consideration.

    c. COLTPAC will hold a public meeting to receive comments on the application.

4. Based on the review process COLTPAC may either provide a recommendation to the BCC or table the item for a specified amount of time citing the reasons therefore. COLTPAC may only table the application once.

5. Staff will present the COLTPAC recommendation to the BCC. Recommendations may include; funding approval for the acquisition of the property; funding approval for the acquisition of the property with conditions; or no funding for the acquisition of the property. The BCC has final decision-making authority regarding projects for acquisition.

6. The Chair of COLTPAC will be available at the designated BCC meeting to answer any questions regarding the recommendation.

7. If funding for the project is approved by the BCC, staff is then authorized to proceed with negotiations with the applicant to complete the project in a timely manner. Staff will commission and evaluate the necessary due diligence prior to acquisition of the property. The applicant is responsible for providing information requested by the County and negotiating in good faith to complete the project.

8. BCC approval to proceed with acquisition must be obtained before formal negotiations for a property are initiated. If a project is approved by the BCC, the applicant will need to provide a binding commitment from the landowner (an option or purchase and sale agreement) within 90 days of the date of the BCC meeting when the project was approved.

PASSED, APPROVED AND ADOPTED this 27th of July, 2004.

BOARD OF COUNTY COMMISSIONERS

Paul Campos, Chairman

ATTEST:

Rebecca Bustamante
County Clerk

Approved As to Form:

Stephen C. Ross, County Attorney

CERTIFICATE OF FILING

I, Rebecca Bustamante, County Clerk, do hereby certify that the foregoing resolution, designated as Resolution No. 2004- 80 was filed in my office on the 6th day of August, 2004, in book Number ____ ~~at Pages~~ Document # 1340758

SANTA FE COUNTY CLERK

Rebecca Bustamante

)UNTY OF SANTA FE)
TATE OF NEW MEXICO) ss

RESOLUTION
PAGES: 13

Hereby Certify That This Instrument Was Filed for
ecord On The 6TH Day Of August, A.D., 2004 at 14:09
id Was Duly Recorded as Instrument # 1340758
The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Rebecca Bustamante
County Clerk, Santa Fe, NM

EXHIBIT A:
Pre Application Packet

Santa Fe County
Wildlife, Mountains, Trails and Historic Places Program
Pre-Application Packet

VISION STATEMENT

The Santa Fe County Wildlife, Mountains, Trails and Historic Places Program was developed to create a network of cultural, historical, recreational and natural open spaces and trails. The program seeks a diverse mix of projects, distributed equitably throughout the County, that:

- serve as focal points to enhance neighborhood, community and cultural identity;
- preserve and honor the natural, historical, and cultural diversity; and
- provide opportunities for leisure and human renewal.

Factors that make attractive open space purchases include the following:

- Enhancement of the existing open space and trails system.
- Trail connectors (between trails or open space properties)
- Properties that enhance access to existing open space parcels.
- Proximity to communities and population centers
- Projects that leverage funding and increase partnerships
- Significant areas – Cultural, Archaeological and Habitat.

The program accepts applications for property acquisitions once per year and accepts applications for trails projects at any time throughout the year. Please read the attached pre-application forms and instructions carefully and provide all the required information. If you have any questions about the process or forms please contact the Open Space and Trails Division listed below. Thank you and good luck!

Santa Fe County
Open Space and Trails Division
(Attn: Paul Olafson)
102 Grant Ave, P.O. Box 276
Santa Fe, NM 87504-0276
(505) 992-9866
***fax* (505) 992-9869**

County Open Space and Trails Program Application Process

This packet describes the open space and trails program process and procedures for acquisition of lands and trails. The County has funding available for property and trail acquisition from general obligation bond and gross receipts tax revenues. Within these funding sources, the County has designated two million dollars solely for trail acquisition. Applications for projects are reviewed by the County Open Land and Trails Planning and Advisory Committee (COLTPAC) and recommendations for acquisition are then forwarded to the Board of County Commissioners (BCC).

The program is voluntary and works with willing landowners. This application process is used for all property and trail acquisitions. Non-trail property acquisition projects will be considered once per year while trail projects are considered at any time. Projects that require immediate review may be brought before COLTPAC regardless of whether an acquisition phase is under way, so long as applicants for urgent project status complete the urgent projects application requirements as defined in Santa Fe County Resolution number 2003-61. County Open Space and Trails Program staff (staff) is available to answer questions regarding the process.

Pre Application Process

1. Interested applicants must complete a pre-application form (see attached). The pre-application requires basic information, including the characteristics, location and owners of the property. The County must receive completed pre-application forms by 5:00 p.m. August 31. Completed pre-application forms may be submitted at any time prior to the deadline.

   If the applicant is not the property owner, the applicant is responsible for identifying the property owner (this can be done by searching the County Assessor's records) and contacting the owner in person. The applicant should determine the owner's interest in negotiating. The County encourages landowners and applicants to work with other partners, such as land trusts and conservation organizations, to identify other sources of funding such as private donations or grants.

2. Staff will review and evaluate the completed pre-application form within 30 days of receipt. The pre-application must be deemed complete prior to review by staff. Staff will make a determination to either accept or deny the pre-application.

   If staff approves the pre-application, the applicant may submit a final application (which consists of the pre-application form and final application components which will be provided) to COLTPAC.

   If staff rejects the pre-application, the applicant may appeal staffs decision by requesting review of the pre-application within 30 days of receipt of a rejection letter. The Chair and Vice Chair of COLTPAC or their designated appointees from members of COLTPAC will hear timely requests for review. The reviewing body's decision will be final.

Application Process

1. Pre-application and final applications packets for projects that are accepted will be reviewed by COLTPAC. COLTPAC will thereafter provide a recommendation to the BCC. This review period is anticipated to be complete within 90 days. The review process includes the following:

    - Site visit
    - Applicant may address the committee regarding the application and property details for further consideration.
    - COLTPAC will hold a public meeting to receive comments on the application.

2. Based on the review process COLTPAC may either provide a recommendation to the BCC or table the item for a specified amount of time citing the reasons therefore. COLTPAC may only table the application once.

3. COLTPAC recommendations are presented to the BCC by staff. Recommendations may include; funding approval for the acquisition of the property; funding approval for the acquisition of the property with conditions; or no funding for the acquisition of the property. The BCC has the final decision-making power about projects for acquisition.

The Chair of COLTPAC will be available at the designated BCC meeting to answer any questions regarding the recommendation.

If funding for the project is recommended by COLTPAC and approved by the BCC, staff is then authorized to proceed with negotiations with the applicant to complete the project in a timely manner. Staff will commission and evaluate the necessary due diligence prior to acquisition of the property. The applicant is responsible for providing the necessary information requested by the County and negotiating in good faith to complete the project.

The process outlined above must be completed before formal negotiations for a property are initiated.

Please return applications or direct inquires to:

Santa Fe County
Open Space and Trails Division
(Attn: Paul Olafson)
102 Grant Ave, P.O. Box 276
Santa Fe, NM 87504-0276
(505) 992-9866
***fax* (505) 992-9869**

Urgent Projects Application Requirements

These requirements apply to acquisition of Open Space properties under the County's Open Space and Trails Program to address urgent open space acquisition proposals ("Projects"), as per Santa Fe County Resolution No. 2003-61.

Projects that require immediate review may be brought before the COLTPAC regardless of whether an acquisition phase is under way, so long as applicants for urgent project status complete the regular Wildlife, Mountains, Trails and Historic Places Program acquisition forms, submit them to County Open Space and Trails Program Staff ("Program Staff"), provide all the information required, and meet these additional requirements:

1. The application must contain documentation that proves that the project is time sensitive and requires immediate review. (Examples of time sensitivity include, but are not limited to, situations when other funding sources tied to the project may be lost without immediate action, personal hardship requiring immediate sale, threat of degradation of the resources contained on the property, or other legitimate, documented time pressures). The documentation must establish justification of urgency and an exception to the normal acquisition phase.

2. The application must show that the property contains unique features that, in the judgment of the Committee, would receive an exemplary score under the normal "Criteria for Evaluating Projects" (indicating that the property would measure well against competing projects if it were submitted in the ordinary course of COLTPAC's acquisition phases).

Following receipt of the application, Program Staff will conduct an expedited review of the submitted documentation to determine completeness and shall request any additional information missing or necessary for COLTPAC to complete the evaluation. Upon determination that the application is complete, Staff will present information regarding the application to the Committee members. Program Staff or any Committee member may request a special COLTPAC meeting and/or site visit to evaluate the proposed project. A special COLTPAC meeting will be scheduled if members of the Committee, constituting a quorum, consent and indicate that they are available at the scheduled time. Upon favorable review by COLTPAC, the Committee recommendation will be forwarded to the BCC for review and a final decision at the BCC's next regularly scheduled meeting.

Santa Fe County
Wildlife, Mountains, Trails and Historic Places Program

All applicants must submit a completed pre-application form including, supporting documentation.

Pre-Application Cover Sheet

Common Name of Property or Project:	
Name and Address of Property Owner(s) *(applicant required to research this information in the County Assessor's office and contact owners):*	
Name of Applicant: (list form of agreement with landowner if other than landowner)	
Applicant's Address: *(Street or P.O. box, City, State, Zip)*	
Applicant's Phone (home):	
Applicant's Phone (work):	
Applicant's Phone (mobile):	
Applicant's Email:	
Date Submitted:	
For site visit arrangements please contact:	
Signature of Applicant	

Santa Fe County
Wildlife, Mountains, Trails and Historic Places Program

Pre-Application

Please attach descriptions for the categories listed below. Each category must be addressed or your application will be deemed incomplete and will be rejected. Limit your answers to one page, or less, for each one. Provide applicable documentation for all categories to support claims.
Note: Santa Fe County will not participate in a purchase over fair market value, as determined by a qualified appraisal. A qualified appraisal will be done if the project is prioritized by COLTPAC and approved by the Board of County Commissioners. Applicants will need to provide a binding commitment from the landowner (an option or purchase and sale agreement) within 90 days of the Board meeting.

____ **Basic Property Details:**

- List the estimated fair market value of the property. (See County Resolution 2001- 61 for Appraisal Process)
- List funding requested from the Santa Fe County Open Space and Trails Program.
- List the approximate acreage
- Provide a legal description or parcel number information from the County Assessor's Office.
- Property taxes paid.
- Conveyance of previous title (Quit Claim, Special Warranty, Warranty Deed)

- Describe any existing structures on the property, if applicable
- Describe any listing information including, broker and contact information.

____ **Negotiation Status**. Provide name of property owner or representative and a letter stating that the owner or representative is willing to negotiate or enter into an agreement within the County. Describe if Power of Attorney has been given to any other than the landowner. If applicable, provide a copy of or describe the terms of a purchase contract affecting the property.

____ **Site Map**. Provide a map (USGS 7.5 topo or better - one original) of the proposed project site. Show property boundary and any public land boundaries (if applicable). Show all current and proposed developments (roads, streets, easements, etc.), improvements, natural features (streams, ponds, lakes, wetlands) and mode of access to the property (public road, right of way, easement, etc.). Provide boundary survey of property, if available.

____ **Area Map**. Provide a map of the surrounding area which displays current land uses (agriculture, rangeland, forest, pasture, development, etc.) and any proposed developments. Include any important land use features which may influence the project site. Please also identify other protected lands in the area and their ownership (i.e., local government, state or federal).

____ **Water Rights**. Describe any water rights (surface, subsurface, well and drainage) that are necessary to protect and preserve the parcel's attributes. Who holds the rights? Will they transfer with the property?

____ **Mineral Rights**. Describe any mineral, sand and gravel rights that are associated with the parcel. Will they transfer with the property? If not, who owns them and is development likely? Are the mineral rights severed from the property? It severed who owns them?

____ **Land Uses**. Describe the existing land use practices on the site. What is the current zoning? What is the current land use?

____ **Environmental Hazards**. Describe all known previous uses of the site, and any current uses not already described. What is the possibility of hazardous material or environmental problems on the site? Has a hazardous materials or environmental assessment been done? If so, what were the results?

____ **Encumbrances**. Describe any known encumbrances or liens on the property including lis pendis.

____ **Contracts.** Provide information on any other contracts affecting the property (verbal and unrecorded).

____ **Adverse Possession.** Does a neighbor have an adverse possession claim on a portion of the property?

____ **Access**. Describe whether the site has legal access, if the project is a fee acquisition. Will public access be permitted or prohibited?

____ **Easements.** List easements that encumber the property. Examples include utility, access, unrecorded easements, and subleases.

____ **Leases**. Provide information on any leases that affect the property. Provide a copy of any recorded or unrecorded leases. Describe any oral agreements that would affect the property.

____ **Proposed Open Space Uses or Conservation**. Describe proposed uses of the site if it is acquired for open space. What will the land use be if the proposed open land or trails project is completed? Describe any proposed management approaches that would limit public access or protect resources.

____ **Values**. Provide evidence through a map or photos indicating that the property contains significant natural, cultural, historical, traditional or recreational resources (see "List of Significant Resources," page 4 of *Criteria*).

____ **Aesthetic Quality**. Provide a description and photos of the aesthetic qualities of the property.

____ **Cultural and Historical Areas**. Describe and map historical and cultural resources on the property, if applicable. Does the property possess multiple cultural-historical resources? Does it contribute to community identity, history or provide a buffer between communities? Is it agricultural or contain acequias? Does it have educational or interpretive value? Does it contain archaeological or historical sites?

____ **Natural Areas**. Describe and map the natural areas on the property and species of concern on the property, if applicable. Does the property protect water quality or supply or access to water for wildlife? How undisturbed is the property? Is the property connected to other undisturbed or protected properties? Does it contain unique geologic features? Does it contain wildlife habitat for a diversity of species?

____ **Recreation and Trails**. Describe whether the property is on an **existing or planned trail system, open space or conservation easement**. Describe and map how the property serves recreation needs in the community, if applicable (*e.g.,* County, City or other Plans, aerial photos or historical documentation). Does it provide access to other public lands? Does it contain historic trails? Is the proposed open space use integrated into the natural setting?

____ **Protected Areas**. Describe whether the property is adjacent to existing or proposed County open space and trails or other public or preserved properties, BLM, Forest Service, land trust etc., (zoning is not a protected area).

____ **Compliance with Santa Fe County Open Land & Trails Plan**. Demonstrate how the property conforms to the objectives in the plan (copies of the plan can be obtained by contacting the Open Space and Trails Division).

EXHIBIT B:
Final Application

Santa Fe County
Wildlife, Mountains, Trails and Historic Places Program

All applicants must submit a completed final application form including, supporting documentation. The final application and supporting materials are combined with the applicant's pre-application packet.

Final Application Cover Sheet

Common Name of Property or Project:	
Name and Address of Property Owner(s) *(applicant required to research this information in the County Assessor's office and contact owners):*	
Name of Applicant: (list form of agreement with landowner if other than landowner)	
Applicant's Address: *(Street or P.O. box, City, State, Zip)*	
Applicant's Phone (home):	
Applicant's Phone (work):	
Applicant's Phone (mobile):	
Applicant's Email:	
Date Submitted:	
For site visit arrangements please contact:	
Signature of Applicant	

Santa Fe County
Wildlife, Mountains, Trails and Historic Places Program

Final Application

Please attach descriptions for the categories listed below. Each category must be addressed or your application will be deemed incomplete and will be rejected. Limit your answers to one page, or less, for each one. Provide applicable documentation for all categories to support claims.
Note: Santa Fe County will not participate in a purchase over fair market value, as determined by a qualified appraisal. A qualified appraisal will be done if the project is prioritized by COLTPAC and approved by the Board of County Commissioners. Applicants will need to provide a binding commitment from the landowner (an option or purchase and sale agreement) within 90 days of the Board meeting.

____ **Community Benefit and Significance.** Describe the significance of the parcel and its importance or benefit to the local community or county residents.

____ **Leveraging of Funds**. List all contributors and their level of contribution and approximate cost to the County for the project. Funds must be cash contributions. Are they committed or anticipated? Is the property owner willing to sell the land for a reduced price or consider a conservation easement or other form of conservation to offset the cost? Document with letters, if applicable.

____ **Stewardship**. Are other community organizations, agencies or non-profit organizations committed in part or in full to maintenance and improvements on the property? Document with letters, if applicable.

____ **Partnership**. In addition to the partners listed above, list other project partners. May include coordination with public agencies, or in-kind contributions. Document through letters of support, if applicable.

____ **Community Support**. Provide evidence that the local community and county-at-large supports the project (*e.g.,* letters, petitions, resolutions, newspaper articles).

____ **Proposed "Improvements".** Describe and diagram any proposed parks and recreation and trails proposed or other intended uses for the property, if applicable.