

## **An Abbreviated History of the Origins of the Horseshoe Springs CC&R's through the Land Exchange with the Santa Fe National Forest Jemez Ranger District.**

I think we all can agree that Horseshoe Springs is a truly unique and special place. As the real estate ads like to point out, "Horseshoe Springs is the most desirable community in the Jemez Mountains". Why is that? We were formerly part of the Santa Fe National Forest on a Recreational Residence Permit. The development began in the 1950's and all the cabins were finished before 1970. A timeline with more details on the electrification and the development of the water system when can be found on the Horseshoe Springs web page.

That is the **past**. Why is this important to us **now**?

It is important to understand how our Covenants, Conditions, & Restriction's came about. They are not like any other Homeowner Association CC&R's. They were born out the process of the Land Exchange with the Santa Fe National Forest. The Land Exchange allowed HSA to purchase private property (in-holdings) and exchange that property for our tract of approximately 130 acres.

What were we prior to the Land Exchange?

Horseshoe Springs was part of the Recreation Residence Program developed following the Occupancy Act of 1915. Soon after this act was passed the Federal Government began issuing permits for both recreational residences and commercial enterprise permits on public lands. Initially the act allowed the government to issue permits up to 30 years. In the 1990's the National Forest Service revised the policy to allow permits for only 20 years.

When Tom and I bought our cabin in 1990 we got a permit allowing us to own a cabin on the Santa Fe National Forest. The permit at that time was a two page document. The current permit document is eighteen pages long. With that permit came responsibilities. We were to be good stewards of the land. The District Manager for the Santa Fe National Forest Jemez Ranger District had an Operational Management Plan which outlined what was allowed in our community. The Operational Management Plan allowed the Forest Service to inspect properties for safety of the buildings, fire safety of the lots, and aesthetics. The Plan also had rules regarding our building sizes, number

of buildings, paint colors, plantings, land use, number of vehicles, as well as what you were allowed to store on your lot. At that time we were not allowed to live here full time. We were not allowed to rent our property for more than 14 days and we were expected to use our cabins at least 15 days per year. After an inspection you could expect a report listing anything you needed to remedy. For example: You were told if you needed to rake needles, fix a sagging porch, repair steps, paint buildings, remove decorations, or cut hazardous trees. The permit was not an “exclusive use” permit. If someone wanted to camp in your backyard they had a right to do so.

Under this permit the Forest Service would charge homeowners an annual permit fee. A new fee schedule was developed in 1994 with an 11 tier rate structure ranging from a minimum of \$650 per year up to \$5,650 per year. Keep in mind this did not pay for any operational costs to the community. This was purely to cover the Forest Service administration costs.

During the nearly 6 years it took to accomplish the Land Exchange we had an archaeological study and environmental studies of threatened flora and fauna to include hooting for owls and searching for the Jemez Salamander. HSA spent \$60,000 on the archaeological study alone and more on environmental studies, two appraisals, land survey, consultants, and legal fees.

I was on the original Land Exchange Feasibility Study Committee. After holding several meetings with the Jemez Ranger District it became apparent they were interested in an Land Exchange. One thing in our favor was the Forest Service’s desire to eliminate the Horseshoe Springs Campground from their responsibility. After the new State Highway 126 was constructed to Fenton Lake, the Horseshoe Springs Campground became isolated and caused continual problems with vandalism. For less than a half dozen camp sites it was not cost effective to remove trash and service such a small campground. Unfortunately for us many GPS trail programs still show the campground. We were told before the exchange could move forward, we needed to have Covenants, Conditions, and Restrictions in place with 100% agreement of our members and the agreement of the Santa Fe National Forest. In the end we had 48 yes votes, one no, and one abstention and the Forest Service decided that would meet their requirements.

I chaired the CC&R Committee which was an eight member committee. The only remaining HSA members of that committee are Glen Banks, Elise Rogers, and myself. We met once per month for 13 months to develop the first draft of the CC&R's. Some provisions of our CC&R's were taken verbatim from the USFS Operational and Maintenance Plan written for the Horseshoe Springs Recreational Residence Tract. In addition we studied CC&R's from six HOA's including one from a successful land exchange in Arizona formerly known as Mount Lemon Summer Home Area. At this point in time, they were the only successful Recreation Residence Land Exchange in the country. We became the second. When I contacted Mt. Lemon, I asked them which Covenants were a "deal breaker" with the National Forest Service. We then adopted those CC&R's to increase our chances of success. One of those provisions was for there to be no commercial enterprise and another restricting the planting of non-native plants.

Currently 24 of the original 50 cabins have turned over since the Land Exchange. In addition some of the remaining 26 cabins have been passed on to a second or third generation. That is why it is important to know your Covenants and understand why we enforce them. They were not perfect. Some of the CC&R's were intentionally left vague to allow the HSA Board to interpret some of these provisions. In a perfect world everyone would have received a copy of the CC&R's prior to their property closing transaction in order to have time to read and understand them. Unfortunately many of you were handed a stack of papers and instructed to sign them without reading them.

Our CC&R's are not easily changed. We would need 67% of our members vote to dissolve the CC&R's. This was done intentionally. The Forest Service would not have signed off on an exchange if the Covenants could be easily changed or terminated. Essentially the members of Horseshoe Springs made a commitment to the Santa Fe National Forest and to each other to keep and protect this oasis in the forest.

The land exchange was approved in September of 1998.

Louise Broadbent  
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