

**NO PACKET MATERIAL  
FOR THIS ITEM**


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SANTA FE COUNTY INTEROFFICE MEMORANDUM

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**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** DUNCAN SILL   
**RE:** APPOINTMENT OF MARTIN VIGIL AS COUNTY DEPARTMENT MEMBER TO SERVE ON THE SANTA FE CITY AND COUNTY ADVISORY COUNCIL OF FOOD POLICY  
**DATE:** 06/12/2012  
**CC:** SANTA FE CITY AND COUNTY ADVISORY COUNCIL ON FOOD POLICY

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Background

Established in early 2009, the City of Santa Fe Council and Santa Fe County Board of County Commissioners approved a joint resolution to establish the Santa Fe City and County Advisory Council on Food Policy (SFFPC). Two staff members, each from the City and County government, were appointed, as well as nine persons from the private sector to carry out the duties and responsibilities of the SFFPC.

Mr. Steve Shepherd, Santa Fe County Department Member, has resigned as the County Department Member. The BCC accepted the resignation at the May 8, 2012 regular meeting.

Issue:

A new County Department Member needs to be appointed to the SFFPC. Martin Vigil, County Director of Emergency Management is recommended to fill this position as Mr. Vigil is actively engaged in issues with emergency food preparedness and related issues which are critical concerns of the SFFPC. Mr. Vigil's resume is enclosed for your reference.

Recommendation:

Approve Appointment of Martin Vigil as County Department Member to Serve on The Santa Fe City and County Advisory Council of Food Policy.

Thank you for your attention and please contact me at 995-2728, [dsill@santafecounty.org](mailto:dsill@santafecounty.org), if you have questions or require additional information.

# **MARTIN A. VIGIL RN**

P.O. Box 16744  
Albuquerque, NM 87191

(505) 670-0207

## **OBJECTIVE**

Critical Care Registered Nurse/Medical Management CBRNE  
Casualties/Emergency Management position.

## **PROFILE**

Assistant Fire Chief of a combination County Fire Department with seventy career and three hundred volunteer staff. Over forty years of Public Safety experience. Currently also a full-time Director of Emergency Management for Santa Fe County. Combined population of approximately 138,000. Former critical care nurse. Significant knowledge in chemical, biological, radiological, nuclear, and explosive and disaster medicine. I have a proven successful track record from all organizations and projects I have managed. I also have a passion to challenge widespread complacency in the arena of Emergency Preparedness.

## **SUMMARY**

Twenty-two years as an EMT-Paramedic including Field Provider, Educator, and Administrator

Strong educational development and teaching skills

Extensive multi-cultural health care experience

First Native American Paramedic in New Mexico

Published in a National EMS Journal

Nationally recognized public speaker

Faculty in a Bachelor's Degree Program in EMS

Project Manager Federal Rural Trauma Improvement Grant

Established several rural and tribal EMS systems in NM

Senior Medical Officer – 150 member volunteer EMS Agency

Implemented numerous initiatives for recruiting youths in EMS

Fire Service Command and Instructor positions

Law Enforcement Patrol, Tactical and Instructor positions

## **Credentials**

NFA Emergency Response to Terrorism Tactical Considerations

CSTI Hazardous Materials Incident Commander

EMI Multi-Hazard Planning for Schools

Univer. of Tenn. Ag. & Food Vulnerability Assessment Course MGT-332

DHS WMD Rad/Nuc Responder Operations Course PER-240

DHS Personal Radiation Detector Course PER-243

NM Rail Runner Commuter Rail Safety & Emergency Preparedness

DHS HSEEP Toolkit Training

UNM Preparing for the Next Pandemic Influenza Workshop

FEMA Emergency Planning for Special Needs Populations – Instructor

Former National Registered EMT-Paramedic

Former Advanced Cardiac Life Support Instructor  
Pediatric Advanced Life Support Provider  
Trauma Nursing Core Course  
Florida Air Medical Crew Core Curriculum Course  
Former UNM Wilderness Medicine Instructor  
Critical Care Nurse Internship Program (Alb. TV-I)  
University Hospital Critical Care Course  
ENA Emergency Nursing Pediatric Course  
University of Arizona Advanced Hazardous Materials Life Support Instructor  
DHS Counter-Terrorism Operations Support WMD Radiological/Nuclear HazMat  
Awareness Instructor  
CSTI HazMat WMD/Instructor  
DHS Incident Command 100-400 Instructor  
NAEMSE EMS Instructor Course  
FEMA Hospital Emergency Response Training for Mass Casualty Incidents  
Instructor  
VFIS Highway Safety for Emergency Service Personnel Instructor  
Sandia Labs Medical Management of Bioterrorism Events  
DHS Counter-Terrorism Operations Support WMD Radiological/Nuclear HazMat  
Tech Course  
EPA Hazardous Materials Emergency Response Course  
DOE First Responders Radiological Transportation Emergencies Course  
TEEX WMD Terrorism Awareness for Emergency Responders  
TEEX EMS Basic Concepts for WMD Incidents  
TEEX EMS Operations and Planning for WMD  
UNMH Hospital Incident Command Course  
UNMH Weapons of Mass Destruction Course  
LSU Emergency Response to Domestic Biological Incidents Operations Level  
NASAR 40-hour Emergency Response Incident Command Course  
NM FMO Handling Hazardous Materials Transportation Emergencies  
ISFSI On-Scene Fire Coordination Course  
NWCG S-215 Fire Operations in the Wildland/Urban Interface  
National Fire Academy ICS for EMS Course  
National Fire Academy Unified Command for Multi-Agency and Catastrophic  
Incidents  
Nurseweek Preparing for Bioterrorism Incidents  
Nurseweek Patient Care Issues During Bioterrorism Incidents  
EMI ICS/EOC Interface  
EMI EOC Management and Operations  
EMI Who's In Charge: CEO's Guide to Emergency Management  
EMI Evacuation/Re-entry Planning Course  
FEMA IS-700 National Incident Management System  
FEMA IS-800 National Response Plan  
FEMA Exercise Design Course  
FEMA Basic Skills in Creative Financing  
FEMA Emergency Planning Course

FEMA Basic Skills in Effective Communications Course  
 FEMA Continuity of Operations Planning TTT  
 IACP Managing the Police Training Function  
 IACP Basic Special Weapons and Tactics School  
 Defense Civil Preparedness Agency Intro to Radiological Monitoring Course  
 Defense Civil Preparedness Agency Civil Defense USA Course  
 Defense Civil Preparedness Agency Civil Defense Coordinator Course  
 NM FMO Firefighter I  
 NM FMO Firefighter II  
 UNM EMSA Basic Extrication Instructor  
 UNM EMSA Advanced Vehicle Rescue Instructor  
 WMA Wilderness Medicine Instructor Course  
 NWCG S-130/S-190 Wildland Firefighter  
 NWCG S-270 Basic Air Operations  
 NWCG S-133 Look Up, Down, Around  
 NWCG-S131 Firefighter I  
 NMDHSEM Campus CERT Trainer  
 Farmedic Instructor/Provider  
 Defense Nuclear Weapons School-Rad/Nuc Incident Response Course  
 TEEK Unified Command for WMD Incidents  
 TEEK Senior Officials Workshop for All-Hazard Preparedness  
 NWCG S-200 Initial Attack Incident Commander  
 TEEK Threat and Risk Assessment Course  
 FEMA WMD Suicide Bomber IC Course  
 FEMA Emergency Management Framework for Tribal Governments  
 NWCG S-211 Portable Pumps & Water Use

**AWARDS**

National EMS Administrator for 1990 Indian Health Service, US Public Health Service  
 Special Award for Excellence in EMS Education, State of New Mexico, Department of Health, EMS Bureau, 1991

**RECORD OF EXPERIENCE**

2004-present Director, Office of Emergency Management, Santa Fe City/County, NM  
 2001-2004 RN, Medical Cardiac ICU, University Hospital, Albuquerque, NM  
 1998-1999 RN, Acute Care Service, Orlando Regional Health Services, Orlando, FL  
 1993-1998 EMS Educator, UNM Health Science Center, EMS Academy, Albuquerque, NM  
 1990-1993 Director, Emergency Medical Rescue Program, Pueblo of Isleta, NM  
 1989-1991 Paramedic, Southwest Ambulance Service, Phoenix, AZ  
 1985-1988 Sergeant, Training Division, Rio Rancho DPS, NM

1983-1985 Operations Supervisor/Paramedic, Albuquerque Ambulance Services, NM  
1981-1982 Region 1 Training Coordinator, EMS Bureau, Santa Fe, NM  
1979-1980 Paramedic Instructor, UNM School of Medicine, EMSA, Albuquerque, NM  
1977-1979 Paramedic, San Juan Regional Medical Center, Farmington, NM  
1975-1976 EMS Program Specialist, American Red Cross, Albuquerque, NM

**EDUCATION**

Regents College, Albany, NY  
Associate Degree in Nursing

Andrew Jackson University, Birmingham, Alabama  
Bachelor's Degree in Emergency Medical Services  
(Three courses needed for completion)

**REFERENCES AVAILABLE UPON REQUEST**

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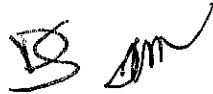
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**SANTA FE COUNTY INTEROFFICE MEMORANDUM**

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**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** DUNCAN SILL, ECONOMIC DEVELOPMENT 

**RE:** RESOLUTION 2012- \_\_. A RESOLUTION REQUESTING AN INCREASE TO THE ECONOMIC DEVELOPMENT FUND (224) TO BUDGET CASH CARRYOVER FROM REVENUE RECEIVED FOR AN AGREEMENT BETWEEN SANTA FE COUNTY AND THE NEW MEXICO ECONOMIC DEVELOPMENT DEPARTMENT FOR BICYCLE TECHNOLOGIES INTERNATIONAL (BTI) LOCAL ECONOMIC DEVELOPMENT ACT (LEDA) PROJECT CAPITAL OUTLAY EXPENDITURES IN SUPPORT OF CONSTRUCTION ACTIVITIES OF DISTRIBUTION WAREHOUSE AND OFFICE FACILITIES / \$350,000.

**DATE:** 06/12/2012

**CC:** BTI LEDA FILE, TERESA MARTINEZ, PENNY ELLIS -GREEN

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Background:

Santa Fe County adopted via Ordinance 2008-13 to support Bicycle Technologies International Inc. (BTI) as a qualified LEDA project. A Project Participation Agreement ("PPA") was also created to state the performance activities of the project.

This LEDA project with BTI will allow the construction of up to 64,500 square foot facility and help meet the goal of the committed generation of 40 new jobs within Santa Fe County pursuant to the Project Participation Agreement.

NMEDD and Santa Fe County executed a Memorandum of Understanding (MOU attached) to support the Bicycle Technologies Inc. (BTI) LEDA project as a viable economic development initiative. The MOU provides a grant from NMEDD in the amount of \$350,000 to support the economic development initiatives and construction of the BTI building in Santa Fe County. The county has received the funds from the State for this purpose.

Issues

BTI is slated to close on the purchase of the LEDA property in mid June 2012 and construction activities are anticipated to begin summer of 2012. This budget increase of cash carryover will permit the capital outlay funds received (per MOU mentioned) to be made available to support the development of the BTI LEDA project.

Recommendation

Approve increase to the Economic Development Fund (224) to budget cash carryover from revenue received for an agreement between Santa Fe County and the New Mexico Economic Development Department for Bicycle Technologies International (BTI) Local Economic Development Act (LEDA) Project Capital Outlay Expenditures In Support of Construction Activities of Distribution Warehouse and Office Facilities / \$350,000.

Thank you for your consideration and please contact me at 995-2728, [dsill@santafecounty.org](mailto:dsill@santafecounty.org), if you have questions or require additional information.



SANTA FE COUNTY

RESOLUTION 2012 - \_\_\_\_\_

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on June 12, 2012, did request the following budget adjustment:

Department / Division: Growth Management/Economic Development Fund Name: Fund 224 (Economic Development Fund)

Budget Adjustment Type: Increase Fiscal Year: 2012 (July 1, 2011 - June 30, 2012)

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
224	0526	385	0200	Cash Carryover	350,000.00	
TOTAL (if SUBTOTAL, check here)					350,000.00	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
224	0526	446	80-97	Non-Santa Fe County Assets	350,000.00	
TOTAL (if SUBTOTAL, check here)					350,000.00	

Requesting Department Approval: [Signature] Title: General Mgmt Dir / Economic Dev Date: 5/29/12  
 Finance Department Approval: [Signature] Date: 5/29/12 Entered by: \_\_\_\_\_ Date: \_\_\_\_\_  
 County Manager Approval: \_\_\_\_\_ Date: \_\_\_\_\_ Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2012 - \_\_\_\_\_

**ATTACH ADDITIONAL SHEETS IF NECESSARY.**

**DEPARTMENT CONTACT:** Name: Duncan Sill Dept/Div: Growth Management Phone No.: 995-2728

**DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (if applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):**

- 1) Please summarize the request and its purpose.

Santa Fe County adopted via Ordinance 2008-13 to support Bicycle Technologies International Inc. (BTI) as a qualified LEDA project. A Project Participation Agreement ("PPA") was also created to state the performance activities of the project. This LEDA project with BTI will allow the construction of up to 64,500 square foot facility and help meet the goal of the committed generation of 40 new jobs within Santa Fe County pursuant to the Project Participation Agreement. NMEDD and Santa Fe County executed a Memorandum of Understanding (MOU attached) to support the Bicycle Technologies Inc. (BTI) LEDA project as a viable economic development initiative. The MOU provides a grant from NMEDD in the amount of \$350,000 to support the economic development initiatives and construction of the BTI building in Santa Fe County. The county has received the funds from the State for this purpose. This budget increase allows for the funds received from the State to be made available to support the BTI construction activities to begin summer 2012.

**a) Employee Actions**

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title

**b) Professional Services (50-xx) and Capital Category (80-xx) detail:**

Line Item	Detail (what specific things, contracts, or services are being added or deleted)	Amount

- 2) Is the budget action for RECURRING expense \_\_\_ or for NON-RECURRING (one-time only) expense X

# SANTA FE COUNTY

## RESOLUTION 2012 - \_\_\_\_\_

*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

**DEPARTMENT CONTACT:**

Name: Duncan Sill Dept/Div: Growth Management Phone No.: 995-2728

**DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):**

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
  - a) If this is a state special appropriation, YES    NO   x    
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES   x   NO         
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.

Memorandum of Understanding for Capital Outlay Funds Between Santa Fe County and NM Economic Development Department

- c) Is this request is a result of Commission action? YES        NO   x    
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
- d) Please identify other funding sources used to match this request. N/A

**RESOLUTION 2012 - \_\_\_\_\_**

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

**Approved, Adopted, and Passed This 12th Day of June, 2012.**

**Santa Fe Board of County Commissioners**

\_\_\_\_\_  
Liz Stefanics, Chairperson

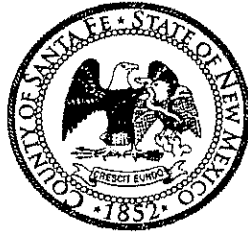
**ATTEST:**

\_\_\_\_\_  
Valerie Espinoza, County Clerk

Harry B. Montoya  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Michael D. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Roman Abeyta  
*County Manager*

## **MEMORANDUM**

**DATE:** June 12, 2012  
**TO:** Board of County Commissioners  
**VIA:** Katherine Miller, County Manager  
**FROM:** Lisa A. Roybal, Executive Administrator  
**RE:** A Resolution Imposing An Annual Liquor License Tax Upon  
Persons Holding State Liquor Licenses

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### **BACKGROUND:**

Under Consent Calendar, Resolutions:

A Resolution Imposing An Annual Liquor License Tax Upon Persons Holding State Liquor Licenses (Treasurer's Office, Treasurer Victor Montoya)

This is a Resolution that is brought forward every year to the Board of County Commissioners to adopt a resolution imposing an annual liquor license tax upon persons holding State liquor licenses. State Statute allows for the imposing of the tax by Counties. This tax is overseen by the County Treasurer's Office.

### **REQUESTED ACTION:**

County staff recommends the approval of this Resolution.

**SANTA FE COUNTY  
RESOLUTION NO. 2012 -**

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**A Resolution Imposing An Annual Liquor License Tax Upon Persons  
Holding State Liquor Licenses**

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**WHEREAS**, NMSA 1978, Section 7-24-2 (1994), provides that the Board of County Commissioners may adopt each year, a resolution imposing an annual liquor license tax upon persons holding State liquor licenses. This tax is imposed on persons holding state licenses under the Liquor Control Act to conduct operations within Santa Fe County and outside of municipalities, as retailers, dispensers, canopy licenses, restaurant licensees or club licensees; and

**WHEREAS**, NMSA 1978, Section 7-24-3 (1953), allows a remedy to Santa Fe County for collection from those businesses not paying their tax; and

**WHEREAS**, the amount of such license tax shall not exceed the amount of two hundred fifty dollars (\$250.00).

**NOW, THEREFORE, IT IS RESOLVED** by the Board of County Commissioners of the County of Santa Fe that:

- A. A Liquor License Tax is imposed upon the following persons who sell liquor in Santa Fe County and outside of any municipality for the fiscal year 2012-2013:
  1. Retailers – two hundred fifty dollars (\$250.00)
  2. Dispensers – two hundred fifty dollars (\$250.00)
  3. Canopy Licensees – two hundred fifty dollars (\$250.00)
  4. Restaurant Licensees – two hundred fifty dollars (\$250.00)
  5. Club Licensees – two hundred fifty dollars (\$250.00)
  
- B. The Liquor License Tax may not be prorated and is due and payable in advance on or before July 1, 2012. The fee shall be paid by mail to PO Box T, Santa Fe, NM 87504-0528, postmarked no later than July 1, 2012, or in person at the Santa Fe County Treasurer's Office. A letter or notation on a personal or corporate check or money order stating the name of the entity paying the tax, the name and address of the entity for which the tax is due and account number must be included.
  
- C. Failure to pay this Liquor License Tax according to the provisions of the Resolution shall cause the Sheriff of Santa Fe County, upon written order of the Board of County Commissioners, duly entered of record, to close up the

place of business of any person who has not paid or tendered in full the Liquor License Tax.

APPROVED, ADOPTED AND PASSED this \_\_\_\_ day of \_\_\_\_, 2012.

BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Liz Stefanics, Chairwoman

ATTEST:

\_\_\_\_\_  
Victor Montoya, County Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen C. Ross, County Attorney

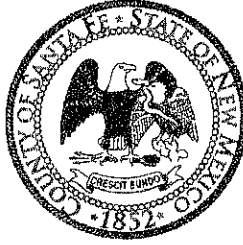
**NO PACKET MATERIAL  
FOR THIS ITEM**



**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Virginia Vigil**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Kathy Holian**  
*Commissioner, District 4*

**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**CASE NO. V 12-5020**

**VARIANCE**

**HELEN ARMIJO, APPLICANT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on April 10, 2012, on the Application of Helen Armijo (hereinafter referred to as "the Applicant") for a variance of Article III, Section 2.4.1a.2.b (Access) of the Santa Fe County Land Development Code ("Code") and a variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 15.46 acres into three lots. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requests approval of a variance of Article III, Section 2.4.1a.2.b (Access) of the Code and Section 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 15.46 acres into three lots on property located at 7 Calle San Ysidro, within Section 18, Township 20 North, Range 9 East ("Property").

2. Article III, Section 2.4.1a.2.b of the Code states all development sites under this Section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this Code.
3. Article V, Section 8.1.3 of the Code states legal access shall be provided to each lot and each lot must directly access a road constructed to meet the requirements of Section 8.2 of the Code. Parcels to be accessed via a driveway easement shall have a twenty foot all weather driving surface, grade of not more than 11%, and drainage control as necessary to insure adequate access for emergency vehicles.
4. Ordinance No. 2008-10 states at no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all weather access.
5. Article II, Section 3.1 of the Code states that where in the case of a proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an Applicant may file a written request for a variance. It further states that a Development Review Committee may recommend to the BCC and the BCC may vary, modify or waive the requirements of the Code upon adequate proof that compliance with the Code provision issue will result in an arbitrary and unreasonable taking of the property or exact hardship, and proof that the variance from the Code will not result in conditions injurious to health or safety. Section 3.1 provides that in no event shall a variance be recommended by the Development Review

Committee nor granted by the BCC if by doing so the purpose of the Code will be nullified. Additionally, it states that in no case shall any variation or modification be more than a minimum easing of the requirements.

6. The Applicant requests to divide 15.46 acres into three lots. Access to the proposed lots would be by the use of Calle SanYsidro a dirt road crossing a FEMA designated Special Flood Hazard Area, via an existing concrete low water crossing which may be frequently impassible during inclement weather, and thereby not all weather accessible.
7. Following a hearing on the Applicant's request for a variance, the CDRC, at its February 16, 2012 meeting, recommended denial of the variance request.
8. Staff recommended denial of the Application, but recommended imposition of the following conditions if the Application was granted:
  - i) Water use shall be restricted to 1 acre foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office;
  - ii) A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval;
  - iii) The Applicant shall comply with all Fire Prevention Division requirements;
  - iv) A note must be placed on the Plat regarding the lack of all weather access to the subject lots. This shall include language as follows: The access to the property does not meet minimum standards set forth by County Ordinance and Code. Site access, including access by emergency vehicles, may not be possible at all times.

9. In support of the Application, the Applicant agreed with the conditions recommended by staff.
10. Tim and Helen Armijo spoke in favor to the Application. No members of the public spoke in opposition to the Application.
11. In this case strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant because of unusual topography or other such non-self-inflicted conditions.
12. The granting of the requested variances is a minimal easing of the Code requirements to address obstacles to divide a legal lot of record.
13. Granting this variance request will not nullify the purpose of the Code.

**WHEREFORE** the Board of County Commissioners of Santa Fe County hereby approves the request for a variance of Article III, Section 2.4.1a.2.b (Access) of the Code and a variance of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to allow a Family Transfer Land Division of 15.46 acres into three lots on property located at 7 Calle San Ysidro based upon the Applicant complying with the conditions as stated in Paragraph 8.

**IT IS SO ORDERED**

This Order was approved by the Board of County Commissioners of Santa Fe County on this \_\_\_\_ day of June, 2012.

By: \_\_\_\_\_

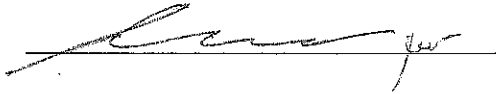
Liz Stefanics, Chair

**Attest:**

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Valerie Espinoza, County Clerk

**Approved as to form:**

A handwritten signature in black ink, appearing to read "Stephen C. Ross", is written over a horizontal line.

Stephen C. Ross, County Attorney

DRAFT

CHAIR STEFANICS: I would move Resolution No. 2012-57.  
COMMISSIONER HOLIAN: Second.  
CHAIR STEFANICS: Is there further discussion?

**The motion passed by unanimous [4-0] voice vote.** [Commissioner Vigil was not present for this action.]

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Just on the previous item, because we passed the previous resolution on comment, do you need to ask for public comment on the resolution just to stay in tune with what we just approved?

CHAIR STEFANICS: Well, the resolution on public comment, Steve, would go into effect – what? Ten days after it's passed? Or immediately or what?

MR. ROSS: Madam Chair, he raises a good point. I think maybe we should make sure that no one wants to comment on the resolution. That's a very good point.

CHAIR STEFANICS: Thank you very much. Going back to, if we need to we'll rescind it, but back on Resolution No. 2012-57, is there anyone in the audience that wanted to make a comment? Okay, hearing none we will let the vote stand. Thank you very much.

**XVI. B. Growth Management Department**

- 1. CDRC CASE # V 12-5020 Helen Armijo Variance. Helen Armijo, Applicant, Requests a Variance of Article III, Section 2.4.1a.2.b of the Land Development Code and a Variance of Article 4, Section 4.2 of Ordinance No. 2008-10 (Flood Damage and Stormwater Management) to Allow a Family Transfer Land Division of 15.46 Acres Into Three Lots. The Property is Located at 7 Calle San Ysidro, in the Vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East (Commission District 1) Wayne Dalton, Case Manager**

WAYNE DALTON (Building & Development Services Supervisor): Thank you, Madam Chair, Commissioners. Helen Armijo, applicant requests a variance of Article III, Section 2.4.1.a.2.b, Access, of the Land Development Code and Article IV, Section 4.2 of Ordinance No. 2008-10, Flood Damage and Stormwater Management, to allow a family transfer land division of 15.46 acres into three lots. The subject property is located at 7 Calle San Ysidro, in the vicinity of La Puebla, within Section 18, Township 20 North, Range 9 East, Commission District 1.

The applicant requests a variance to allow a family transfer land division into three lots, one lot consisting of 7.82 acres which is Tract A-1, one lot consisting of 0.76 acres, which is Tract A-2, and one lot consisting of 6.57 acres, which is Tract A-3. Access to the proposed lots would be by the use of Calle San Ysidro, a dirt road crossing a FEMA designated Special Flood Hazard Area, via an existing concrete low-water crossing which may be frequently impassible during inclement weather, and thereby is not all-weather

accessible.

On February 16, 2012 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial by a 5-1 vote. Minutes are attached as Exhibit 1.

Growth Management staff have reviewed this application for compliance with pertinent code requirements and finds the project is not in compliance with County code criteria for this type of request.

**Approval Sought:** Approval of the creation of three lots on 15.46 acres, which due to site conditions would require a variance from Article III, Ordinance No. 2008-10.

**Variations:** Article III, Section 2.4.1a.2.b of the Land Development Code states all development sites under this section shall demonstrate that access for ingress and egress, utility service and fire protection whether by public access and utility easement or direct access to a public right-of-way can be provided and meet the requirements of this code.

Article V, Section 8.1.3 states legal access shall be provided to each lot and each lot must directly access a road constructed to meet requirements of Section 8.2 of the code. Parcels to be accessed via a driveway easement shall have a 20-foot all-weather driving surface, grades of not more than 11 percent, and drainage control as necessary to ensure adequate access for emergency vehicles.

Article 4, Section 4.2 of Ordinance No. 2008-10 state at no time shall a permit be issued for a new dwelling unit, site, lot, parcel or tract of land intended for placement of a habitable structure where the site is absent all-weather access.

This application have been reviewed for – hydrologic zone. The property is located in the traditional community of Arroyo Seco. Minimum lot size per code is 0.75 acres per dwelling unit. This proposal does meet the lot size criterion. This application has been reviewed for access, fire protection, water supply and liquid waste and has also been reviewed by the Fire Department and the Flood Plain Administrator which both agencies recommended denial of the application.

Staff recommendation, denial of a variance from Article III, Section 2.4.1a.2.b of the Land Development Code and denial of a variance of Article 4, Section 4.2 of Ordinance No. 2008-10. If the decision of the BCC is to approve the applicant's request for variations, staff recommends the imposition of the following conditions. Madam Chair, I just wanted to state that condition #1 is required by Article III, Section 10.2.2 of the Land Development Code, and also Ordinance No. 2002-13, which is the Water Conservation Ordinance.

1. Water use shall be restricted to one acre-foot per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.

Condition #2 is requires as per Article 2.4.2 of the Land Development Code.

2. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.

Condition #3 is required by the 1973 Fire Code and the 1997 NFPA Life Safety Code.

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3. The Applicant shall comply with all Fire Prevention Division requirements.

And Condition #4 is required by Ordinance No. 2008-10, and we just want to make the property owner who is inheriting this piece of property aware of that. The site access may not be adequate for emergency vehicles.

4. A note must be placed on the Plat regarding the lack of all weather access to the subject lots. This note shall include language as follows: The access to this property does not meet minimum standards set forth by County Ordinance and Code. Site Access, including access by Emergency vehicles, may not be possible at all times.

CHAIR STEFANICS: So perhaps what we could do in the future on this, Ms. Ellis-Green, Mr. Dalton, is actually put "per ordinance," "per rule" etc. so it's clear that we're not making these things up. So that it's clear to the public and the Commission about that. That would be great.

So you read those items, the following conditions in if we did approve it. Is the applicant here? Would you like to come up and say a few words? You're going to need to come up, identify yourself and be sworn in by our transcriber here.

[Duly sworn, Chris Armijo testified as follows:]

CHRIS ARMIJO: I won't take a whole lot of time. I know the evening's getting late and everyone's getting tired. And I certainly don't want you getting cranky when I'm trying to –

CHAIR STEFANICS: I think we got past that point.

MR. ARMIJO: May I pass these little packets out, if you please? [Exhibit 9] I feel a little awkward. I've stood before three of you Commissioners in the past in my capacity in my employment with AFSCME and now I'm here before you as Joe Constituent and I'm praying that you aren't prejudiced against me in my employment, and I say that jokingly of course.

I'm here before you on a traditional family land transfer. I want it known that we are not developers. Basically, what we have here is a 20-acre parcel that has already been divided out for two of my sisters and the remaining property that we wish to transfer from the family plot is for myself and for my sister. I was currently a resident of Las Vegas, New Mexico for 16 years. I'm returning back to my motherland, if you will, and with that being said my wife's and my desire is that we will utilize a property that my father and my mother had always stated the fact that they wanted to at least provide some land for their children.

Of course we encountered an obstacle in the process which has to do with the ordinances that Mr. Dalton explained to you. I just wish to let you know that we did some extensive construction of this low-water crossing pre-1996. I think it was like 94, 95 that we had this done before this ordinance was in place. My brother built a house across the arroyo, as we're going to call it the arroyo, and has been using that low-water crossing for probably the last 15 years himself. So that was not a problem at that time. But however, now that I wish to utilize the property across the arroyo for myself we're obviously having to jump through the hoops here.

I understand the ordinance. I understand the Fire Marshal's concern about safety but



DRAFT

we're talking about a crossing that the arroyo only runs maybe once or twice a year and to prohibit us from utilizing our property the other 363 days of the year – it just doesn't make sense to me. And with that being said I'm just appealing to you today on this matter. We understand, like I said, we understand fully what the County expects of us. We understand the conditions that if you so choose to approve the variance, what's desired. I want to allude to this packet if you will briefly.

The front page is basically a drawing of the construction of the low-water crossing that's in question. It starts with a 12-inch thickness on that top slab. It's reduced down to six inches. It's built up of 8 by 8 16 block. It's eight foot deep on the south end and six foot deep on the north end. It's got what we can scarified concrete pad. And as you go through the picture on page 1, after the coversheet you can see pictures of that low-water crossing in question. Of course you have the north to south look and the south to north on page 1.

On page 2 we're looking east-west with my daughter-in-law. We're cleaning out the weeds down below, and then on the bottom of page 2 you can actually see my brother's property across the arroyo. And there again, he's been utilizing that low-water crossing for some time now. Then there's my lovely daughter-in-law off to the left.

Page 3, there again just different views of the property. I want you to particularly note on the bottom of page 3 you can actually see the scarified concrete. If you look closely enough you can see how it's etched to allow traction on the crossing. Like I said, it's something that occurs twice a year at most. We've lived on the property since 1972 so we're well aware of the dangers of the arroyo when it floods. The Army Corps of Engineers has done some extensive work up around the Chimayo highway on the back end there and because of that the flow is not as heavy as it once used to be, and it's directed actually to the arroyo on the eastern part of our property. So we don't have the flow that we had at one time.

With that being said I wanted you to look at page 5. These are also low-water crossings that the County has utilized for many years and in a sense it's unfair that the County is still using low-water crossings and they're still building on those as recently as three years. There was in La Puebla that was done. Page 6 is another low-water crossing in Nambe. Page 7 is one in La Puebla. That was just recently built and there again, it's basically there's no culverts. There's not what they call an all-weather crossing. An all-weather crossing as explained to me by the County and the Fire Marshal would be like a covered bridge. We're a long way from Madison County, for those who've seen that movie. The bridges have a covering and you can cross over without the path being wet.

We did talk to an engineer. \$150,000 to start – that's cost-prohibitive I think for a family such as ourselves who's just trying to provide homes for ourselves and for our children. There again, Santa Fe County Road 88-A, that is a Santa Fe County road. It was constructed less than three years ago and it is a low-water crossing. This is also Page 8, La Puebla Road, that was also recently done and that's on the Arroyo Seco to Chimayo there. That's just east of the one on page 7.

Page 9, we have what they call the Bar-D Ranch crossing, which is that veterinary clinic. That is also a low-water crossing. One thing that was brought to our attention at the CDRC was just the safety of people crossing over. Well, we had the situation there. The one at San Ysidro, I don't know if I alluded to that one or not, which is off the traditional Agua Fria Village. San Ysidro crossing takes you across from Agua Fria up to West Alameda. That one was recently done. As a matter of fact I noticed that when there is heavy rain that you

DRAFT

have your County crews out there putting orange barrels just for the protection of the public.

Ourselves, as I said, it's just a family property. The crossing sits further east from the main road so the only ones that really would be crossing that property being myself, my wife and my brother and my brother's family. So we don't foresee any problems with the public. I believe that if we have to take precautions, we could maybe put a couple signs up saying low-water crossing, flood waters, whatever. I'm sure we could assume that expense. But it's not going to cost that of a covered bridge which for us a family, it's just not feasible for us to do so.

My mother who's sitting out here in the audience. She wants to get this family land transfer done before the lord remembers her and calls her home because she does not want to leave her children in a quandary or fighting over things which unfortunately happens when those occasions arise. It's her desire that we get this taken care of at this point if at all possible.

We weren't aware of a requirement or a request for -- what do they call it? A stormwater analysis? Is that what it's called? We weren't aware of a request for that so that's why we didn't provide one. And we would have if we would have known.

There is again the desire of our family to ask for your approval of the variances and as far as the conditions that's required by the County if you so choose to approve them I don't foresee any trouble in us complying with those issues. I believe that's all I have at this time and I'll stand for questions.

CHAIR STEFANICS: Thank you. We all really appreciate your presentation and the materials today. Before I go to public comment are there questions or comments from the Commission for staff or the applicant? Commissioner Vigil.

COMMISSIONER VIGIL: Madam Chair, I just have a question. Did the applicant agree to the conditions as set forth by staff?

CHAIR STEFANICS: Are you agreeing, if we approve this, are you agreeing to all the four conditions that are listed here?

MR. ARMIJO: I do have a question. I don't want to be contentious, by no means.

CHAIR STEFANICS: We need to know, are you in agreement?

MR. ARMIJO: The water use is one acre-foot per year. Is that something the County has been doing for some time.

CHAIR STEFANICS: Every one of these is tied to an ordinance or a rule that he identified for us already.

MR. ARMIJO: I heard him say that.

CHAIR STEFANICS: So the question is, if we consider this are you willing to accept all of the conditions?

MR. ARMIJO: I have a question on number 3. The applicant shall comply with all Fire Prevention Division requirements. Someone had mentioned to me about a sprinkler system and I was wondering, does that apply to an existing home? Because I would think that that would be cost prohibitive for my brother, who is currently in his home.

CHAIR STEFANICS: Mr. Dalton, could you respond.

MR. DALTON: Madam Chair, it's my understanding that would be for new development.

CHAIR STEFANICS: For new development. So, the applicant needs to his

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understand his question. So could you explain it for him. There's an existing one and there's a new one.

MR. DALTON: Madam Chair, sprinklers would only be required for new development, so the house that you are constructing for yourself.

MR. ARMIJO: I understand what he's saying, the sprinkler system, if deemed by the Fire Marshal that it needs to be there would only apply for new construction. As far as old construction that would not be required.

CHAIR STEFANICS: That's what we're asking our staff to clarify. Yes.

MR. DALTON: Madam Chair, that is correct. New development.

COMMISSIONER MAYFIELD: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: The applicant, if this is approved and they want to bring in a modular home or a mobile home are they going to have to retrofit it with a sprinkler system. And Madam Chair, Chief Patty, where is that in the code. Wasn't that for wildland interface area?

BUSTER PATTY: Commissioners, Madam Chair, there is a provision in the code, in the 1997 Uniform Fire Code, Article IX, Section 902, that when the roads cannot meet the condition there is an exception on exception 2 of Section 902.2.1 that says that the Fire Chief can ask for additional fire protection and that goes on to list a multiple of things, depending on what we might do. It might be water storage, it might be sprinklers, whatever we think is the best we can do for fire protection for the properties that are on the other side of this low-water crossing that does not have another access way.

COMMISSIONER MAYFIELD: Thank you, Chief and I see Chief Sperling's here. On the same point, it says he may ask for it; it doesn't say it has to be done, right?

CAPTAIN PATTY: It's up to the Chief is the way the code actually reads and I have copies of this if you want to see it.

COMMISSIONER MAYFIELD: Okay. Madam Chair, and Chief Sperling or Chief Patty, I don't want to, if we move this approved I'm going to support this applicant's request. But that being said have we imposed this condition on every other [inaudible] that's come in front of us. I think respectfully we approved a low-water crossing area up in the Madrid area. Did we ask for a sprinkler system to go on the new construction up there? So that was a condition.

CAPTAIN PATTY: Commissioner, yes, we did. That was in the low-water crossing that does not have another access. A lot of the low-water crossings that they were speaking of today they have secondary accesses from the other side. These are ones that are totally blocked off and there's only one way in and one way out. The one that you're speaking to I assume that was the one that was in Madrid that had about three small low-water crossings and we did require not only sprinklers but also water storage of 10,000 gallons.

COMMISSIONER MAYFIELD: And Madam Chair, Chief Patty, that was the one where they had arguably 100 – actually, I'm overexaggerating that – a lot of homes built and there was just one last person who wanted –

CAPTAIN PATTY: Rogersville Road, I think you're referring to.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CAPTAIN PATTY: And a correction too. I'm not a chief or Fire Marshal.

COMMISSIONER MAYFIELD: Captain. I'm sorry.

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CHAIR STEFANICS: Okay. Other questions for staff or the applicant.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for staff on condition 1, where the water use is restricted to one acre-foot per year per lot. It seems to me, my memory is that normally when we approve lot splits we limit the water use to a quarter acre-foot so I'm just curious as to why it's limited to one acre-foot in this case.

MR. DALTON: Madam Chair, Commissioner Holian, this property is located within a traditional community and properties within the traditional communities are allotted one acre-foot.

COMMISSIONER HOLIAN: Thank you, Wayne.

CHAIR STEFANICS: Any other questions or comments for staff or the applicant? Commissioner Anaya, then Commissioner Mayfield. We haven't gone to the public yet either.

COMMISSIONER ANAYA: Madam Chair, Chief, a question on the sprinklers which has always been an item of concern especially as it relates to cost. Understanding that if this variance is approved it's a variance to the code. It would already be a variance to the code requirements if we would approve it. If the applicant understands, and it's going to be on the plat that the accessibility is in question and if there was a fire per se and there's a flood in the area then there's a high probability that we're not going to make it to the house, and the applicant understands that and they're signing the plat, why do you think we need to impose sprinklers if he's understanding the deficit that he's in. I think he does clearly understand that. Can you help me understand why we would then say now you have to have sprinklers, because I think that creates an additional cost issue and some cases – and I've said it publicly at meetings before, it would be the difference in scenarios between somebody being able to build a house or buy a house or not. So could you comment on that?

DAVE SPERLING (Fire Chief): Madam Chair, Commissioner Anaya, let me address the cost issue first in that residential sprinkler systems are not what you see in a commercial building, and in fact have over the last number of years because so many different governmental entities are requiring sprinkler systems have really been pared down to be quite unnoticeable in home construction and quite affordable, not much different than what you would pay for carpeting in your house. And they're virtually maintenance free and provide a great means to protect your property and your family members from the ravages of fire.

And what we strive to do in applying our fire code is to make sure that we're doing everything we can in our authority to protect the safety of the public at large and then individual families and members of Santa Fe County.

Not everybody stays in their home forever. Certainly properties come up for sale. People for a variety of reasons sell their homes and it's an important consideration of we allow them to build their house that they put an appropriate sprinkler system, in this case in the event that fire does occur it protects their family and then any subsequent home or property owner.

Finally, it is also a consideration for protecting our firefighters who in the case that they have to respond to this residence during the time of a flood or aren't able to completely gain access to the house for whatever number of reasons that a sprinkler system is there to protect the family until the firefighters can get there. I should clarify as well that residential sprinkler systems are fully intended to extinguish a fire. They're intended to allow people the

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time to escape a home. Often they will put out a fire in the incipient stage but it's not designed like a commercial system, in a warehouse, for instance, that will virtually extinguish a fire. These are intended to take care of the initial problem, allow people time to escape, and firefighters time to get in and take care of business.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Chief.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Chief, if somebody puts in a sprinkler system, does that change their insurance? Do they get better insurance rates?

CHIEF SPERLING: Madam Chair, Commissioner Holian, yes, that does make a difference. It's up to the individual insurance company but certainly our experience has been that people get a reduction in the homeowner insurance rates when they incorporate sprinkler systems.

COMMISSIONER HOLIAN: Thank you, Chief.

CHAIR STEFANICS: Thank you. Any other questions? Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Mr. Dalton, thank you for bringing this forward and thank you also for stating what the articles were for amendment. I have one question. When was this application initially filed?

MR. DALTON: Madam Chair, Commissioner Mayfield, this application was officially filed on January 9, 2012.

COMMISSIONER MAYFIELD: Okay, so 1/12. Madam Chair, Mr. Dalton, let me ask about this condition 2 just so I have an understanding of what you're placing. A plat of survey meeting all County code requirements shall be submitted to the Building & Development Services Division for review and approval. So I think I read it somewhere, and it might be in the CDRC minutes, but the low-water crossing is 12 feet wide. So is your requirement going to request that they add another eight feet to this?

MR. DALTON: Madam Chair, Commissioner Mayfield, no. If you approve this variance the low-water crossing will be sufficient as is.

COMMISSIONER MAYFIELD: As is, 12 feet wide. Thank you. Madam Chair, I was going to bring up a point. This is one reason why I've asked us to – and I understand we're looking at it in the code, but this is one issue that I have with the low-water crossing ordinance, and thank you, Mr. Armijo for providing all these Santa Fe County low-water crossing and arguably, I think  $\frac{3}{4}$  if not  $\frac{4}{5}$  of them are in District 1, that are on County properties, that are respectfully, access to the applicant's request. These guys are having to drive over Santa Fe County low-water crossings just to get to their home.

And then, hearing what Applicant Armijo just stated to me, and that's what does cause me a little concern, and hopefully staff can clarify this for me. He was asked to go out and construct a full bridge by an engineer? Is that something – I've been told time and time again that is not something that this low-water crossing requires, that they maybe could have gotten a surveyor to look at that, they didn't have to get an engineer to do this. If they're saying it has to be an all accessible water crossing, is that what our current code is saying? Whoever can answer that for me that would be great.

MR. DALTON: Madam Chair, Commissioner Mayfield, the code does require an all-weather access. It doesn't have to be a bridge; it can be a series of culverts. But that

does have to be designed by a professional engineer to just ensure that the structure is going to be constructed to safely pass a 100-year storm event and will not impact upstream or downstream properties. So it does not have to be a bridge. It could be a series of culverts. As long as it's an all-weather driving surface.

COMMISSIONER MAYFIELD: Well, Madam Chair, and again, maybe this is after the fact but here's proof, and I can tell you guys, I can take you out there, we have so many low-water crossings in Santa Fe County that don't have a bridge. Excuse me, that don't even have a culvert. They have gates that get clogged up, especially on the Tesuque River where I live. So are those considered low-water crossings? The County approved off on those. Maybe they approved before this ordinance went into effect. Do you know what I'm talking about, that have the little grates that you can remove and maybe pull out the debris. Are those considered sufficient low-water crossings?

MS. ELLIS-GREEN: Madam Chair, Commissioners, they would not be considered all-weather access.

COMMISSIONER MAYFIELD: Okay. I won't ask why the County approved them.

MS. ELLIS-GREEN: They don't have the culverts and they haven't been engineered so they wouldn't be considered all-weather access.

COMMISSIONER MAYFIELD: Okay. And Madam Chair, I'm just going to ask Mr. Ross this question, if you don't mind, Mr. Ross. I thought – and maybe I'm wrong – Mr. Ross, Madam Chair, excuse me, that they could have a survey. It didn't have to be an engineer design for a low-water crossing. As long as it didn't raise the floodplain over a foot or two feet.

MR. ROSS: Madam Chair, Commissioner Mayfield, that's for building in the floodplain. If you're going to build in the floodplain you obviously need to establish that your lowest floor, the lowest inhabited floor of the dwelling is one foot above the mean high flood elevation, which can be established by an engineer or it can be established by a surveyor or some other reasonable means. And that's totally legitimate. I think the current code even permits that.

COMMISSIONER MAYFIELD: And that's great, Madam Chair, Mr. Ross. Maybe I'm just not understanding, but a low-water crossing arguably is in the floodplain, so why wouldn't –

MR. ROSS: It's in the floodway, which is a little bit different. The floodway is once again established by FEMA and shown on maps and that's the area where it's not just susceptible to flooding, it's susceptible to flowing water. Of course flowing water does a lot more damage than just standing water. So there are different rules in the floodway. If you're going to put a structure in the floodway you need to do as Mr. Dalton was describing, get an engineer to verify that what you're putting in the floodway does not affect the ultimate flood elevation mostly upstream from you. And these are federal requirements. These aren't necessarily County requirements. But the real issue here, the issues presented in this case is whether the County's requirement of an all-weather access is something related to the federal regulations or FEMA requirements, and it's not; it's a County requirement.

COMMISSIONER MAYFIELD: So again, the all-weather access is a County requirement and not a FEMA requirement.

MR. ROSS: Correct.

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COMMISSIONER MAYFIELD: So just so I know, what would the FEMA requirement be? And that's kind of what I'm getting at in wanting to see this ordinance come back in front of us.

MR. ROSS: The County requires all-weather access, which requires people to put things in the floodway. Anything related to the floodway invokes federal law and federal requirements, but if you don't get there in the first place you're not implicating federal requirements; you're implicating a County requirement, not even a state requirement.

COMMISSIONER MAYFIELD: Okay. Madam Chair, I guess those are all the questions I have. I don't know, Madam Chair, if you have questions.

CHAIR STEFANICS: No, we need to go to public hearing. We haven't done that yet. Is there anyone in the audience who is here to support or oppose the project? Yes, sir. Will you please come up and be sworn in. Anybody else? So everybody can be sworn in at once. Anybody else who's going to speak? Come on up please.

[Duly sworn, Tim Armijo testified as follows:]

TIM ARMIJO: I too have property on the other side of the arroyo which I've had for probably 20 years, have paid taxes on it in the hopes that one day I'd be able to build a house or leave it to my children so they could build a house. Had I known we were going to have so much trouble I would have done it a long time ago, but people sometimes can't afford to do it when they should. I also kind of had a question about the sprinkler system and I thought I heard him say something about water storage. Water storage means a way to extinguish the fire without fire engines, basically?

CHAIR STEFANICS: Well, why don't you make your comment or your question and we'll have the fire people come up after you've finished talking.

MR. T. ARMIJO: Okay. My thing is is it either/or? Do you have to do just a sprinkler system or can you do water storage?

CHAIR STEFANICS: Okay. That's your main question. Great.

MR. T. ARMIJO: I have one other thing. Culverts are not a remedy for that situation either. Culverts to do what you have to do, it's very expensive as well. It's like a bridge. That stuff costs as much as building a house. We don't have a lot of money. We want our kids to have something – a home. Something that – like I said, I've been paying my taxes on that property for 20 years and now that leaving my daughter her piece and her other daughter her piece, it's like it's not going to happen. I never fussed about paying the taxes on that property. I always pay them on time. Never complained. But now it makes me feel like my property is useless if I can't get to it. And I cannot build an all-weather crossing. It's just too expensive. And that's all I want to say.

CHAIR STEFANICS: Thank you. So could we have Mr. Patty or Mr. Sperling talk about the either/or?

CAPTAIN PATTY: Madam Chair, Commissioners, the sprinkler issue is, in this particular case where the code tells the chief, gives the chief the authority to make a decision, there'd be several decisions that could possibly be made. It depends on the square footage of the house, what the house is going to be built out of, how far the setback to the house is going to be, what the distance is. There are several issues that we would look at. Most likely in this case, for this particular house, where this low-water crossing is if you were to approve it is we would require the sprinklers, not water storage. Water storage doesn't do anything for the Fire Department until we can get to it, because then we have to draft it.

Where the sprinkler system activates by itself. The NFPA 13D system is only a ten-minute system. Insurance companies know this and when – if they were to build a house on the other side without the sprinkler system the insurance companies will call us. They do this all the time. They start asking us: Is there adequate access? Is there a fire hydrant? What is the access like? What are the road grades like? And they start checking all of these off.

As soon as we tell them, well, it's got a 13D system in it, which is a very minimal plastic pipe system, which on the average, a lot of installers are telling us it costs about the same amount as putting carpet in a house. So as Chief Sperling was saying a while ago it's very inexpensive nowadays, but the insurance companies will look at that and if it's sprinklered, it's fine, because what that does is it buys us time while we set for a low-water crossing to die down where we can to it. Water storage would probably not be called for in this case because we couldn't get to it. A lot of time water storage would be called for up on a ridge where we can't get our tankers up because of the grade. So there's a lot of variables here that we have to look at, and that's what we're using, the 909.2 article and exception 2 is where we can use when there's not adequate access like this.

CHAIR STEFANICS: Thank you very much. Okay, Mrs. Armijo.

[Previously sworn, Helen Armijo testified as follows:]

HELEN ARMIJO: My name is Helen Armijo. We bought this property in 1972 and we have never had any problems as far as the arroyo goes. When it runs, like my son said, maybe twice a year and we know better than to try to cross it. It's not that much, it's just that we don't cross it because we know that arroyos are not supposed to be crossed when they're running. And like I said, we wanted this property for our children and now they're ready to build and they're having all kinds of problems to get the okay. But other than that I do wish that my children could have that property because, like I said, we've had it since 72 and we've been paying taxes on it and if we can't build on it then the property is no good to us. It will just sit there and the arroyo will eventually take it all.

We try to keep it up. We try to keep up – be careful what has to be done, and like I said we have never had any problems as far as that arroyo goes.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you to the applicants for your time here. Thank you, Chief and Captain and staff. Madam Chair, with that, I'll move for approval.

CHAIR STEFANICS: We're still on the public hearing. Thank you very much for coming, Mrs. Armijo, and your whole family. Is there anybody else here on behalf of, supporting or opposing this particular project? The public hearing is closed. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. Madam Chair, I move for approval of Case #V 12-5020, Helen Armijo Variance.

COMMISSIONER VIGIL: Second.

COMMISSIONER HOLIAN: With staff conditions?

COMMISSIONER MAYFIELD: Madam Chair, Applicant Armijo, are you amenable to these conditions, as they were stated to you? Madam Chair, with staff conditions.

CHAIR STEFANICS: Okay, so there is a motion for approval with staff conditions of CDRC Case #V 12-5020. Any further discussion?



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**The motion passed by unanimous [5-0] voice vote.**

CHAIR STEFANICS: Okay, 5-0 for support of this. You have conditional approval with all the conditions. Now, Commissioners, there's one item we did not cover yet.

**XII. Matters From the County Manager**

- A. Annual Report**
- B. Capital Projects Update**
- C. Miscellaneous Updates**

CHAIR STEFANICS: Ms. Miller, is there anything pressing that has to be covered this evening?

MS. MILLER: Madam Chair, we can wait to the next meeting if you'd like or I can cover it now.

COMMISSIONER VIGIL: Madam Chair, I would just ask Steve, on the resolutions that we took action on, whether we were supposed to take action on based on a call for the question, if there's any issue on that would you bring it back to us.

MR. ROSS: Madam Chair, I will.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: So, Ms. Miller, is there anything you would like us to know?

MS. MILLER: Madam Chair, nothing is time sensitive. We were just going to show you a report discussing how we were going to try to report to you on projects in your packets and then some other things that we have been working on, but it's not time-sensitive.

CHAIR STEFANICS: Okay, so I would suggest that at the next meeting we put that under Staff and Elected Officials' Items under the Public Works and maybe get that out earlier than later in the evening. Thanks so much.

Commissioners, anything else from the Board of County Commissioners?

**XVII. ADJOURNMENT**

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 9:15 p.m.

Approved by:

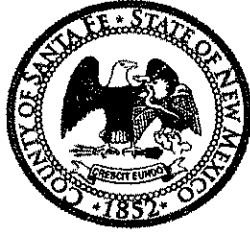
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Board of County Commissioners  
Liz Stefanics, Chairwoman

Daniel "Danny" Mayfield  
Commissioner, District 1

Virginia Vigil  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

Dave Sperling  
Fire Chief

**Date:** June 12, 2012  
**To:** Board of County Commissioners  
**From:** David Sperling, Fire Chief *DS*  
**Through:** Pablo Sedillo, Public Safety Director *PS*  
Katherine Miller, County Manager *KM*  
**Re:** A **Resolution** to Proclaim Extreme or Severe Drought Conditions Within Santa Fe County and to **Ban the Sale and Use of Certain Fireworks** in the Unincorporated Portions of the County and Within the Wildlands in the County

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Due to severe drought conditions and very high fire danger throughout Santa Fe County, the fire department requests Board of County Commission approval of a ban on the sale and use of certain fireworks in the unincorporated areas of the county and within wildlands of the county. This ban would be effective immediately and remain in place for 30 days. It may be modified or rescinded if weather and drought conditions unexpectedly improve.

This resolution is in addition to the 30 Day Emergency Ordinance declaring hazardous fire conditions and restricting open fires and other ignition sources. Both of these tools – the emergency ordinance restricting open burning, and this resolution banning the sale and use of certain fireworks – are necessary and will allow us to reduce the threat of accidental fires during the month of June and throughout the Fourth of July holiday.

SANTA FE COUNTY

RESOLUTION NO. 2012-\_\_\_\_

=====  
**A RESOLUTION TO PROCLAIM EXTREME OR SEVERE DROUGHT  
CONDITIONS WITHIN SANTA FE COUNTY AND TO BAN THE SALE AND  
USE OF CERTAIN FIREWORKS IN THE UNINCORPORATED PORTIONS OF  
THE COUNTY AND WITHIN WILDLANDS IN THE COUNTY**  
=====

**WHEREAS**, an immediate and present danger of range fires, brush fires, grass fires, forest fires and structure fires exists within Santa Fe County due to persistent drought and lack of moisture;

**WHEREAS**, current fire conditions such as low humidity, dry weather, wind and fire fuel content have resulted in conditions of very high risk of fires;

**WHEREAS**, given these circumstances, the probability of ignition of materials and the spread of fire is very high and poses a severe threat to persons and property;

**WHEREAS**, current drought indices published by the National Weather Service and other relevant information supplied by the United States Forest Service further indicate extreme or severe drought conditions;

**WHEREAS**, the health, safety and welfare of citizens are in danger as a result of such conditions; and

**WHEREAS**, NMSA 1978, 60-2C-8.1(E) (1999), et seq., provides that the Board of County Commissioners of the County of Santa Fe may, after hearing, declare that extreme or severe drought conditions exist, and proclaim certain restrictions on the sale and use of fireworks.

**NOW, THEREFORE**, the Board of County Commissioners hereby resolves and proclaims as follows:

1. There currently exists within the unincorporated portions of Santa Fe County extreme or severe drought conditions, creating a significant and immediate threat to the life, safety, health and welfare of residents of Santa Fe County, and to public and private property located within the County.
2. The sale and use of missile-type rockets, helicopters, aerial spinners, stick-type rockets and ground audible devices are banned within the affected drought area, which includes all unincorporated portions of Santa Fe County.

3. The use of fireworks not listed in Paragraph 2 above is limited to areas that are paved or barren or have a readily accessible source of water for use by the homeowner or general public.
4. The use of all fireworks within wildlands in Santa Fe County is banned, the State Forester having been consulted as required by statute and having concurred with such ban.
5. The sale and use of display fireworks are banned within the unincorporated portions of Santa Fe County.
6. Public displays of fireworks as defined by Santa Fe County Ordinance No. 1988-3 shall be permitted.
7. This resolution and Proclamation shall be effective for 30 days from the date below, but may be reissued if extreme or severe drought conditions warrant. Further, this Resolution and Proclamation may be modified or rescinded within the 30 days of their effectiveness if the Board of County Commissioners, after conducting an emergency hearing, determines that weather conditions have improved.

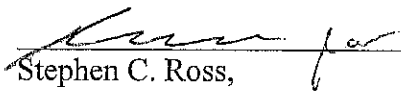
**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of June 2012 by the Board of County Commissioners of the County of Santa Fe.

**BOARD OF COUNTY COMMISSIONERS OF  
THE COUNTY OF SANTA FE**

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Liz Stefanics, Chair

**Approved as to form:**

  
\_\_\_\_\_  
Stephen C. Ross,  
Santa Fe County Attorney

**Attest:**

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Valerie Espinoza,  
Santa Fe County Clerk