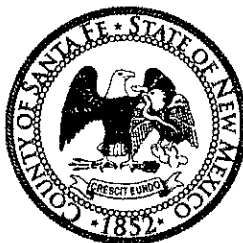


**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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*

**Memorandum**

**To** : Santa Fe County Board of County Commissioners

**From** : Teresa Casados  
SF County Division of Senior Services

**Date** : August 14, 2012

**Subject** : **Appoint Members to the El Rancho Community Center Committee.**

---

**Issue:**

Currently the El Rancho Community Center Board has two vacancies. The Santa Fe County Health Division is putting forward the application of Jennifer Manzanares to be appointed to the El Rancho Community Center Committee by the Santa Fe Board of County Commissioners (BCC). This volunteers that are being processed for approval will be charged with oversight of the El Rancho Community Center. The term will expire on June 30, 2015.

**Background:**

Santa Fe County Senior Services Program staff has hand posted flyers, advertised in the newspaper, and talked with local residents to recruit interested individuals to serve as community center committee members. The prospective member has submitted the required forms. The policies and procedures for oversight of community events at the El Rancho Community Center are outlined in Resolution 2008-89.

**Staff Recommendation:**

Staff recommends that the BCC appoint Jennifer Manzanares to the El Rancho Community Center Committee.

August 1, 2012,

Santa Fe County Human Resource Department

205 Montezuma Avenue

Santa Fe, NM 87505

Dear Santa Fe County Personnel,

I would like to express my interest in volunteering for the El Rancho Community Center. Being a native from the community of El Rancho, I have deep passion for the wonderful people who make up this small village. Giving back to my community in whatever capacity goes back in my family's history of serving the community. Being a 5<sup>th</sup> generation decedent of the area makes me familiar with not only the El Rancho community; however it also makes me a neighbor and friend to the local Pueblos.

Working in cooperation with other volunteers who currently serve the Community Center is something I look forward to.

Please accept my letter of interest as a sign of my appreciation to serve.

Sincerely,

Jennifer J. Manzanares

**QUESTIONS FOR APPLICANTS SEEKING APPOINTMENT TO A BOARD,  
COMMITTEE OR TASK FORCE**

Applicant Name Jennifer Manzanares

Committee El Rancho Community Center

1. Do you have any contracts, leases or other work with County government? If you are employed, does your employer have any contracts, leases or other work with County government? If yes, please explain.

None  
\_\_\_\_\_  
\_\_\_\_\_

2. Have you appeared in front of the Board of County Commissioners, County Development Review Committee, or any other committee, board or task force of the County? If so, state the subject matter at issue, the approximate dates, the action (if any) that was taken, the capacity in which you served, and any other relevant information.

No  
\_\_\_\_\_  
\_\_\_\_\_

3. Do you lobby County government? If yes, please explain.

No  
\_\_\_\_\_  
\_\_\_\_\_

4. Are you related to any County employees or elected officials? If yes, who are you related to and how are you related?

No  
\_\_\_\_\_  
\_\_\_\_\_

5. Will you consent to a background investigation of your fitness to serve?

Yes  
\_\_\_\_\_

6. Do you have any applications pending before the County or do you have plans to submit any applications to the County? If so please identify in detail the applications or potential applications.

NO  
\_\_\_\_\_  
\_\_\_\_\_

**Jennifer J. Manzanares Herrera**

---

423 County Road 84

Santa Fe, NM 87506

Day/Evening: (505) 455-3573 / (505) 670-4220 (cell)

Email: [jennj@lanl.gov](mailto:jennj@lanl.gov) (work) [jennjherrera@yahoo.com](mailto:jennjherrera@yahoo.com) (personal)

**EDUCATION:**

COLLEGE OF SANTA FE, Santa Fe New Mexico

Bachelor of Arts in Political Science with an emphasis in Criminal Justice; Special Coursework: Conflict Resolution/Management

Bachelor of Arts in Secondary Education with an endorsement in Social Studies

NORTHERN NEW MEXICO COMMUNITY COLLEGE, Espanola New Mexico

Associates of Applied Science in Criminal Justice, Special Coursework: Criminal / Forensic Investigation

2007 FORD FELLOWSHIP LEADERSHIP INSTITUTE - MANA National in conjunction with Gallup Organization/Virginia Mentoring, Washington D.C. July 07

**EXPERIENCE:**

LOS ALAMOS NATIONAL LABORATORY (Plus Group/Weirich & Assoc./LANL) – PO Box 1663 Los Alamos, NM 87544, Assigned to CMRR (Acquisition Services Team), LANS LLC, LANL Directors Office, Protocol Office, ESA Weapons Response July 1988 – Present (Weirich 10/1992 – 03/2001; Plus Group 07/2004 – Present)

- Administrative support to CMRR Division Office Acquisitions Services Team:  
Duties include: Utilizing best business practices within the team to ensure proper delivery of cost accounting principles for contractual provisions with suppliers and subcontractors. Interact extensively with ASM team on proper tracking of all incoming and outgoing correspondence internal and external to the project. Internal collaboration to meet organizational objectives, and comply with all regulatory mandates. Daily communication with project personnel in the vital functions of procurement ensuring the contractual rights and obligations are met. Other duties include cross training of Division Office functions to include badging of sub-contract personnel.
- Executive Office Administrator for LANS LLC Executive Director.  
Duties include: High level administrative support for the Director and office staff on issues relating to the Board of Directors, LANL, and personnel internal and external to LANS. Liaison interaction between Principal Associate Director's office on integration of work activities and information sharing. Resolution of issues and serve as point of contact for various meetings and internal audits.
- Protocol office Liaison duties include: Extensive communication with Director's office staff while servicing directorates around the Laboratory. While maintaining a high level of accuracy while supporting various Planners, duties included multi-tasking with frequent interruptions and stringent deadlines. Daily interface with Tribal Government Team, Legislative Team and all levels of personnel internal and external to the Laboratory while placing a high emphasis on customer service and team work.
- Executive Office Administrator for LANL Director's Office – Chief Science Officer.  
Duties include: Administrative support for DIR Leadership team reporting to the Director, DOE, LASO and various personnel throughout the Laboratory, state and national scientific community. Demonstrated operational effectiveness and efficiency in maintaining a professional environment for Director level office staff. Extensive calendar management for Chief Science Officer while maintaining staff scheduling and routine office duties. Comprehensive knowledge of LANL policies and procedures

to effectively organize, prioritize and work with other Director level personnel which include working under pressure with changing priorities and deadlines.

- Office Administrator for Weapons Response group (Casual employee). Responsible for administrative support for the group while assisting Group Administrator in carrying out special assignments to include: Records management, personnel file maintenance and consultants. Assisted with property inventory, group training collaborations with division training staff, ACREM inventory and special assignments as assigned. Duties included working in a secure area that required sensitivity to security matters and proper handling of classified documentation.
- Tech II - Applied Technology / Transuranic Waste Certification Project Records Specialist / Team Leader & Records Manager for Facilities Planning and Delivery Nuclear Projects Team. While serving on the Records Management/ Document Control team responsibilities included development, maintenance, and implementation of program/facility protocols for document control and records management. Also includes was researching, compiling and analyzing reports for communications internal and external to the Laboratory. Extensive team work and collaboration with external organizations to meet DOE and NNSA policies and procedures in addition to Laboratory Quality Assurance standards. Extensive knowledge though on-the-job training with Nuclear Materials Storage Facility (NMSF) – TA-55 Plutonium Facility. Activities include the cradle to grave records management operations for the nuclear facility. Quality Assurance Operations on all incoming documentation and accuracy of regulatory driven policies and procedures

**Tom Udall for Senate Campaign Staff (Field Organizer) – Santa Fe, NM  
June 2008 – November 2008**

Served as a Field Organizer for Senate candidate Tom Udall. Responsibilities include event planning, daily voter contact, and misc. tasks as assigned. Interacted daily with voters throughout the Northern New Mexico area. Duties include staffing fundraisers, community parades/events, and overall participation of office functions. Continuous interactions with Congressional official staff, interns, volunteers and various elected officials. Knowledge and effective execution of Get Out The Vote (GOTV). Collaboration with coordinated campaign and various staff members in executing a variety of campaign related activities. Strengths include good judgment, effective communication skills, and proper use of of public relations interactions.

**PRESBYTERIAN MEDICAL SERVICES (PMS) – Nambe Center, Nambe NM  
September 2006 – July 2007 New Mexico Pre-K Teacher**

Responsible as the lead teacher for the Nambe site. Duties include the daily operation of the Pre-K classroom. Collaboration with the New Mexico Pre-K mentors to ensure proper delivery of instruction in addition to state mandated essential indicators for the tracking of student progress.

**MCCURDY HIGH SCHOOL – 261 McCurdy Road Espanola, NM 87532 2004 – 2005 School Year**  
Responsible for the High School Social Studies department; subjects taught: Government, US History and World History. Duties included; preparation delivery, and tracking of all students' academic progress. Self motivated, responsible and independently made decisions regarding various situations. Tactful and discrete in dealing with sensitive matters in addition to school policies and procedures. Other duties performed: interaction on a daily basis with parents, fellow staff and administration. Sophomore class sponsor, contact for various social studies organizations, and extra duties as assigned. Assisted with various school projects as well as fund raisers.

**PROTECTION TECHNOLOGY LOS ALAMOS (PTLA) – 1247 Central Ave. Suite F, Los Alamos, NM 87544  
– Senior Records Management Specialist, February 2003 – January 2004**

Independently responsible for full implementation of the records management and document control system for maintenance and archiving of controlled documents. Provided professional and technical expertise on information and records management program supporting the PTLA Chief of Staff and 5 major divisions ranging from Operations to ES&H. Research and develop all policies and procedures necessary to the RM function. Trained and oversaw five Division Records Coordinators. Produced PTLA Monthly report, gathering input and

coordinating with Division Directors on accuracy and completeness. Provided technical writing support to the company in various job duties as assigned. Skills include problem solving, evaluations, and the ability to communicate both written and verbal with all levels of personnel.

LOS ALAMOS NATIONAL LABORATORY (Kirk Mayer/UGS – HS Coop.) – PO Box 1663 Los Alamos, NM 87544, Assigned to LANCE-DO, HR-DO, FEL Project, UGS/HS Coop with Human Resources Group Office (Kirk Mayer 05/1990 – Sept. 1992; Student Programs 07/1988 – 04/1990)

Administrative Asst. /UGS, HS Coop. Assignments varied in responsibility, and included the following duties: Provided secretarial/administrative assistance to the Division/Group Office Executive Office Administrator also acting in her absence. Extensive calendar management for Division and Deputy Division Leaders, domestic and foreign travel arrangements. Maintenance of a professional office environment with demonstrated initiative and discretion regarding sensitive matters. Extensive knowledge of Laboratory administrative policies and procedures. Routine office administrative duties also included: point of contact for consultants and affiliate employees, maintained personnel action forms, stock ordering/ maintaining stock room, badgering visitors to include foreign nationals, key custodian for various assignments, supervised students on occasion and answered telephones for division and group offices directing all levels of personnel internal and external to the Laboratory.

#### **COMPUTER SKILLS:**

Applications/computer experience: Grade Speed, Microsoft Office, Excel, Meeting Maker, Web CT, Access 97/2000, 4D Client, File Maker Pro, Adobe Acrobat, Power Point, Records Management System (RMS), Microsoft Work, File Maker Pro, Word Perfect, MultiMate, ALL-IN-ONE, Microsoft File (database program, basic, UNIX, Paradox 4.0 (database program), Omnis 7 ( Document Control Database Program)

#### **ORGANIZATIONS:**

2008 – Present Treasurer El Rancho Ditch Association  
2007 – Board Member for MANA Del Norte serving as PR Coordinator  
2007 – Hermanitas Mentoring Program Coordinator  
1998 – Present Member of MANA Del Norte  
2006 – Ward Chair for District 1 El Rancho Precinct  
2005 – Participated and Sponsored students for the Council of International Affairs  
2005 – Sponsor for the Congressman Bingaman Student Ambassador Program  
2004 – Participant in the 2004 NM Legislative DWI Awareness Day  
2003/2004 – Vice President – Association for Records Managers and Administrators (ARMA) Northern New Mexico Chapter  
2003/2004 – PR Committee Chair/Board Member – Northern New Mexico Habitat for Humanity Affiliate  
2003/2004 – Presbyterian Medical Services Head Start Program – Parent Policy Council Community and County. Representative  
2003 – 2004 Pojoaque Valley Community Planning Committee  
2002 – 2003 Pojoaque Valley Community Involvement Advisory Council (CIAC)  
2002 – Present Member of Club Real  
2002/2004 – Campaign Coordinator for County Commission/County Clerk Candidate  
1996 – 1999 – Auxiliary member of Pojoaque Valley Volunteer Fire Department – Secretary and EMT Basic  
1991 – 1993 Santa Fe Fiesta Council Auxiliary Member  
1990 Santa Fe Fiesta Queen



**2012 SANTA FE COUNTY  
CONFLICT OF INTEREST  
AND  
FINANCIAL DISCLOSURE STATEMENT**

Manzanaras Jennifer J.  
 Last Name First Name Middle Initial

811 St Michaels #104 505-984-8450  
 Work Address Work Phone Number

#2 Aaron Y Veronica Road 505-670-4220  
 Home Address Home Phone Number

Field Representative House of Representatives  
 Job Title Department/Division/Office

**Filing Status:**

- Candidate for Office  Incumbent Elected Official  County Employee  Appointed Official  Volunteer

*EL Rancho Cctr*

N/A  
 Name of Spouse Spouse's Employer

**1. Real Estate**

List all real property that you own in Santa Fe County and provide the address (es) or, if there is no address or if the address provides insufficient information to describe a large piece of property, a general description of the location of the property. List all real property in Santa Fe County in which you have any interest whatsoever, including outright ownership, an option to purchase, leasehold, or other interest.

N/A

**2. Interest in a Business**

List any interest that you have in a business organization, either as owner, part owner, partner (general or limited), or shareholder, in which you own more than two percent of the outstanding stock or more than two percent ownership interest, or in which you serve as general or managing partner, if that business does business with the County in an amount in excess of \$7,500.00 annually.

N/A

**3. Gifts**

Identify each person from which you received either directly or indirectly, any gift or gifts having an aggregate value of more than \$250.00 within the taxable year proceeding the time of filing. This does not include any gift from a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, boyfriend, girlfriend, domestic partner, fiancé, or fiancée.

N/A

**4. Financial Interests**

List any financial interest that is: (i) an ownership interest or other interest in any contract or prospective contract with the County; (ii) an interest in the sale of real or personal property to or from the County; (iii) a financial relationship with a person or business whose interests may be affected by the County; (iv) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property to or from the County; or (v) any other interest that may be affected by the County.

N/A

**5. Memberships on Boards of For-Profit or Non-Profit Businesses**

List any boards of, for-profit or non-profit organizations that you or your spouse serve on.

N/A

**6. Professional Licenses in New Mexico**

If you or your spouse hold any professional licenses in New Mexico to engage in a profession, such as medicine, law, cosmetology, construction, etc., please list below. Driver's licenses do not apply.

Type of License

Licensee

None

**7. Additional Information**

Include below any pertinent financial interests or information that the preceding categories have not revealed.

Jennifer Mayan  
Signature

7/24/2012  
Date

State of New Mexico)

) SS.

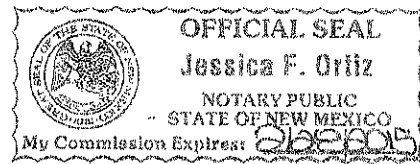
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 24 day of July, 2012

by Jennifer J. Mangano

Jessica F. Ortiz  
Notary Public

My Commission Expires: 2/22/2015

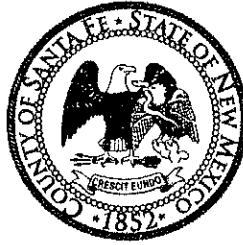




**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**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*

**Memorandum**

**To** : Santa Fe County Board of County Commissioners

**From** : Teresa Casados  
SF County Division of Senior Services

**Date** : August 14, 2012

**Subject** : **Appoint Members to the El Rancho Community Center Committee.**

---

**Issue:**

Currently the El Rancho Community Center Board has two vacancies. The Santa Fe County Health Division is putting forward the application of Ramon Gomez to be appointed to the El Rancho Community Center Committee by the Santa Fe Board of County Commissioners (BCC). The volunteers that are being processed for approval will be charged with oversight of the El Rancho Community Center. The term will expire on June 30, 2015.

**Background:**

Santa Fe County Senior Services Program staff has hand posted flyers, advertised in the newspaper, and talked with local residents to recruit interested individuals to serve as community center committee members. The prospective member has submitted the required forms. The policies and procedures for oversight of community events at the El Rancho Community Center are outlined in Resolution 2008-89.

**Staff Recommendation:**

Staff recommends that the BCC appoint Ramon Gomez to the El Rancho Community Center Committee.

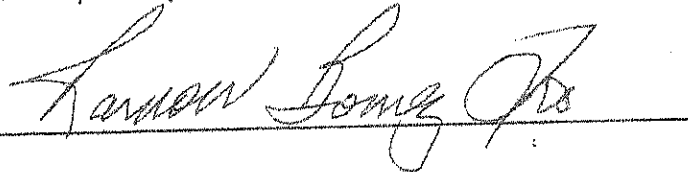
---

To: Commissioner Danny Mayfield  
From: Ray Gomez  
Cc: Ron Pacheco  
Re: El Rancho Community Center  
Date: June 19, 2012

Be advised that I am interested in serving on the Center Advisory Committee. I was instrumental in seeing that the center be built. I served on the first committee at the Center, for about 20 years. I have the time, interest, and commitment in having the center accessible, friendly and usable for all the people.

I worked for the Pojoaque Schools as a teacher, principal, and director for 35 years. I am now retired and have the time and possess the qualifications needed to serve on the committee.

Thank you for your consideration.

A handwritten signature in cursive script, reading "Ray Gomez", is written over a horizontal line.

Ray Gomez

**QUESTIONS FOR APPLICANTS SEEKING APPOINTMENT TO A BOARD,  
COMMITTEE OR TASK FORCE**

Applicant Name Ramon Gomez Jr.

Committee EL RANCHO COMMUNITY CENTER

1. Do you have any contracts, leases or other work with County government? If you are employed, does your employer have any contracts, leases or other work with County government? If yes, please explain.

None

2. Have you appeared in front of the Board of County Commissioners, County Development Review Committee, or any other committee, board or task force of the County? If so, state the subject matter at issue, the approximate dates, the action (if any) that was taken, the capacity in which you served, and any other relevant information.

No - None

3. Do you lobby County government? If yes, please explain.

No - Never

4. Are you related to any County employees or elected officials? If yes, who are you related to and how are you related?

No

5. Will you consent to a background investigation of your fitness to serve?

Yes -

6. Do you have any applications pending before the County or do you have plans to submit any applications to the County? If so please identify in detail the applications or potential applications.

No - None



2012 SANTA FE COUNTY  
CONFLICT OF INTEREST  
AND  
FINANCIAL DISCLOSURE STATEMENT

Gomez Ramon Jr.  
Last Name First Name Middle Initial

None  
Work Address Work Phone Number

Ramon Gomez Ln 505-455-2311  
Home Address Home Phone Number

- None - Retired  
Job Title Department/ Division/ Office

Filing Status:

- Candidate for Office  Incumbent Elected Official  County Employee  Appointed Official  Volunteer  
El Rancho Comm Center

Stella Gomez  
Name of Spouse Spouse's Employer

**1. Real Estate**

List all real property that you own in Santa Fe County and provide the address (es) or, if there is no address or if the address provides insufficient information to describe a large piece of property, a general description of the location of the property. List all real property in Santa Fe County in which you have any interest whatsoever, including outright ownership, an option to purchase, leasehold, or other interest.

My House - Ramon Gomez Ln #2  
House " " LN #7

**2. Interest in a Business**

List any interest that you have in a business organization, either as owner, part owner, partner (general or limited), or shareholder, in which you own more than two percent of the outstanding stock or more than two percent ownership interest, or in which you serve as general or managing partner, if that business does business with the County in an amount in excess of \$7,500.00 annually.

None

**3. Gifts**

Identify each person from which you received either directly or indirectly, any gift or gifts having an aggregate value of more than \$250.00 within the taxable year proceeding the time of filing. This does not include any gift from a parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, boyfriend, girlfriend, domestic partner, fiancé, or fiancée.

None

**4. Financial Interests**

List any financial interest that is: (i) an ownership interest or other interest in any contract or prospective contract with the County; (ii) an interest in the sale of real or personal property to or from the County; (iii) a financial relationship with a person or business whose interests may be affected by the County; (iv) any employment or prospective employment for which negotiations have already begun where the prospective employer has an interest in the sale of real or personal property to or from the County; or (v) any other interest that may be affected by the County.

None

**5. Memberships on Boards of For-Profit or Non-Profit Businesses**

List any boards of, for-profit or non-profit organizations that you or your spouse serve on.

None

**6. Professional Licenses in New Mexico**

If you or your spouse hold any professional licenses in New Mexico to engage in a profession, such as medicine, law, cosmetology, construction, etc., please list below. Driver's licenses do not apply.

Type of License

Licensee

None

**7. Additional Information**

Include below any pertinent financial interests or information that the preceding categories have not revealed.

None

Ramon Gomez Jr  
Signature

6-27-12  
Date

State of New Mexico)

) SS.

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of June 2012

by Ramon Gomez Jr

Tracy Garcia  
Notary Public

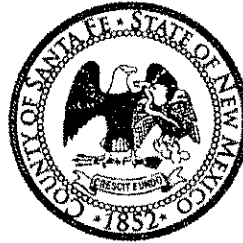


My Commission Expires: July 27, 2015

**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*

## **MEMORANDUM**

**DATE:** August 14, 2012

**TO:** Board of County Commissioners

**VIA:** Katherine Miller, County Manager

**FROM:** Randy Forrester, Chair, Santa Fe County Ethics Board

**RE:** Quarterly Santa Fe County Ethics Board Report

---

**BACKGROUND:** Quarterly Santa Fe County Ethics Board Report

### Ethics Complaints Brought to the Board

No ethics complaints were brought to the Board during the past quarter.

### Ethics Training

On April 12, 2012 the Santa Fe County Ethics Board met to receive Ethics Training provided by Santa Fe County staff.

### Signing Corrected Minutes

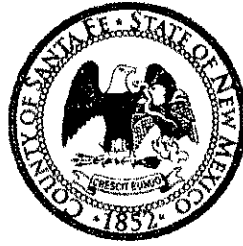
On June 5, 2012 I visited the County Court House to sign the corrected Minutes of the October 3, 2011 Santa Fe County Ethics Board Meeting.

If you have any questions or comments about these activities of the Santa Fe County Ethics Board, please feel free to contact me.

**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

## **MEMORANDUM**

**DATE:** *Aug 3, 2012*

**TO:** *Board of County Commissioners*

**FROM:** *Adam Leigland, Public Works Department Director* *for 8/3/12*

**VIA:** *Katherine Miller, County Manager*

**ITEM AND ISSUE:** *BCC Meeting Aug 14, 2012*

**A RESOLUTION APPROVING THE OJO DE LA VACA RIGHT-OF-WAY ACQUISITION FUNDED BY THE COMMISSION PRIORITY FUND IN THE AMOUNT OF \$11,000.00**

---

### **BACKGROUND AND SUMMARY:**

County Road 51, also known as Ojo de la Vaca Road, originates in District 4 near Canoncito and bears south into District 3, terminating at its junction with County Road 34. Along certain portions of County Road 51, the County has only a prescriptive easement (an easement based on traditional use that stretches only from edge-of-road to edge-of-road).

It is the County's goal to obtain rights-of-way or easements on existing County roads when the opportunity is available. County Road 51 passes through the Herrera Ranch, and the owners of the Herrera Ranch have given the County such an opportunity. The owners offered to grant the County the right-of-way for the section of the road that passes through their ranch in exchange for materials to fence off the right-of-way. The owners will provide the labor to build the fence.

Between the fencing materials and the required survey to record the new right-of-way, this effort is estimated to cost \$11,000. The cost to purchase the right-of-way outright is estimated at \$22,000, and there may be a County obligation to fence the right-of-way for an additional cost of \$26,000. Thus, it is in the County's interest to proceed with the proposed swap.

The Capital Improvement Program approved by the BCC on July 31<sup>st</sup>, 2012, included a line item for Commission Priority Projects. This line item of funding was intended for low-cost, high-priority projects. Since the subject project meets these criteria, staff recommends the use of \$11,000 of Commission Priority Funds for it.

# *SANTA FE COUNTY*

## *RESOLUTION NO. 2012 -*

---

### **A RESOLUTION APPROVING THE OJO DE LA VACA RIGHT-OF-WAY ACQUISITION FUNDED BY THE COMMISSION PRIORITY FUND IN THE AMOUNT OF \$11,000.00**

---

**Whereas**, on June 26, 2012, the Santa Fe County Board of County Commissioners approved, as part of the "Quick Start GRT Projects List," the Commission Priority Fund, which is intended primarily for low-cost, high-visibility projects; and

**Whereas**, County Road 51, Ojo de la Vaca Road, is on the County-certified road list and map; and

**Whereas**, portions of County Road 51 have only a prescriptive easement; and

**Whereas**, it is the County's goal to obtain rights-of-way or easements on existing County roads when the opportunity is available; and

**Whereas**, County Road 51 passes through the Herrera Ranch; and

**Whereas**, the owners of the Herrera Ranch have offered to grant the County the right-of-way through the Herrera Ranch in exchange for materials to fence off the right-of-way; and

**Whereas**, the owners of the Herrera Ranch will provide the labor to fence off the right-of-way; and

**Whereas**, the County will provide the fencing materials, a plat of survey and right-of-way staking in exchange for the right-of-way; and

**NOW, THEREFORE, BE IT RESOLVED** that the BCC approves the Ojo de La Vaca right-of-way acquisition project to be funded through the Commission Priority Fund in the amount of \$11,000.00.



PASSED, APPROVED, and ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
**Liz Stefanics, Chair**

Attest:

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

Approved as to form:

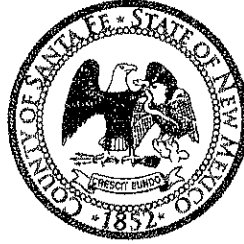
  
\_\_\_\_\_  
**Stephen Ross, County Attorney**

**DRAFT**

**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 12-5080**

**VARIANCE**

**DAVID VIGIL, APPLICANT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on June 12, 2012, on the Application of David Vigil (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 the placement of a manufactured home on 2.17 acres. 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 the placement of a manufactured home on 2.17 acres on property located at 16 Santa Cruz Dam Road, within Section 7, Township 20 North, Range 10 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 approval to allow the placement of a manufactured home on 2.17 acres. Access to the subject property would be off County Road 92 which is a dirt private driveway crossing a FEMA designated Special Flood Hazard Area, via an existing arroyo crossing which may be frequently impassible during inclement weather, and thereby not all weather accessible.
7. Staff recommended denial of the Application, but recommended imposition of the following conditions if the Application was granted:
  - a) Water use shall be restricted to 1 acre foot per year. A water meter shall be installed for the proposed home. 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;
  - b) The Applicant shall comply with all Fire Prevention Division requirements;
  - c) A restriction must be placed on the Warranty Deed regarding the lack of all weather access to the subject lot. This restriction 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.
8. In support of the Application, the Applicant agreed with the conditions recommended by staff.

- 9. Following a hearing on the Applicant's request for a variance, the CDRC, at its May 17, 2012 meeting, recommended approval of the variance request.
- 10. 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 place a manufactured home on this property.
- 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 the placement of a manufactured home on 2.17 acres on property located at 16 Santa Cruz Dam Road based upon the Applicant complying with the conditions as stated in Paragraph 7.

**IT IS SO ORDERED**

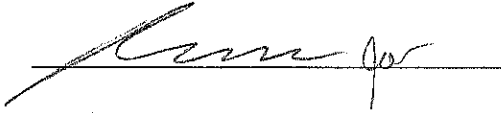
This Order was approved by the Board of County Commissioners of Santa Fe County on this \_\_\_\_ day of August, 2012.

By: \_\_\_\_\_  
Liz Stefanics, Chair

**Attest:**  
\_\_\_\_\_

Valerie Espinoza, County Clerk

**Approved as to form:**

A handwritten signature in cursive script, appearing to read "Stephen C. Ross", is written over a solid horizontal line.

Stephen C. Ross, County Attorney

DRAFT

**XVI. B. 3. CDRC Case # V 12-5080 David Vigil Variance. David Vigil, 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 the Placement of a Manufactured Home on 2.17 Acres. The Property is Located at 16 Santa Cruz Dam Road, in the Vicinity of Chimayo, within Section 7, Township 20 North, Range 10 East, (Commission District 1)**

WAYNE DALTON (Building & Development Supervisor): Thank you, Madam Chair. The applicant requests a variance to allow the placement of a manufactured home. Access to the subject property would be off County Road 92, which is Santa Cruz Dam Road, which is a paved dirt road crossing a FEMA designated special flood hazard area via an existing arroyo crossing which may be frequently impassable during inclement weather and thereby is not all-weather accessible.

On May 17, 2012 the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval by a 5-0 vote. Growth Management has reviewed this application for compliance with pertinent code requirements and finds the project is not in compliance with County criteria for this type of request.

Variances: Article III, § 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, § 8.1.3 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 percent, and drainage control as necessary to insure adequate access for emergency vehicles.

Article 4, § 4.2 of 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.

This property is located within the traditional community of Chimayo. Minimum lot size per code is .75 acres per dwelling unit. This proposal meets the minimum lot size criteria.

Recommendation: Staff recommends denial of a variance from Article III, § 2.4.1a.2.b of the Land Development Code and denial of a variance of Article 4, § 4.2 of Ordinance No. 2008-10.

If the decision of the CDRC is to recommend approval to the Board of County Commissioners regarding the Applicant's request for variances, staff recommends the imposition of the following conditions. Madam Chair, may I enter those into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 1 acre-foot per year. A water meter shall be installed for the proposed home. Annual water meter readings shall be submitted to the Land Use

DRAFT

- Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant shall comply with all Fire Prevention Division requirements (As per 1997 Fire Code and 1997 Life Safety Code).
  3. A restriction must be placed on the Warranty Deed regarding the lack of all weather access to the subject lot. This restriction 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. (As per Ordinance 2008-10).

CHAIR STEFANICS: Is the applicant here? Do you want to come forward please? Would you like to be sworn in for a statement?

[Duly sworn, Pamela Criscuolo testified as follows:]

PAMELA CRISCUOLO: I'm Pamela Criscuolo, representing my father David Vigil. Madam Chair and Commissioners, we feel that we have shown good cause to allow the variance. Over 90 percent of the properties in Chimayo are affected by flooded arroyos every year. The community has adjusted to the risk with little or no public risk and no additional cost to the County. Failure of granting of this variance will result in great financial hardship to us through the loss of money already spent on the necessary property improvements to develop the land for residency.

No additional increase risk of a flood or to public safety will occur by granting this variance. There are already additional residences in that area that access this land and they have existed since the 1940s. We appreciate your granting this variance.

CHAIR STEFANICS: Thank you very much. We are in a public hearing. Is there anybody here to support or oppose the application who would like to speak? Okay. Commissioners, questions, comments.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. This is a question for staff. Under the conditions, should we actually approve the variance, under #1 you say that water use shall be restricted to one acre-foot per year. I'm wondering why that isn't a quarter acre-foot per year.

MR. DALTON: Madam Chair, Commissioner Holian, that is one acre-foot because the property is located within the traditional community. So we do allot one acre-foot to lots that are located in the traditional community.

COMMISSIONER HOLIAN: Thank you, Wayne.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, under the conditions, if we approve the variance, I'd like the deed restriction that delineates that because there's no all-weather access that emergency vehicles may not be possible at all times. Does the applicant understand that condition?



MS. CRISCUOLO: Yes.

COMMISSIONER ANAYA: And then also, given that condition, I think Mr. Patty's here from the Fire Department, does item 2, the applicant shall comply with fire prevention, is that sprinklers, essentially?

BUSTER PATTY: Madam Chair, Commissioner Anaya, yes. If you choose to approve this recommendation of this denial we would require a minimum of an NFPA 13-D sprinkler system in the home and a turnaround area once they've gotten across this low water crossing.

COMMISSIONER ANAYA: Madam Chair, Mr. Patty, understanding that there's already the deed restriction, I guess I could understand the turnaround, but what kind of costs would be associated with the retrofitting a mobile home for sprinklers?

CAPTAIN PATTY: The costs are hard to say. It depends on who they're going to get there. It is a 13-D system, which is a minimal, 10-minute system. It's not like a full-blown system in a commercial building. It is for a residential system. What it does is it buys times for people to egress. That's right out of the 1997 Uniform Fire Code that gives us the authority when you can't meet access, that's Article IX, Section 902, then the chief of the fire department can designate additional fire protection. The only fire protection that can be imposed on a house like this, if we can't get to it, water storage tanks wouldn't work because we can't get to it, is the implementation of a residential plastic pipe 13-D system.

To answer your question of the costs, it varies as to who people get. We have a lot of people right now that are saying it costs about what it costs to carpet the house. It's kind of a gauge or ballpark area.

COMMISSIONER ANAYA: Thank you, Madam Chair. Thank you, Mr. Patty.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Captain, as far as Commissioner Anaya's question, do you all take into consideration maybe potential freeze damage, just that could happen to a home also?

CAPTAIN PATTY: Yes. There's several different methods of putting a sprinkler in. You could put a dry system in, which is charged with air, or you can do a glycol system which has a glycol antifreeze in it. Most times most sprinkler systems that are put into a house the pipes are inside the heated area of the home they're going to live in. We do know that retrofitting a mobile home is sometimes a little bit difficult but there are several methods. They don't have to necessarily come out of the ceiling; they can side walls. And we will work with the applicant in trying to choose someone, give them a list of contractors, and give them some ideas how to do this.

COMMISSIONER MAYFIELD: And Madam Chair, Chief, this again is just for the needed occurrence of all-weather crossing, correct?

CAPTAIN PATTY: Yes.

COMMISSIONER MAYFIELD: The fire station – I'm real familiar with this area – is one-tenth of a mile away from this home at the most?

CAPTAIN PATTY: It's real close. It's right there. Right at the beginning of this road.

COMMISSIONER MAYFIELD: Arguably, the fire station might be this home's next door neighbor. Am I wrong?

CAPTAIN PATTY: No. You're correct. It's right there.

COMMISSIONER MAYFIELD: Madam Chair, I move for approval of this case, excluding request number 2 from staff conditions.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: There is a motion first on the floor. Let's see if it gets a second.

COMMISSIONER ANAYA: Madam Chair, I would second it and the only thing I would ask as a friendly amendment, Commissioner, would be just to have the ability to turn around the truck.

COMMISSIONER MAYFIELD: Oh, yes. Definitely.

COMMISSIONER ANAYA: So the friendly amendment would be item 1, and item 2, instead of what's there, item 2 would be a turnaround, adequate turnaround for emergency vehicles, and then that's it. Thank you, Madam Chair.

CHAIR STEFANICS: Okay. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I really can't agree with that, because it's for the safety of the residents who are there. It's for their own personal safety, plus the other thing to consider is that with that sprinkler system they will pay less homeowners insurance. So I just want to say that I can't vote for it if that condition is taken away.

COMMISSIONER ANAYA: And Madam Chair, if I could respond on that point.

CHAIR STEFANICS: No. This isn't a debate. She's allowed to make her comment. Commissioner Vigil.

COMMISSIONER VIGIL: Have we had a public hearing yet?

CHAIR STEFANICS: Yes, we did. Nobody spoke.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: Was that your comment?

COMMISSIONER VIGIL: I wanted to find out that first and I'm trying to understand, and this is a direct question to Commissioner Mayfield. Why would you remove requirement 2? Is there a reason beyond - I'm trying to understand why you would not want to include condition 2.

COMMISSIONER MAYFIELD: Madam Chair, I haven't spoken to the applicant. I guess I'd ask this question now. I just look at an affordability needs. This does incur a lot of additional costs. We have an adjacent County road that has the same low water crossing issue on this said property. It's one that I continually bring up with this County time in and time again with our Public Works Department. Here we are mandating all these restrictions on these residents, arguably when Santa Fe County isn't even complying with

their own code as far as providing these all-weather crossing. Madam Chair, so that's my thoughts.

So I would go back to the applicant, I guess and see if they're in agreement with all these conditions and just – and then I do appreciate Commissioner Holian's comments that if the applicant is aware that this potentially could over the long run lower their premiums on their home. I don't know dollar for dollar what that would do and what the initial investment would be, to retrofit a sprinkler system in this home or not. I do appreciate Chief Patty indicating that it could be a dry system; it doesn't have to be a wet system, so that could arguably help with the freezing issues that I had concerns with. But with that, Madam Chair, I'd just ask the applicant if they have issues with these conditions.

CHAIR STEFANICS: Yes, Ms. Criscuolo.

MS. CRISCUOLO: Yes, Madam Chair and Commissioners; we have not looked into the cost of what this would impact us, but at this point we're willing to do that, if that's what the Board decides. Obviously, if we didn't have to that would save us. Is it actually – we're trying to put a manufactured home which my brother will do and he's got hardship already, because he's the only breadwinner for his family. So we're trying to get approval to put a manufactured home is the first priority. But if you mentioned that it could lower the cost of insurance, then definitely, we'd be willing to do that. I just have never heard of putting this type of system in a trailer.

COMMISSIONER MAYFIELD: Madam Chair, could I ask a question really quick, and thank you for that indulgence of Chief Patty. Madam Chair, Chief Patty, do we provide these applicants of lists of vendors they can contact to try to see what the costs would be? That you would approve of said system?

CAPTAIN PATTY: Madam Chair, Commissioner Mayfield, yes we do. We have large lists of not only installers but designers that can work with people. We would also recommend that the applicant check with their insurance policy because we're getting phone calls on a daily basis now asking, when they do go to insure a piece of property what the accessibility is, where the nearest fire hydrant is, what the access is, if it meets all of our requirements. When they don't meet a requirement, such as access, we are getting several homeowners that are being denied insurance or – and I'm not in the insurance business, but being denied or the insurance rates are skyrocketing. We've got people in the Edgewood area, we're getting calls, and insurance rates have doubled in their insurance policies becoming due.

This is one of the parts of the code that is required and we would highly recommend that the applicant check with this.

CHAIR STEFANICS: Commissioner Vigil still has the floor. I think I messed up on that so I apologize.

COMMISSIONER MAYFIELD: I apologize too. My apologies, Commissioner.

CHAIR STEFANICS: So Commissioner Vigil, you still have the floor then we'll go back to Commissioner Mayfield to finish, then we'll go to Commissioner Anaya.

DRAFT

COMMISSIONER VIGIL: And I'm not sure, Steve, if you're the one to ask this question. I would also be concerned about the County's liability, about approving something of this nature when we're being recommended that these safety features be a part of the approval process, if we remove them from those recommendations, if there should be any kind of a health, safety, welfare issue that affects the family, I think that the County is exposed to some liability, would be my first response. Steve, we never know until the fact patterns are before a court, but this is actually recommending a safety feature from our Fire Department, after their review, and if we remove that and there is a fire, and this feature is not a part of the recommended procedure, who gets the lawsuit? It's very likely that Santa Fe County would be a party to that. Is that not correct?

MR. ROSS: Well, Madam Chair, Commissioner Vigil, they seem to sue us whenever anything happens; we all know that. I'm struggling to see the waiver of immunity. You know we have sovereign immunity and they'd have to tie something like this to a specific waiver in the Tort Claims Act, and there isn't one. That doesn't mean we wouldn't be sued and it doesn't mean that -- we could suffer adverse rulings. But technically I don't see the liability vis-à-vis the Tort Claims Act. But you're right; we get sued on everything.

COMMISSIONER VIGIL: I would be concerned about that. Did you want to comment on that?

CAPTAIN PATTY: Madam Chair, Commissioner Vigil, I'd just like to remind you that it is a part of the 1997 Uniform Fire Code that when access is do-able, you can't do it, this is one of the minimum requirements that the code speaks of.

COMMISSIONER VIGIL: That would be my concern and with that consideration, I wouldn't mind approving a variance. I think there's probably sufficient cause for a variance based on the investment and the location and the landscape and the terrain that's been attested to, but I wouldn't want to approve it by removing something that we're actually recommended to benefit the residents and the community as a whole. If it comes back as an exorbitant cost, and you can't offset it by maybe the insurance -- we don't have that information. All we have is unless we approve this there will not be that safety feature in that particular piece of property and site location and manufactured home. So with that, I don't know that I could support removing that, Madam Chair. And I surrender the floor.

CHAIR STEFANICS: Thank you, Commissioner Vigil, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, hearing [inaudible] I remove the request to remove item 2 and I'd move for approval of the case as is with staff conditions.

CHAIR STEFANICS: Okay. So we need the seconder of the motion to remove the second.

COMMISSIONER ANAYA: Madam Chair, if that's the pleasure of the Commissioner from the district I would accept that, but I have a real problem philosophically forcing families that probably can't afford it an extra expense. I've said this, this isn't the first time and we've actually had some votes where we did deal with this condition and remove it, so we've done this since I've been here on the Commission in a year and a half. I respect Mr. Patty and the recommendations of the Fire Department, but I do think the deed restriction clearly lets the owners know what they're dealing with. And there's a lot of things I wish I

DRAFT

had but I can't afford. And this would be one of them. So, respectfully, I'll withdraw, based on what the Commissioner said and I'd second the motion for approval with conditions.

CHAIR STEFANICS: Okay. So to recap for our transcriptionist. We have a motion and a second to recommend with the staff recommendations of conditions. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, [inaudible] If I could just have that indulgence?

CHAIR STEFANICS: Sure.

COMMISSIONER MAYFIELD: Thank you, Madam Chair. With that I move approval of the case.

CHAIR STEFANICS: Okay. It's been moved and seconded for approval with the conditions.

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

CHAIR STEFANICS: So, Commissioner Mayfield, you wanted to make a comment?

COMMISSIONER MAYFIELD: Two comments, Madam Chair. [microphone difficulties -- Commissioner Mayfield asked about the new hybrid ISO rating vis-à-vis Chimayo's new tank and lines. He referred to Exhibit 2 in the packet regarding directing people to build bridges at a cost of a couple thousand dollars.]

That is not what I believe staff should be doing. If there's a suitable low-water crossing it does not have to be a bridge. My other thoughts on that, if you look at the aerial map that's provided in Exhibit 10, Santa Fe County is doing an injustice to all these folks that live down that road. We are responsible for maintaining that adjacent low-water crossing. Santa Fe County does not have a low-water crossing on that. That's where I'm going to come back in a little later with my meeting with the Manager this week as far as some of the bond projects I would like to see a suitable low-water crossing on County roads.

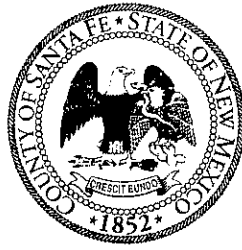
Madam Chair, Chief Patty, if Santa Fe County had a suitable low-water crossing on a County road, it would not be an issue for the access for these folks, God forbid there would be a fire. I guess it still could be an issue. But you all would then have that crossing and you would not be mandating on these folks to have to put in a sprinkler system. So I think Santa Fe County is failing all these residents out there on Santa Cruz Road by not having an adequate low-water crossing on a Santa Fe County road. And then when these folks come and try to get approval from us, now we're trying to tell them, go and figure out how to build a \$200,000 bridge. That's just in my mind one of those things I've brought up time and time again. And with that, I guess my last thoughts on that, Commissioners, in closing is that I hope we can do a better job respecting all of Santa Fe County, but knowing that Santa Fe County is indirectly imposing some of these restrictions on folks for infrastructure that we're not providing [inaudible] And that's what I would like to have hopefully addressed in the future. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Thank you very much, Mr. Patty.

Danny Mayfield  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Robert Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

**CASE NO. V 12-5050**  
**ANDRES M. GARCIA VARIANCE**  
**ANDRES M. GARCIA, APPLICANT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners of Santa Fe County (hereinafter referred to as “BCC”) for hearing on June 12, 2012, on the Application of Andres M. Garcia (hereinafter referred to as “Applicant”) for a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code (“Code”) to allow two dwelling units on 10 acres. After conducting a public hearing and reviewing the record, the BCC makes the following findings of fact and conclusions of law:

1. The Applicant requests a variance of Article III, § 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 10 acres. The 10 acre site is within the Mountain Hydrologic Zone, where the minimum lot size per code is 80 acres per dwelling unit and the maximum allowable lot size is 20 acres with quarter acre foot water restrictions. The 10 acre parcel was created by way of a Family Transfer and was restricted to quarter acre foot water use. The Applicant states he would like to place a 2,000 square foot manufactured home on his property for his mother to reside in. The two dwelling units exceed the number of units allowed on the 10 acre site.
2. The property is located at 107-B Canada Village Road, within Section 26, Township 16 North, Range 10 East, (Commission District 4).

3. No one from the public spoke in favor or in opposition of the Application.
4. Article II, § 3 (Variances) of the County Code states: “Where in the case of 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 condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This Section goes on to state “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”
5. Staff recommended denial of the variance but requested if the variance was granted that the following conditions be imposed:
  - a. Water use shall be restricted to 0.25 acre feet per year per dwelling. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Revised water restrictive covenants shall be recorded in the County Clerk’s Office (**As per Article III, § 10.2.2 and Ordinance 2002-13**).
  - b. The Applicant shall obtain a development permit from the Building and Development Services Department for the second dwelling unit (**As per Article II, § 2**).

- c. The Applicant shall provide a liquid waste permit from the New Mexico Environment Department with Development Permit Application (**As per Article III, § 2.42.a iv**).
  - d. The placement of additional dwelling units on the property shall be prohibited (**As per Article III, § 10**).
  - e. The Applicant shall comply with all Fire Prevention Division requirements (**As per the 1997 Uniform Fire Code and 1997 Life Safety Code**).
6. The Applicant agreed to abide by the conditions as recommended by staff.
  7. After conducting a public hearing on the request and having heard from the Applicant, the Board of County Commissioners hereby approves the requested variance as a minimal easing of the Code.

**IT IS THEREFORE ORDERED** that the Application is approved, and the Applicant is allowed two dwelling units on 10 acres subject to the conditions set forth above.

I certify that the Application was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

The Board of County Commissioners of Santa Fe County

By: \_\_\_\_\_  
BCC Chairperson

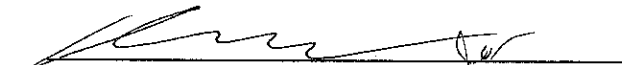


ATTEST:

---

Valerie Espinoza, County Clerk

Approved as to form:



---

Stephen C. Ross, County Attorney

DRAFT

**XVI. B. 4. CDRC Case # V 12-5050 Andres M. Garcia Variance. Andres M. Garcia, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 10 Acres. The Property is Located at 107-B Canada Village Road, within Section 26, Township 16 North, Range 10 East (Commission District 4)**

MR. LARRAÑAGA: The applicant requests a variance of Article III, § 10 of the Land Development Code to allow two dwelling units on 10 acres. There is currently one dwelling unit on the property. The applicant states he would like to place a 2,000 square foot manufactured home on his property for his mother to reside in. The proposed unit will share the existing well and a new septic tank will be installed to serve the proposed dwelling.

Article II, § 3 of the County Code states: "Where in the case of 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 condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This section goes on to state, "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified." The variance criteria does not consider financial or medical reasons as extraordinary hardships.

Growth Management staff has reviewed this project for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. On April 19<sup>th</sup>, 2012, the County Development Review Committee met and acted on this case. The decision of the CDRC was to support staff's findings and recommended denial of the request for a variance based on the variance criteria set forth in Article II, § 3 of the Land Development Code.

Staff recommendation: denial of a variance from Article III, §10 (Lot Size Requirements) of the Land Development Code. If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter these conditions into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per dwelling. A water meter shall be installed for each residence. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Revised water restrictive covenants shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance 2002-13).
2. The Applicant shall obtain a development permit from the Building and Development Services Department for the second dwelling unit (As per Article II, § 2).
3. The Applicant shall provide a liquid waste permit from the New Mexico Environment Department with Development Permit Application (As per Article III, § 2.42.a (iv)).
4. The placement of additional dwelling units on the property shall be prohibited (As per

DRAFT

Article III, § 10)

5. The Applicant shall comply with all Fire Prevention Division requirements (As per the 1997 Uniform Fire Code and 1997 Life Safety Code).

MR. LARRAÑAGA: Thank you, Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. Is the applicant here tonight? Yes, would you come forward please? Do you have anything you would like put into the record? If so, we'll swear you in.

[Duly sworn, Andres Garcia testified as follows:]

ANDRES GARCIA: [inaudible] we have a problem with my driveway. It's a little steep. I do have turnarounds for the Fire Department. I met with the Fire Department. I was in agreement to go ahead and put a sprinkler system in the house, being that we are quite a distance away from the Fire Department. I understand that.

CHAIR STEFANICS: So let me ask, Mr. Garcia. If we were to approve your variance you would meet all the conditions that are put into the record?

MR. GARCIA: I would put in the sprinkler system. I feel that my driveway is

CHAIR STEFANICS: Well, there's five items. Did you look at all five?

MR. GARCIA: I'm pretty sure I looked at all of them.

CHAIR STEFANICS: Okay. Can you meet all conditions if you're approved for a variance?

MR. GARCIA: My driveway – I feel like my driveway is all-weather already because it's got a lot of granite in there in that area. The one – the percentage of grade, no I can't. I would have to excavate massive amounts of –

COMMISSIONER ANAYA: That's not one of the items.

MR. GARCIA: Oh. I'm sorry.

COMMISSIONER ANAYA: The items are .25 acre-feet per year per dwelling, development permit – you'll get a development permit –

CHAIR STEFANICS: Jose, give him a copy.

COMMISSIONER ANAYA: Liquid permit.

CHAIR STEFANICS: So the question is, for the Commission to know is can you meet these five conditions if this is approved?

MR. GARCIA: Yes.

CHAIR STEFANICS: Okay. Do you have anything else you want to say before I go to public hearing?

MR. GARCIA: No, unless you have any other questions.

CHAIR STEFANICS: We might have questions for you in a minute. So why don't you just sit up front. Thank you for coming tonight. Is there anybody in the audience who came to speak for or against this particular case, this approval? Okay, the public hearing portion is closed. Now we're to comments, questions from the Commission.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Madam Chair, based on the last case I'm not going to bring up the sprinklers again. He already said he's willing to uphold those. I would

move for approval.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER HOLIAN: Madam Chair, I have a comment.

CHAIR STEFANICS: Yes. We'll continue to take comments and questions.

Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I am going to vote against this. I noted here, as far as in our packet that this 10-acre parcel was originally created by way of a family transfer, and it was restricted to one-quarter acre-foot of water use, total. And so if this, in my mind would be setting a bad precedent that somehow when we put those restrictions, we do a family transfer, we go out of our way to try to help people and families, and we put restrictions on the lot and then it becomes meaningless when people come in to ask for another variance.

And so I'm just afraid I can't support this.

CHAIR STEFANICS: Mr. Dalton, can you comment on that for the other Commissioners. I mean Mr. Larrañaga. Sorry.

MR. LARRAÑAGA: Madam Chair, yes. This property was created by way of a small lot family transfer. Minimum lot size is 20 acres and half of that would be ten acres and that's why 20 acres would be restricted to .25 and as a family transfer they got the .25 acre-feet of water.

CHAIR STEFANICS: Okay. Commissioner Holian, does that respond to your concern.

COMMISSIONER HOLIAN: Well, I agree with that.

CHAIR STEFANICS: Okay.

COMMISSIONER HOLIAN: That is my concern.

MR. LARRAÑAGA: [inaudible] but yes, it was created as a family transfer and has recorded covenants of .25.

CHAIR STEFANICS: But this says .25 per dwelling.

COMMISSIONER HOLIAN: So that would be doubling the amount of water.

MR. LARRAÑAGA: Madam Chair, that's correct. That would be a new condition. In reality, if you do the math it would be getting a half acre-foot. As a family transfer they already got the benefit of getting half the – the small lot family transfer, half the minimum lot size, which is ten acres. And that's why it was restricted to a quarter acre-foot. It's a standard condition that they shouldn't exceed .25 acre-feet of water per dwelling unit.

CHAIR STEFANICS: Commissioner Anaya, did you have a comment or question? You made the motion on it.

COMMISSIONER ANAYA: Madam Chair, the conditions that we set forth are consistent with conditions we've utilized in other variances. So I'm supportive of this.

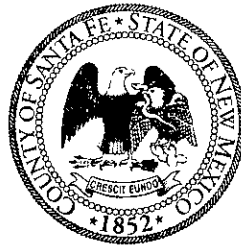
CHAIR STEFANICS: Thank you. Any other comments or questions? There is a motion on the floor and a second to approve this variance with conditions.

**The motion passed by majority [3-2] voice vote with Commissioners Anaya, Mayfield and Stefanics voting in favor and Commissioners Holian and Vigil voting against.**

Danny Mayfield  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Robert Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

**CASE NO. V 12-5001  
CAMINO DE PAZ SCHOOL AND FARM VARIANCE  
CAMINO DE PAZ SCHOOL AND FARM, APPLICANT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners of Santa Fe County (hereinafter referred to as "BCC") for hearing on June 12, 2012, on the Application of Camino de Paz School and Farm (hereinafter referred to as "Applicant") for a variance of Article III, § 9.1, (Community Service Facility Parking Requirements) of the Land Development Code ("Code"). After conducting a public hearing and reviewing the record, the BCC makes the following findings of fact and conclusions of law:

1. The Applicant requests a variance of the Community Service Facility parking requirements, set forth in Article III, § 9.1, of the Land Development Code, to allow 24 parking spaces instead of the Code required 54 parking spaces.
2. The property is located at 03AB Camino de Paz, in Quarteles, within Section 7, Township 20 North, Range 9 East, (Commission District 1).
3. On April 19, 2012, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of 34 parking spaces based on a minimal easing of the Code criteria set forth in Article III, § 9.1.

4. Staff re-evaluated the use of the structures for this project based on the discussion by the CDRC that structures which would be used for storage and barns should not be used in calculating the total square footage. Staff determined that the amount of parking spaces may be reduced by excluding the 1,350 square foot Dairy building and 1,200 square foot Barn. The use of these structures does not increase the number of students and are considered an accessory use for the school. With the reduction of this square footage, the amount of parking required by code is also reduced to a total of 46 parking spaces.
5. Article III, § 9.1, of the Land Development Code requires a Community Service Facility to provide 1 parking space per employee plus 1 per 300 square feet of structures used for the facility.
6. Article II, § 3 (Variances) of the County Code states: “Where in the case of 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 condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance.” This Section goes on to state “In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified.”
7. Article II, § 3.2 (Variation or Modification) states: “In no case shall any variation or modification be more than a minimum easing of the requirements.”

8. Scott Hoeft, Agent for the Applicant, advised that many students carpool reducing the need for parking and confirmed that portions of the property could be used for parking if necessary without being formally designated as a parking area. The Agent also agreed to the CDRC recommendation of 34 parking spaces.
9. Greg Friedman, Matteo Piccino, Roland Richter, Laura Jean Hobbs, Jeff Sand and Nate Downey spoke in favor of the Application.
10. After conducting a public hearing on the request and having heard from the Applicant, the Board of County Commissioners concurs with the CDRC recommendation to allow 34 parking spaces and hereby approves the requested variance as a minimal easing of the Code.

**IT IS THEREFORE ORDERED** that the Application is approved, and the Applicant is allowed to decrease parking to 34 parking spaces for the development known as the Camino de Paz School and Farm.

I certify that the Application was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

The Board of County Commissioners of Santa Fe County

By: \_\_\_\_\_  
BCC Chairperson

ATTEST:

---

Valerie Espinoza, County Clerk

Approved as to form:



---

Stephen C. Ross, County Attorney



DRAFT

- XVI. B. 5. CDRC Case # V 12-5001 Camino de Paz School and Farm Variance. Camino de Paz School and Farm, Applicant, Scott Hoefft (Santa Fe Planning Group, Inc.), Agent, Request a Variance of Article III, Section 9.1 (Parking Requirements), of the Land Development Code. The Applicant Has Submitted an Application for Master Plan Zoning and Preliminary Development Plan Approval, as a Community Service Facility, Which Does Not Meet the Parking Requirements Set Forth in the Code. The Property is Located at 03AB Camino de Paz, in Cuarteles, within Section 7, Township 20 North, Range 9 East (Commission District 1) [Exhibit 4]

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: Madam Chair, I would just like to make a comment that I would like to make the public aware that I have donated money to this organization and so I would just like to ask if there's anybody in the audience, in the public, who would like me to recuse myself from this case.

CHAIR STEFANICS: Or this Commission. I am also a donor to the Camino de Paz, so if the Commissioners want us to recuse ourselves or any member of the public, you need to say so.

SEF VALDEZ (Standing in the audience): I'd object.

CHAIR STEFANICS: You're interested in our recusing ourselves? Okay. Mr. Ross, does that make the decision?

MR. ROSS: Madam Chair, it's something we've talked about several times before. The decision is yours and Commission's based on whether you think you can fairly and impartially hear the case and render a fair and impartial decision.

CHAIR STEFANICS: Okay. So two of the members of this Commission have expressed their interest in this school. We have a member of the public who asked us to recuse ourselves. So Commissioners, what's the pleasure here?

COMMISSIONER ANAYA: Madam Chair, I have no problem whatsoever with you staying and listening to the case. I don't think -- there's numerous non-profits and organizations throughout the county that people provide donations to and I don't think, based on my sitting here with you that I've seen you in action and your work, that in any way you would give any type of preferential treatment on this consideration. And that's my perspective on the record. Thanks.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: Madam Chair, if we needed to recuse ourselves for all the non-profits or organizations that we support we'd be recusing ourselves for quite a bit. I think because you support someone for the purposes they do does not distract from your ability to make a fair judgment on a decision that requires a zoning issue.

CHAIR STEFANICS: Okay.

COMMISSIONER VIGIL: So I don't think a recusal is necessary.

CHAIR STEFANICS: Commissioner Mayfield, do you feel any differently?

COMMISSIONER MAYFIELD: Madam Chair, I echo the comments of Commissioner Anaya and Commissioner Vigil. My thoughts on this are that if a Commissioner feels they can't make a fair, impartial decision that they would step up to the plate and ask themselves to be removed from the case. So with that, Madam Chair, I have no problem with you two voting on this case.

CHAIR STEFANICS: Okay. Thank you. So we've heard the concern of the public and we appreciate your expressing it. So based upon the Commissioners, I think that I will choose to stay. The comment I wanted to make is I thought about this earlier is we just passed an operational budget. That means any of us who gave money to any non-profit or any school summer program, or the Boys & Girls Club or anything that's in our budget we would have to recuse ourselves. And we have voted on those issues. And I understand this is a little different; this is an adjudicatory situation but – so anyway, the Commission feels comfortable with us staying. Yes.

COMMISSIONER MAYFIELD: Madam Chair, if I can just ask one – I have been bombarded with some emails and they've been great emails and I've forwarded every single email on to our County Attorney. At least I hope I've done my due diligence and forwarded every email I've received. But I also have received calls and I just would like Mr. Ross, and I know that – just so everybody has knowledge on land use cases on the Board, it's not that we don't want to talk to individuals, it's just the rules do not permit us to. So I don't know if Steve, you can add to anything on that. I believe I did ask you to get in contact with maybe the potential applicants, letting them know it wasn't my reluctance to speak with them but I would look at the whole record. I would put a lot of time and effort and thought into this whole record. But I just don't want any applicant to feel that I did not want to get back to them or anybody who sent me an email, but I did forward all those comments on to our County Attorney. I did ask that the County Attorney place all these on the record and I hope that the County Attorney got back with whoever emailed me. Thank you.

CHAIR STEFANICS: Thank you, Commissioner. So we are now on CRDC Case #V 12-5001, Camino de Paz School and Farm Variance. Mr. Larrañaga.

MR. LARRAÑAGA: Thank you, Madam Chair. Those emails and what came out in the New Mexican was in those documents that were passed out to you earlier.

The applicant has made application for master plan zoning and preliminary development plan, as a community service facility, which does not meet the parking requirements set forth in the Land Development Code. The applicant requests a variance of the Community Service Facility parking requirements, set forth Article III, § 9.1, of the Land Development Code.

Article III, § 9.1, of the Land Development Code require a Community Service Facility to provide 1 parking space per employee plus 1 per 300 square feet of structures used for the facility. The Applicant states that 12 teachers/staff will be employed at the school. The total square footage of the proposed and existing structures, to be utilized for the school, is 12,875. The Code requires that 54 parking spaces be provided for this development.

On April 19, 2012, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of 34 parking spaces based

on a minimal easing of the Code criteria set forth in Article III, § 9.1.

The applicant was proposing 24 parking spaces but agreed to the 34 parking spaces recommended by the CDRC. The applicant states that the site will be designed with the intended use of an elementary school/middle school that features 12 teachers at full build out and zero children at the age to drive. The applicant also states that the ratio provided in the Code, for a community service facility, is a generic calculation for all community facilities which may include a senior center, community center, or a school.

Staff has re-evaluated the use of the structures for this project based on the discussion by the CDRC that structures which would be used for storage and barns should not be used in calculating the total square footage. Staff has determined that the amount of parking spaces may be reduced by excluding the 1,350 square foot dairy building and 1,200 square foot barn. The use of these structures does not increase the number of students and are considered an accessory use for the school. With the reduction of this square footage, the amount of parking required by code is also reduced to a total of 46 parking spaces.

Article II, § 3.1 states, "Where in the case of 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 condition or that these conditions would result in inhibiting the achievement of the purposes of the Code, the applicant may submit a written request for a variance." This section goes on to state "In no event shall a variance, modification or waiver be recommended by a Development Review Committee, nor granted by the Board if by doing so the purpose of the Code would be nullified."

Article II, § 3.2 states, "In no case shall any variation or modification be more than a minimum easing of the requirements."

Growth Management staff thoroughly reviewed the application for compliance with pertinent code requirements and found the application is not in compliance with County criteria for this type of development. The recommended 34 parking spaces, by the CDRC, fall short of the code required 54 parking spaces for the proposed development.

Staff recommendation: denial of a variance from Article III, § 9.1 of the Land Development Code, to allow 34 parking spaces as an alternative to the Code required 54 parking spaces. Allowing 46 parking spaces, due to the accessory use of structures, may be considered a minimal easing of the Code.

If the decision of the BCC is to approve the applicant's request, the master plan and preliminary development plan, as a community service facility, shall be presented to the BCC for consideration. Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. I think there will be questions in a few minutes. Is the applicant or the agent here? Would you please be sworn in?

[Duly sworn, Scott Hoeft testified as follows:]

SCOTT HOEFT: Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Santa Fe, New Mexico, 87505. So what I would like to do with my presentation is just kind of give you an overall presentation that would apply to both this case and the next and then I think it would be easier to look at the variance. So what I'd like to do is take you back a few years when Patty and Greg, the owners of Camino de Paz, approached us and said they're having trouble working with the County and getting their case submitted. There were issues

that they were trying to solve, and they're difficult and they've worked on it for quite some time and they really need some assistance.

The issues were water availability, access to the site, floodplain issues and chickens of all things. So what we did was we started tackling the issues one by one and working with staff as well as working with the consultants to determine how we can solve first of all the water issue and with a little work we determined that Cuatro Villas has a waterline in front of the project and ultimately with time, and if you've been reading the paper, that ultimately they've been recently funded for water service for this area. So the problem we were running into in the past was water availability. The well could not service a 100-year supply as required by code. Hooking it to the pipe, essentially the water supply system, solves that problem.

And so we applied for service from Cuatro Villas and we received a letter, which is in your packet saying that they're ready and able to serve the project. So that was the first issue. The second issue was access. And if you look at the original site plan the access is coming in at a strange angle and if you have been around these projects long enough you know that the traffic engineers like 90 degree angles, essentially so you can see both ways as you approach an intersection. So what we did on the site plan was we modified that access so that it's no longer at an angle and we made it a 90 degree turn just like the traffic engineers like and essentially solved that problem,

The third that the access was going through a floodplain. We looked at some recent mapping for the floodplains that Santa Fe County did in 2011, and lo and behold, the floodplain did shrink along that whole basin. So what that did is it took our access road out of the floodplain. So that solved that issue.

And the last issue was chickens, and what I mean by chickens is initially when a project is presented the owner had an idea of having much more of a grander chicken processing component as part of the school and as part of the teaching program. It was to be used for processing as well as manure for the fields in the area. And after working with staff for quite some time we decided it was too robust of an activity to try to pursue and we needed to get the focus back on the school, which is teaching kids in organic farming, sustainable agriculture, animal husbandry are the main topics.

And so what the applicants did is they agreed to limit the number of chickens that would be on the property on a year to year basis and we dramatically reduced that in working with staff, that was agreed upon as a lesser number and acceptable ultimately what the program wanted to keep which again was the animal husbandry and organic farming and sustainable agriculture.

And so once those issues were solved what we did was we proceeded to put together a master plan application for the project and a rezoning for the community services. And with that it was a pretty straightforward process, but one of the issues that surfaced was the parking. And when you look at the Santa Fe County code for community services it's a general calculation which is one space for 300 square feet of space, and one space per teacher. And what that does is that provides a fairly generic calculation across three different kinds of products. One is a community services facility, the second is a senior facility, and the third will be a school.

And if you consider that a school, especially at this age, 7 through 9, none of the

students drive, to overpark a site would be really antithetical to what the objectives of this school are trying to accomplish, which is sustainability. If you have a program that encourage carpooling and van use, which they do and the number of cars that are coming in off the property are far less. That's essentially what the school wants to promote, but also what the Santa Fe County growth management plan, I would argue, would like to promote. And so we parked the site with what we thought would be consistent with what the school needed. As Jose stated in his staff report, 54 spaces is required for the school, 54 spaces in the total facility at build-out I believe is about 12,000 square feet. 54 spaces for 12,000 square feet.

We came in at 24 spaces which we thought was one per teacher plus an additional 12 spaces. And in our meeting with the CDRC last month we negotiated a compromise because they were a little uncomfortable with the 24 figure and we came up to 34 spaces. That's still short, admittedly, of the required 54. Staff had come up with a calculation that indicated that we didn't need to include the farm uses, the buildings that are essentially a dairy of the barn area in our calculations, so that reduced the calculations down a little bit more, which brings us in at about 46. Admittedly, we're still short.

But we do request that the variance that is before you this evening is approved in regard to the fact that we have provided, we feel, sufficient parking for the intended use as well as for ultimately the build-out of the project at the time. 54 spaces in our opinion is overkill, and if you consider that land will be utilized to ultimately park cars that won't essentially be there at the expense of land that could be used for animals or for farming, it seems a little bit, again, antithetical to what we're trying to accomplish with this program.

So with that, that is my presentation. There are no conditions to agree to at this hearing but I would stand for questions.

CHAIR STEFANICS: Thank you very much. Let's move to the public hearing process. Is there anybody in the audience that's here to speak for or against this project? Okay. Everyone who has to speak, please come forward. You have to be sworn in together please. So who wants to go first please?

COMMISSIONER VIGIL: Madam Chair, could I make a request that those that are in favor speak first or against speak first because sometimes the testimony confuses.

CHAIR STEFANICS: Thank you for that clarification. Is there anybody here that wants to oppose the project who wants to speak? Okay, since you're all here supporting it maybe we can take it quickly. Go ahead please. One right after the other. Your name and your comment.

[Duly sworn, Greg Friedman testified as follows:]

GREG FRIEDMAN: My name is Greg Friedman and my comment is that my familiarity with the school, I believe that it brings outside money into the community and I think it's something the community really benefits from, and I think it adds some prestige to the community. That's my comment. Thank you.

CHAIR STEFANICS: Thank you, Mr. Friedman.

[Previously sworn, Matteo Piccino testified as follows:]

MATTEO PICCINO: Madam Chair, Commissioners, my name is Matteo Piccino and I live in Chimayo, and I'm a local businessperson. I'm a general contractor. That's my business in Santa Fe County and San Ildefonso Pueblo. I support this school because of the economic development that it brings. I'm also a parent. I have a son who

graduated from the school and he's in UNM now after getting his diploma. So it's a great benefit for my children. My daughter will be going there this fall.

The third thing is that I have land that's irrigated and the agricultural component is vital for our community and I feel that my community in Chimayo supports this school wholeheartedly and I recommend approval of the entire project. Thank you.

CHAIR STEFANICS: Thank you for coming, Mr. Piccino. Yes.

[Previously sworn, Roland Richer testified as follows:]

ROLAND RICHTER: Madam Chair, Commissioners, my name is Roland Richter. I run a restaurant in Santa Fe. I'm a customer of Camino de Paz. I have many dealings with them. I also [inaudible] and I've always been very pleasantly surprised with the children there, how they conducted themselves and I would do everything to help their program. I wish them the very best and hope they grow. Thank you.

CHAIR STEFANICS: Thank you for coming this evening.

[Previously sworn, Laura Jean Hobbs testified as follows:]

LAURA JEAN HOBBS: My name is Laura Jean Hobbs. I'm a parent of a student at Camino de Paz. I'm here to support the school. As a parent I'd like to tell you that we reside in Santa Fe. My family resides in Santa Fe as do a number of children who attend the school and we carpool. We have a carpool happening that is very effective and saves everyone gas and carbon in the atmosphere. So in terms of the variance and needing fewer parking spaces, I guess I could be a little flippant and say they paved paradise and put up a parking lot. I see the need for enough parking spaces for staff and visitors but I would rather see more land used for agriculture and for education. Thank you.

CHAIR STEFANICS: Thank you very much for coming. Next.

[Previously sworn, Jeff Sand testified as follows:]

JEFF SAND: My name is Jeff Sand. I live in Santa Fe and my daughter attended Camino de Paz. I shared an email with you and I gave an example that she had struggled with traditional schools but she really liked this other environment that included the outdoors and farming and animals and things and I think probably one of the benefits she received is that she just finished high school this last month where she graduated and she's just 16. So she's already started at Santa Fe Community College this summer and I attribute a lot of that to the experience that she had at Camino de Paz and I hope that others can have that benefit as well. Thank you.

CHAIR STEFANICS: Thank you, Mr. Sand. Next.

[Previously sworn, Nate Downey testified as follows:]

NATE DOWNEY: My name is Nate Downey, I live in Santa Fe and I'm here with my son Liam who will be going through a small program this summer at Camino de Paz and there's a van that's going to take him. I'm also a member of the board and I guess it didn't happen last year but they often do have a van that takes kids, again, like carpooling, reduces the parking necessary. Thank you.

CHAIR STEFANICS: Thank you, Mr. Downey. Okay, is there anybody else that still wants to speak, in support or in opposition? Okay. Thank you. The public hearing is closed. We're open to Commissioner comments, questions. Commissioner Vigil.

COMMISSIONER VIGIL: Scott, you may have the answer to this. Is this status going to change their property taxes at all?

MR. HOEFT: Madam Chair, Commissioner Vigil, yes it would. They're going from a residential zone right now to a community services, so yes, this tract will change.

COMMISSIONER VIGIL: And they're probably paying property taxes.

MR. HOEFT: Yes. They're up to date.

COMMISSIONER VIGIL: Okay. And that was verified. So what would their status change to? Would they be exempt?

MR. HOEFT: Commissioner, that's a good question. It would change to community services because that's the rezoning request. I'm uncertain if staff would have an answer on that.

COMMISSIONER VIGIL: I don't know.

MR. HOEFT: I'm not sure.

CHAIR STEFANICS: So Mr. Larrañaga, Penny?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I am not sure of the answer to that question. I can try to find our County Attorney and see if he has that answer.

CHAIR STEFANICS: Okay, Mr. Ross, Ms. Brown, do you have anything on this? Okay, so we'll hold that question for the attorney to answer. But do you have anything else?

COMMISSIONER VIGIL: That's it.

CHAIR STEFANICS: Okay. Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have questions related to the number of parking spaces in the code. Is there somebody here that can give me some feedback as to how is that calculation derived, [inaudible] that use, is it strictly the number of people or how is it derived. Is age taken into account as to age of people? Give me some background on that piece.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, literally the code looks at the square footage of the structures being used for the community service facility. So the total square footage was 12,000 something, and then plus one per employee or staff/teacher, and one per every 300 square feet of structures on the property being used for the community service facility. So that's where we came up with the 54 parking spaces. If you look at the total square footage, that's including the dairy barn, the barn, dormitories, classrooms, everything else, and that's pretty much the literal interpretation of what the code requirements are.

COMMISSIONER ANAYA: So, Madam Chair, Mr. Larrañaga, that's something we're going to probably need to relook at during this code process and modify based on use and not strictly apply to square footage. You could have 20,000 square foot of use with two people utilizing it or you could have 100 people that are all kindergartners that do nothing. So I guess that's a concern. Penny, would you like to respond?

MS. ELLIS-GREEN: Sure, Madam Chair, Commissioner Anaya, that is something we're looking at in the rewrite process. There will be two ways to calculate parking. One will be the standard way where we actually have a number of spaces per square foot, and the other way is when you're either sharing parking or you have a facility like this. When we looked at taking out the barns we came down to a lower figure. In addition we could make the argument that the dormitories are not really increasing the number of children at the school. What really is reflected in the number of spaces in the school use is the actual

DRAFT

square footage of the classrooms, which is about 7,235 square foot. And adding in the employees to that, that takes you down to a figure more like 36.

Under this existing code we don't have that ability but in the code rewrite that is exactly what we're proposing, that this applicant could come forward and say these are the actual structures that are related to the use itself and these are the accessory structures. And then we would take the structures really related to the classroom.

COMMISSIONER ANAYA: Madam Chair, Ms. Ellis-Green and Mr. Larrañaga, thank you for that feedback. Relative to the parking and the use as a school, I didn't look at the maps closely yet, but can you just tell me whether or not there would be potential for parking in the public right-of-way that could pose safety issues if they had a large event or something where they couldn't? Because it's one thing to have kids during the school day and understand that there's not a need to have parking for that as people are being brought in through vans or whatever, but during a special event, with kids bringing their parents and other people you absolutely could have an issue with that. So is there any concern with that associated with staff? And Mr. Hoeft, you can answer this question as well if you'd like.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, the applicants own the agricultural piece in exhibit 5 to the south of that property and we had talked about this; this was part of the negotiation and the talks that we had with the agent, with Scott, is first he had some overflow parking on that agricultural land but if you include the parking we'd have to rezone that property as part of the community service facility, so we talked about a lot line adjustment but then it affected their ag part of it. So in the event of, as you say, a large event where everybody brings their cars, they could have offsite parking there just for one or two events and then they would have it.

But as far as the community service facility itself, to be approved by the code, again, it would be the 54 parking spaces that would be shown on there. The code doesn't require parking to be paved. It could be basecourse or gravel or at least graded out, but it doesn't have to be a paved surface, except for the handicapped parking, which has to be a solid surface.

COMMISSIONER ANAYA: So maybe, Madam Chair, Mr. Hoeft, if you could answer, if you had a special event, I wouldn't want to see everybody parking on the road. Would the applicant be able to accommodate a special event within the property without designating per se parking spaces right now, today?

MR. HOEFT: Commissioner, yes, we would be able to. Those are very rare at the school. It's mostly the day-to-day school activities. We could ensure that parking would not be along the public road, which is Camino de Paz Road, and if there is overflow parking it could go down into the field down below.

COMMISSIONER ANAYA: Thanks, Madam Chair. Thanks, Scott.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, just briefly, Commissioner Anaya mentioned and Deputy Manager Ellis-Green mentioned, but as far as on the code rewrite, I just want to go there for a second. And I definitely appreciate staff's recommendation and staff, I want to thank you for codifying it to where the code isn't everything. But maybe one other request I could have is staff has to stay in compliance with



the rules and the code as it's written. I understand that and I respect that. But if there's a potential that we might be changing this or this is being looked at in the new code rewrite, that would be helpful to me if you guys could put that disclaimer in there too, because that's kind of what I'm hearing.

Because I'm looking at staff's recommendation of the denial of a variance, but then I kind of heard that we might be addressing with how we deal with parking structures. So maybe in future cases if that comes.

Madam Chair, I'm going to save it probably for the next case that's before us but I still have a question on the amount of chickens that are allowed at this facility, but I don't think that deals much with the parking at this time. So with that, Madam Chair, that's all I have and I would move for approval of this case if there's no other –

COMMISSIONER HOLIAN: I'll second.

CHAIR STEFANICS: There's a motion and a second by Commissioner Vigil has a question or comment.

COMMISSIONER VIGIL: And, Scott, I just found out you will be taken off the tax roles, so your client will be receiving a huge benefit in not having to pay property taxes, because there is an educational exemption. So, my question to you, and you can consult with your client if you like, and I'm doing this out of the box now. Is it possible for the school to provide – and they probably already do provide scholarships, but as a result of being taken off the tax rolls, would they be willing to provide scholarships.

I say this with the strongest sense of sincerity because I think what they have to offer is huge and wonderful and as many children that we can expose to that, the better off we are. I don't know. That's a personalized decision. That's something you'd have to discuss with your client. I'd like to see if that might be a possibility though.

MR. HOEFT: Commissioner, I'll discuss it with my client.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIR STEFANICS: Thank you. Are there any further questions or comments? We have a motion and a second.

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

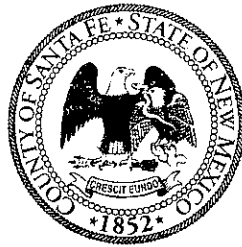
MR. LARRAÑAGA: Madam Chair, may I clarify? That was for 34 parking spaces?

CHAIR STEFANICS: With the 34 parking spaces. That's correct.

Danny Mayfield  
*Commissioner, District 1*

Virginia Vigil  
*Commissioner, District 2*

Robert Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

**CASE NO. CDRC MP/PDP 12-5200 CAMINO DE PAZ SCHOOL AND FARM  
MASTER PLAN AND PRELIMINARY DEVELOPMENT PLAN  
CAMINO DE PAZ SCHOOL AND FARM, APPLICANT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as “the BCC”) for hearing on June 12, 2012, on the Application of Camino de Paz School and Farm (hereinafter referred to as “the Applicant”) for Master Plan and Preliminary Development Plan approval for Phase I and Phase II on 2.7 acres. The Applicant also requests that the Final Development Plan be approved administratively. 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 Master Plan Zoning as a Community Service Facility and Preliminary Development Plan approval for Phase I and Phase II on 2.7 acres. Phase I consists of a new proposed 2,000 square foot main school building, a new proposed 625 square foot classroom building and includes utilizing an existing 1,350 square foot dairy building and 1,200 square foot barn. Phase II consists of a new 4,000 square foot classroom/multiuse structure, a new 700 square foot classroom addition, a new 1,500 square foot boy’s dormitory and a 1,500 square foot girls dormitory.

2. The property is located at 03AB Camino de Paz, in Quarteles, within Section 7, Township 20 North, Range 9 East, (Commission District 1).
3. On April 19, 2012, the County Development Review Committee (CDRC) met and acted on this case. The decision of the CDRC was to recommend approval of Master Plan Zoning as a Community Service Facility and Preliminary Development Plan approval for Phase I and Phase II. The CDRC also recommended that the Final Development Plan be approved administratively.
4. Ordinance No. 2010-13 defines the uses that are permitted for a Community Service Facility, which include governmental services, elementary and secondary day care centers, schools, community centers and churches. Ordinance No. 2010-13 also states that a Community Service Facility must comply with Article III, Section 4.4, Development and Design Standards, Article V, Section 5.2, Master Plan Procedure and Article V, Section 7, Development Plan Requirements, of the Land Development Code.
5. Ordinance No. 2010-13 states that Community Service Facilities are allowed anywhere in the County, provided all requirements of the Code are met, if it is determined that the use is compatible with existing development in the area and is compatible with development in the Code.
6. A school is an allowed use as a Community Service Facility.
7. The development is compatible with Code requirements generally.
8. Given the focus of the school is agricultural the use is compatible with existing development surrounding the site.
9. The application is comprehensive in establishing the scope of the project.

10. The proposed Preliminary Development Plan substantially conforms to the proposed Master Plan.
11. The Application satisfies the submittal requirements set forth in the Land Development Code.
12. The review comments from State Agencies and County staff established that this Application is in compliance with State requirements and Ordinance No. 2010-13, Community Service Facilities, Article III, Section 4.4, Development and Design Standards, Article V, Section 5, Master Plan Procedures and Article 5, Section 7 Development Plan Requirements of the Land Development Code.
13. Scott Hoefft Agent for the Applicant testified in support of the Application.
14. Patricia Pantano testified in support of the Application.
15. Staff recommended the following conditions for approval of the Application:
  - a. The Applicant shall comply with all review agency comments and conditions, **Article V, Section 7.1.3.c.**
  - b. Master Plan and Preliminary Development Plan, with appropriate signatures, shall be recorded with the County Clerk, as per **Article V, Section 5.2.5.**
16. After conducting a public hearing on the request and having heard from the Applicant, the Board of County Commissioners hereby finds that the Application for Master Plan and Preliminary Development Plan and the request for the Final Development Plan to be approved administratively, should be approved conditioned on the Applicant complying with Staff

conditions as stated above.

**IT IS THEREFORE ORDERED** that the Application is approved, and the Applicant is allowed Master Plan Zoning and Preliminary Development Plan approval for Phases I and II, subject to the conditions set forth herein. It is further ordered that Phase I and Phase II Final Development Plan approval shall be processed administratively.

I certify that the Application was approved by the Board of County Commissioners on this \_\_\_\_\_ day of \_\_\_\_\_, 2012.


The Board of County Commissioners of Santa Fe County

By: \_\_\_\_\_  
BCC Chairperson

ATTEST:

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

Approved As To Form:

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

- XVI. B. 6. CDRC Case # MP/PDP 12-5000 Camino de Paz School and Farm Master Plan/Preliminary Development Plan. Camino de Paz School and Farm, Applicant, Scott Hoeft (Santa Fe Planning Group, Inc.), Agent, Request Master Plan Zoning and Preliminary Development Plan Approval as a Community Service Facility for Phase I and Phase II on 2.7 Acres. Phase I Consists of a 2,000 Square Foot Main School Building, a 625 Square Foot Classroom Building and Includes Utilizing an Existing 1,350 Square Foot Dairy Building and a 1,200 Square Foot Barn. Phase II Consists of a 4,000 Square Foot Classroom/Multiuse Structure, a 700 Square Foot Classroom Addition, a 1,500 Square Foot Boys Dormitory and a 1,500 Square Foot Girls Dormitory. The Property is Located at 03AB Camino de Paz, in Cuarteles, within Section 7, Township 20 North, Range 9 East (Commission District 1)

MR. LARRAÑAGA: Thank you, Madam Chair. Camino de Paz School and Farm, applicant, Scott Hoeft, agent, request approval of master plan zoning as a community service facility and preliminary plan approval for Phase I and Phase II on 2.7 acres. Phase I consists of a 2,000 square foot main school building, a 625 square foot classroom building and includes utilizing an existing 1,350 square foot dairy building and a 1,200 square foot barn. Phase II consists of a 4,000 square foot classroom/multiuse structure, a new 700 square foot classroom addition, a new 1,500 square foot boys dormitory and a 1,500 square foot girls dormitory. The property is located at 03AB Camino de Paz, in Cuarteles, within Section 7, Township 20 North, Range 9 East, Commission District 1.

On April 19, 2012, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend approval of master plan zoning as a community service facility and preliminary development plan approval for Phase I and Phase II. The CDRC also recommended approval of final development plan to be approved administratively.

The applicant requests master plan zoning for use of the property as a community service facility to operate as a school and farm.

Ordinance No. 2010-13 defines the uses that are permitted for a Community Service Facility, which include governmental services, elementary and secondary day care centers, schools, community centers and churches. Ordinance No. 2010-13 also states that a community service facility must comply with Article III, Section 4.4, Development and Design Standards, Article V, Section 5.2, Master Plan Procedure and Article V, Section 7, Development Plan Requirements, of the Land Development Code.

Ordinance No. 2010-13 states that community service facilities are allowed anywhere in the County, provided all requirements of the code are met, if it is determined that; the use is compatible with existing development in the area and is compatible with development in the code.

The existing school was established in 2001 and is integrated into the residential setting of the community. The Tony Quintana Elementary School is approximately one mile from this site. The McCurdy School and the Santa Cruz Housing Facility are located

approximately 1.25 miles from this site. The La Puebla Fire Station and La Puebla Park are sited approximately 1.75 miles from the proposed school location. The proposed farm element of the school is compatible with the surrounding agricultural use. The studies, provided by the applicant, indicate that traffic and water use will not have an effect on the surrounding community.

The applicant also requests approval of preliminary development plan for Phase I and Phase II. Phase I will accommodate 35 students and six staff members, and involves converting an existing 2,000 square foot residence into a main school building which will include classrooms/multi-use/kitchen and office. Phase I will also involve construction of a 625 square foot classroom building and utilize the existing 1,350 square foot dairy building and a 1,200 square foot barn for school purposes. Phase II will accommodate an additional 55 students and six staff members. Thirty of those students will board at the school. Phase II will also involve construction of a 4,000 square foot classroom/multi-use structure, and a 700 square foot classroom addition which will increase the classroom building to 1,325 square feet. Phase II will also involve construction of a 1,500 square foot boy's dormitory and 1,500 square foot girls dormitory.

The applicant is requesting final development plan review and approval be processed administratively for each phase or portion of a phase.

Building and Development Services staff has reviewed this project for compliance with pertinent code requirements and has found that the following facts presented support this request: community service facilities are allowed anywhere in the county; a school is an allowed use as a community service facility; the development is compatible with Code requirements generally; the use is compatible with existing development surrounding the site; the application is comprehensive in establishing the scope of the project; the proposed preliminary development plan substantially conforms to the proposed master plan; the application satisfies the submittal requirements set forth in the Land Development Code.

The review comments from State Agencies and County staff has established that this application is in compliance with State requirements and Ordinance No. 2010-13, Community Service Facilities, Article III, Section 4.4, Development and Design Standards, Article V, Section 5, Master Plan Procedures and Article 5, Section 7 Development Plan Requirements of the Land Development Code.

CDRC and staff recommendation: conditional approval of master plan zoning as a community service facility, conditional approval of Phase I and Phase II preliminary development plan and approval of final development plan to be reviewed and approved administratively. If the decision of the BCC is to approve the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter these conditions into the record?

[The conditions are as follows:]

1. The Applicant shall comply with all review agency comments and conditions, Article V, Section 7.1.3.c.
2. Master Plan and Preliminary Development Plan, with appropriate signatures, shall be recorded with the County Clerk, as per Article V, Section 5.2.5.

MR. LARRAÑAGA: Madam Chair, do you have any questions?

DRAFT

CHAIR STEFANICS: Mr. Hoeft, do you have anything you want to add as the applicant?

MR. HOEFT: I concur with the staff report and I concur with the conditions. Regarding Commissioner Vigil's question under the public comment I would like the owner, Patty, to comment on that. And I stand for questions.

CHAIR STEFANICS: Thank you, Commissioner Vigil.

COMMISSIONER VIGIL: I have a question for Mr. Larrañaga, now that we're changing the zoning on this, say the school is in existence for 30 year and is no longer in existence. Does the zoning remain the same, or does anybody who takes over – how does that work?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, yes, the zoning remains as a community service facility for a school.

COMMISSIONER VIGIL: So if somebody wanted to convert it back to a residential area they would have to come back for rezoning? Is that what you're saying?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, yes.

COMMISSIONER VIGIL: That makes sense. That's how I understood it. I appreciate that and wanted to put it on the – is that correct, Penny?

MR. ROSS: Madam Chair, it's not as clear under the current code as it will be under the rewrite which we've been working on, struggling with this particular issue. If you go to community service facility under the current code it's really a different kind of zoning, so you would have to rezone if you went back to residential. Under a new code it's probably going to be more like an overlay and not as big a deal.

COMMISSIONER VIGIL: Okay. I guess – would this decision tonight be impacted by the current code or the new code?

MS. ELLIS-GREEN: Tonight we're under the existing code, not the new code.

COMMISSIONER VIGIL: So it would be grandfathered in in a nebulous kind of understanding. Okay. It's good for the owner to know that; it's good for us to know that. It's good to have that on the record.

CHAIR STEFANICS: Thank you. Now is there anybody here in the audience that's here to oppose this request? Okay. Is there anybody who would like to speak in support of say something different? Come on up and you'll have to be sworn in.

[Duly sworn, Patricia Pantano testified as follows:]

PATRICIA PANTANO: My name is Patricia Pantano and I just wanted to answer Commissioner Vigil's question about scholarships. Since we've started we've had anywhere from 40 to 70 percent of students receive financial aid, so that's always been part of our mission.

COMMISSIONER VIGIL: So that begs the question, would imposing this on you right now be a financial hardship to you? Because one of the benefits is that you going to be free of the current property tax rolls and rates.

MS. PANTANO: I don't know the answer to that because I didn't know until this moment that we would be free from tax rates, so yes, that would be a benefit. I'm not sure I understand your question. If approving the zoning –

COMMISSIONER VIGIL: Once you're free from the tax rate, and I guess you



answered the question if you didn't know and you weren't depending on that budget item within your budget then in fact it's going to be sort of six of one, half a dozen of the other with regard to providing a scholarship. I just – I'm glad to hear you provide so many and I'm not surprised either, but I think it would be beneficial to be able to provide one, possibly two scholarships if your budget could allow it.

MS. PANTANO: Yes. I agree.

COMMISSIONER VIGIL: Thank you.

CHAIR STEFANICS: Thank you very much. Is there anybody else who would like to speak who hasn't in this public hearing?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes. We're in the public hearing. Is this a question for her?

COMMISSIONER ANAYA: We actually have one of the CDRC members that didn't – wasn't at the meeting. Mr. Valdez, do you have any comments?

SEFARINO VALDEZ: No, not at this time.

CHAIR STEFANICS: Thank you, Commissioner Anaya, for recognizing him. Okay. So the public hearing is closed. Questions, comments, motions?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Madam Chair, I move for approval of CDRC Case 12-5000 MP/PDP, Camino de Paz School and Farm.

COMMISSIONER HOLIAN: With staff conditions?

COMMISSIONER MAYFIELD: Thank you. With staff conditions.

COMMISSIONER HOLIAN: Second.

COMMISSIONER VIGIL: And the condition of a scholarship. Minimum. Possibly two.

COMMISSIONER VIGIL: I hear that thumbs up.

COMMISSIONER MAYFIELD: Thumbs up.

CHAIR STEFANICS: Okay. So any further discussion.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: On the scholarship, was that tied to a waiver of tax?

COMMISSIONER VIGIL: No. Well, I guess yes, because my understanding is that once they change the zoning status they will be taken off the tax rolls. They currently are on the tax rolls as a residential. Now, if they're taken off under a school they will be exempt. Schools are exempt.

COMMISSIONER ANAYA: Madam Chair, I absolutely respect the intent of where you're headed as far as a scholarship, but that seems out of the realm of a land use determination under the auspices of the code so I don't – I appreciate what you did and it sounds like they're going to move in that direction, but it seems to me that we might be stepping a little bit out of the bounds of the code. Steve, could you give us some feedback on that?

MR. ROSS: Madam Chair, Commissioner Anaya, what I always say when this

comes up is that it is not a code requirement. This particular condition is not a code requirement and if the applicant agrees to it, maybe it's an acceptable condition, but the applicant would have to agree to it for it to be binding on them. Does that make sense? Because it's not in the code it's not a requirement.

CHAIR STEFANICS: So just to clarify, Commissioner Vigil, are you recommending? Are you requesting one scholarship or are you requesting two? We need to be clear.

COMMISSIONER VIGIL: What I think we were clear on, and correct me if I'm wrong, Scott, or your applicant, is that I requested, as a condition of approval with agreement that once the applicant is released from the residential tax rolls, that one, possibly two scholarships be made available as a result of that removal. Now, I'm presuming that because it's going to be an educational status that will occur. That's my understanding. So is that yours?

MR. HOEFT: Commissioner, that's my understanding of what the discussion was. We are a little uncertain of exactly the tax status of the property, because the property is owned, as Patty just indicated, by individuals. So there's a bit that needs to be worked out yet.

COMMISSIONER VIGIL: So it would be conditional on being placed -- taken off the tax rolls. That would answer your question.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: On that point, Commissioner Anaya.

COMMISSIONER ANAYA: Just on the point, because I've had direct experience with a non-profit and getting an exemption. You don't get an automatic exemption from taxation from downstairs in property tax because you're providing a public service. It's dependent on the percentage of the facilities that you're using for full public access and what it's being used for, so it's not automatic that you get an exemption. There's many non-profits that get a partial exemption based on the use. So that's a discussion you'd have to take up with the Assessor's Office.

MR. HOEFT: Commissioner, we would like to proceed in that direction; we just need some time to sort that out, so I think we'd be reluctant to take it as a formal condition this evening. Patty indicated that 40 to 70 percent of the students are on financial aid and I got the commitment from her this evening, at least that's what I heard, that she's willing to continue to explore that, once they size up the situation a little better.

COMMISSIONER VIGIL: Okay.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, maybe I got lost a little bit. So we're mandating that there has to be I guess some scholarships available?

CHAIR STEFANICS: I think we have a confusion about the motion and the second and the addition of the request for the scholarships. Commissioner Vigil, did you intend to amend that in?

COMMISSIONER VIGIL: I wanted to make it as a condition of approval and that's how I requested it.

CHAIR STEFANICS: So the motioner and the second did not include that.

COMMISSIONER VIGIL: That's why I requested that it also be included in there and I got a thumbs up.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner, I think it would be great if the applicant would provide some scholarships. It's just now, after I've heard the whole dialogue, I think it's a great idea if they do it. I don't know if I personally would want my motion to mandate that they do that, because if we're going to go that route then I almost would also want to add that those scholarships be provided to Santa Fe County students. So I think if the applicant already now is providing financial aid to various students out there and the applicant -- hearing the applicant, I think they're going to want this school to be very successful and they're going to work with some of their applicants, I would assume they're going to bring it on their own to provide some financial aid or scholarships. But I just don't know if I would be comfortable mandating that in the motion for their approval at this time.

COMMISSIONER VIGIL: Maybe perhaps the way it should be proposed is how you proposed it, Scott, that you'd look into the possibility of it, see about its feasibility, find out if it could be a formal response to this and if so, comply with that. It doesn't have to be, I guess. Everyone's looking at this in terms of a mandate. I'm looking at it in terms of a condition of approval to promote the opportunity, once they've received the benefit of being taken off the tax rolls. That's going to be -- I have no idea how much taxes are paid here but it's going to create a benefit to the school as a result of us rezoning it and as a result of that there's no reason in my mind that a student out there shouldn't receive that benefit. So perhaps we could just do an amendment to the motion that the applicant consider it, look into the feasibility, and perhaps come back to us with a statement of affirmation that it is feasible; it can be done, and you do have the claims from whether it's partial of full relief from taxes. And that would be a condition of approval at that point in time. I understand very clearly that it is an educational institution that is fully exempt from the tax rolls, and maybe Steve, you can clarify that.

MR. ROSS: Madam Chair, Commissioner Vigil, under the New Mexico constitution, it provides a very broad exemption for educational endeavors. Penny just told me that this property pays \$476 every six months in taxes, so it's not a significant benefit even if they do get an exemption from downstairs.

COMMISSIONER VIGIL: Is that how much they pay in taxes?

CHAIR STEFANICS: Commissioner Vigil, I do have a concern and I'd like to just express it. I think that the intent is great. I don't think -- we have not imposed this on any other school, and we have actually given land to some schools and I don't think that's been a requirement on the record. So that's my concern is that it's not an even standard. But I certainly appreciate the recommendation and then looking into it and they seem very willing.

So we have a motion. You wanted to add to the motion or have a separate amendment?

COMMISSIONER VIGIL: Shouldn't that be the same thing?

CHAIR STEFANICS: No, because we would vote on the amendment, and it might go or not. So, Commissioner Mayfield, you made the motion?

COMMISSIONER MAYFIELD: With staff conditions, yes.

CHAIR STEFANICS: With staff conditions. Are you accepting Commissioner Vigil's addition, without doing any formal amendment?

COMMISSIONER MAYFIELD: Madam Chair, again, I appreciate what Commissioner Vigil is trying to get at but I'm going to just say no on that amendment for me right now. Thank you.

COMMISSIONER VIGIL: I'll just withdraw it, Madam Chair. A student out there is going to lose the benefit of this, but maybe as a voluntary basis you'll be able to do that. This was an express intent for the better good.

CHAIR STEFANICS: Okay. So we have a motion. We have a second. Are there further comments, questions? Thank you for the presentation.

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

[Commissioner Vigil left the meeting.]

**XV. B. Commissioner Issues and Comments – (Non-Action Items)**

COMMISSIONER ANAYA: Madam Chair, I did want to go over some quick items under Matters from the Commission.

CHAIR STEFANICS: Okay. Just a minute. We're going to need our Manager back. Do you have questions and issues for staff? Or just announcements?

COMMISSIONER ANAYA: Just Matters from the Commission.

CHAIR STEFANICS: Go ahead.

COMMISSIONER ANAYA: Madam Chair, the first item that I have that I wanted to see – I know last meeting you had an item that we didn't have as an action item but we took kind of a consensus, not a vote on, but you had a resolution.

CHAIR STEFANICS: The proclamation for Florenceruth Brown? It was under Consent today.

COMMISSIONER ANAYA: So what I wanted to do today was something similar to that for the Association of Counties. We talked at the last meeting about the issues and concerns around prescription opiate pain medication and misuse and overdose.

CHAIR STEFANICS: Yes, and we have an article tonight from the front page of the Sunday *Journal* that was provided to us. [Exhibit 5]

COMMISSIONER ANAYA: What I have before me is a draft resolution that I would just like to get some consensus feedback on so that you as our Board rep could speak to it at the Association of Counties meeting. Can I read it real quick?

CHAIR STEFANICS: Certainly.

COMMISSIONER ANAYA: Okay.

Whereas, since 2007, the overdose death rate from prescription drugs has exceeded the death rate from illicit drugs in New Mexico; and

Whereas, between 2001 and 2010 the overall age-adjusted drug overdose death rate increased from 14.4 to 23.3 deaths per 100,000 persons in New Mexico; and

Whereas, in 2010 alone, 468 New Mexicans died from drug overdoses, and

# Santa Fe County Fire Department

## Memorandum

**Date:** August 14, 2012  
**To:** Board of County Commissioners  
**From:** David Sperling, Fire Chief *DWS*  
**Through:** Pablo Sedillo, Public Safety Director *[Signature]*  
Katherine Miller, County Manager  
**Re:** Requesting Approval of an Ordinance Adopting the Fire Protection Excise Tax

---

### Issue

Santa Fe County is authorized (7-20E-1 NMSA 1978) to enact an ordinance imposing an excise tax on any person engaging in business in the unincorporated area of Santa Fe County equal to one fourth of one percent (0.25%) for the purpose of financing the operational, capital outlay, and ambulance expenses of the Santa Fe County Fire Department. This tax, known as the County Fire Protection Excise Tax (CFPET), can be used only for the above stated purposes; it cannot be used for personnel expenses such as salaries or benefits. The ordinance shall not go into effect until after an election is held and a simple majority of the qualified electors of the county area voting in the election vote in favor of imposing the CFPET.

### Background

The CFPET was first imposed in 1985 in Santa Fe County. For many years it was utilized to support the construction and improvement of fire stations, to purchase fire apparatus and ambulances for all fourteen fire districts and regional stations, and to purchase essential personal protective gear and equipment for both volunteer and career firefighters. It is estimated that the tax would currently generate \$1.24 million annually to help the fire department meet its capital and other operating needs.

The original legislative language authorizing the tax contained a sunset provision requiring a positive voter referendum every five (5) years. The tax was last renewed in Santa Fe County in 2003. In 2004 the state legislature removed the sunset provision; however, Santa Fe County was required to submit the tax question to county voters one more time. A referendum effort in November 2009 was defeated and the tax expired.

The lack of funding for capital improvements represents an enormous short and long term challenge for the fire department. The CFPET provides a critical and essential revenue source for the fire department to meet its public safety mission to Santa Fe County residents.

**Recommendation**

Fire Department staff recommends approval of the ordinance adopting the Fire Protection Excise Tax with the understanding that the ordinance does not go into effect until after an election is held and a simple majority of the qualified voters of the county area voting in the election vote affirmatively.

Thank you for your consideration.

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

**ORDINANCE NO. 2012-\_\_\_**

**AN ORDINANCE ADOPTING THE FIRE PROTECTION EXCISE TAX**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY, NEW MEXICO.**

**Section 1. Imposition of Tax.** There is imposed on any person, engaging in business in the county area outside of the boundaries of any incorporated municipality, for the privilege of engaging in business in the county area, an excise tax equal to one quarter of one percent (0.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this Ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "county fire protection excise tax."

**Section 2. General Provisions.** This Ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

**Section 3. Specific Exemptions.** No County Fire Protection Excise Tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the County area to another point outside the county; or
- B. direct broadcast satellite services.

**Section 4. Dedication.** Revenue derived from the county fire protection excise tax will be used for the purpose(s) listed below:

- A. For the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by the County.

**Section 5. Effective Date.** The effective date of the county fire protection excise tax shall be either January 1, 2013 or July 1, 2013, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS \_\_\_\_ DAY OF AUGUST, 2012.**

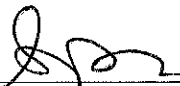
**THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Liz Stefanics, Chair

ATTEST:

\_\_\_\_\_  
Valerie Espinosa, County Clerk

Approved as to form:

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



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

**ORDINANCE NO. 2012-\_\_\_**

**AN ORDINANCE ADOPTING THE FIRE PROTECTION EXCISE TAX**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY, NEW MEXICO.**

**Section 1. Imposition of Tax.** There is imposed on any person, engaging in business in the county area outside of the boundaries of any incorporated municipality, for the privilege of engaging in business in the county area, an excise tax equal to one quarter of one percent (0.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this Ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "county fire protection excise tax."

**Section 2. General Provisions.** This Ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

**Section 3. Specific Exemptions.** No County Fire Protection Excise Tax shall be imposed on the gross receipts arising from:

- A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the County area to another point outside the county; or
- B. direct broadcast satellite services.

**Section 4. Dedication.** Revenue derived from the county fire protection excise tax will be used for the purpose(s) listed below:

- A. For the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by the County.

**Section 5. Effective Date.** The effective date of the county fire protection excise tax shall be either January 1, 2013 or July 1, 2013, whichever date occurs first after the expiration of three months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THIS \_\_\_\_ DAY OF AUGUST, 2012.**


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

By: \_\_\_\_\_  
Liz Stefanics, Chair

ATTEST:

\_\_\_\_\_  
Valerie Espinosa, County Clerk

Approved as to form:

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

# Santa Fe County Fire Department

## Memorandum

**Date:** August 14, 2012  
**To:** Board of County Commissioners  
**From:** David Sperling, Fire Chief *DS*  
**Through:** Pablo Sedillo, Public Safety Director *PS*  
Katherine Miller, County Manager  
**Re:** Requesting Approval of a Proclamation Calling for an Election to Adopt a County Fire Protection Excise Tax in the Amount of One Quarter of One Percent

---

### Issue

The Board of County Commissioners has determined a need to submit to voters during the regular election of November 6, 2012 the question of whether to impose an excise tax equal to one quarter of one percent (0.25%). This excise tax is for the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by Santa Fe County Fire Department.

Approval of the attached Proclamation resolves that on November 6<sup>th</sup>, 2012 as part of the general election, the voters in the unincorporated areas of Santa Fe County will get to decide whether to impose a Fire Excise Tax on any person engaging in business for the privilege of engaging in business in the unincorporated areas. The Proclamation contains the specific language of the question to be voted upon and lists the precinct numbers and polling locations.

### Recommendation

Santa Fe County Fire Department staff recommends the Board of County Commissioners approve the Proclamation calling for an election to be held coincident with the general election on November 6<sup>th</sup>, 2012 concerning whether to adopt a County Fire Protection Excise Tax in the amount of one quarter of one percent.

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

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

**A PROCLAMATION CALLING FOR AN ELECTION TO BE  
HELD COINCIDENT WITH THE GENERAL ELECTION ON NOVEMBER 6, 2012  
CONCERNING WHETHER TO  
ADOPT A COUNTY FIRE PROTECTION EXCISE TAX IN  
THE AMOUNT OF ONE QUARTER OF ONE PERCENT**

**WHEREAS**, the Board of County Commissioners of Santa Fe County, New Mexico, (the "Commission") has determined there is a need to submit to the voters during the Regular Election of November 6, 2012 the question of whether to impose an excise tax equal to one quarter of one percent (0.25%) of the gross receipts reported or required to be reported pursuant to the New Mexico Gross Receipts and Compensating Tax Act as provided for in NMSA 1978, §7-20E-15 (as amended) for the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by Santa Fe County.

**NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:**

A. On the 6th day of November 2012 and as a part of the General Election, the voters in the unincorporated areas of the County of Santa Fe, New Mexico will decide whether to impose an excise tax on any person engaging in business for the privilege of engaging in business in the amount of one quarter of one percent (0.25%), known as the "County Fire Protection Excise Tax."

B. The question to be voted upon shall be as follows:

*COUNTY FIRE EXCISE TAX*

*Shall the County of Santa Fe, New Mexico, for the purposes of, financing the operational expenses, ambulance services or capital outlay costs of independent fire districts*

*or ambulance services provided by the county, impose an excise tax equal to one-fourth of one percent (.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended?*

C. The polling locations are as follows:

<b>PRECINCT NO.</b>	<b>POLLING LOCATION</b>
<b>1 -----</b>	<b>SOMBRILLO ELEMENTARY</b>
<b>2 -----</b>	<b>SOMBRILLO ELEMENTARY</b> 20 C SR 106
<b>3 -----</b>	<b>BENNY J. CHAVEZ CENTER</b> 354 A Juan Medina Rd.
<b>4 -----</b>	<b>CUNDIYO FIRE STATION</b> 5 Jose Simon Drive
<b>5 -----</b>	<b>EL RANCHO COMMUNITY CENTER</b> 394 County Road 84
<b>6 -----</b>	<b>TESUQUE PUEBLO INTERGENERATIONAL CENTER</b> 39 TP 804
<b>7 -----</b>	<b>RIO EN MEDIO COMMUNITY CENTER</b> 1 El Alto
<b>8 -----</b>	<b>TESUQUE ELEMENTARY</b> 1555 Bishop's Lodge Road
<b>9 -----</b>	<b>ACEQUIA MADRE ELEMENTARY</b> 700 Acequia Madre
<b>10 -----</b>	<b>FORT MARCY COMPLEX</b> 490 Bishop's Lodge Road
<b>11 -----</b>	<b>GONZALES COMMUNITY SCHOOL</b> 851 W. Alameda St

- 12 ----- **LA CIENEGA COMMUNITY CENTER**  
136 Camino San Jose
- 13 ----- **HONDO FIRE STATION #2**  
645 Old Las Vegas Hwy.
- 14 ----- **TURQUOISE TRAIL ELEMENTARY**  
13 A San Marcos Loop
- 15 ----- **SOUTH MOUNTAIN ELEMENTARY**  
16 ----- **SOUTH MOUNTAIN ELEMENTARY**  
577 State Road 344
- 17 ----- **GALISTEO COMMUNITY CENTER**  
35 County Road 33-A
- 18 ----- **EDGEWOOD MIDDLE SCHOOL**  
17 Venus Rd.
- 19 ----- **STANLEY COMMUNITY CENTER**  
13 W. Kinsell Ave.
- 20 ----- **GONZALES COMMUNITY SCHOOL**  
21 ----- **GONZALES COMMUNITY SCHOOL**  
851 W. Alameda St
- 22 ----- **MONTEZUMA LODGE**  
431 Paseo de Peralta
- 23 ----- **NAMBE HEADSTART**  
180 B State Road 503
- 24 ----- **ACADEMY AT LARRAGOITE SCHOOL**  
1604 Agua Fria St.
- 25 ----- **ASPEN COMMUNITY MAGNET SCHOOL**  
450 La Madera St.
- 26 ----- **EL MUSEO CULTURAL DE SANTA FE**  
27 ----- **EL MUSEO CULTURAL DE SANTA FE**  
555 Camino de La Familia

- 28 ----- **MONTEZUMA LODGE**  
431 Paseo de Peralta
- 29 ----- **SANTA FE COUNTY FAIR BUILDING**  
3229 Rodeo Rd.
- 30 ----- **FORT MARCY COMPLEX**  
490 Bishop's Lodge Road
- 31 ----- **SALAZAR ELEMENTARY**  
32 ----- **SALAZAR ELEMENTARY**  
1231 Apache Ave.
- 33 ----- **ASPEN COMMUNITY MAGNET SCHOOL**  
450 La Madera St.
- 34 ----- **SALAZAR ELEMENTARY**  
1231 Apache Ave.
- 35 ----- **NAVA ELEMENTARY**  
2655 Siringo Rd.
- 36 ----- **ACEQUIA MADRE ELEMENTARY**  
700 Acequia Madre
- 37 ----- **CAPSHAW MIDDLE SCHOOL**  
351 W. Zia Rd.
- 38 ----- **KEARNY ELEMENTARY**  
39 ----- **KEARNY ELEMENTARY**  
901 Avenida De Las Campanas
- 40 ----- **SAN ILDEFONSO PUEBLO**  
San Ildefonso Pueblo
- 41 ----- **DE VARGAS MIDDLE SCHOOL**  
1720 Llano St.
- 42 ----- **PUBLIC SCHOOL ADMINISTRATION BUILDING**  
610 Alta Vista St.

- 43 ----- **PUBLIC SCHOOL ADMINISTRATION BUILDING**  
610 Alta Vista St.
- 44 ----- **WOOD GORMELY ELEMENTARY**  
141 E. Booth St.
- 45 ----- **UNITARIAN CHURCH**
- 46 ----- **UNITARIAN CHURCH**  
107 W. Barcelona
- 47 ----- **ACEQUIA MADRE ELEMENTARY**  
700 Acequia Madre
- 48 ----- **ATALAYA ELEMENTARY**  
721 Camino Cabra
- 49 ----- **KEARNY ELEMENTARY**  
901 Avenida De Las Campanas
- 50 ----- **NAVA ELEMENTARY**  
2655 Siringo Rd.
- 51 ----- **DE VARGAS MIDDLE SCHOOL**  
1720 Llano St.
- 52 ----- **E.J. MARTINEZ ELEMENTARY**  
401 W. San Mateo Rd.
- 53 ----- **PASA TIEMPO SENIOR CENTER**  
664 Alta Vista St.
- 54 ----- **CAPSHAW MIDDLE SCHOOL**  
351 W. Zia Rd.
- 55 ----- **ELK'S B.P.O.E. 460 LODGE**  
1615 Old Pecos Trl.
- 56 ----- **SANTA FE COUNTY FAIR BUILDING**  
3229 Rodeo Rd.



- 57 ----- **GLORIETA FIRE STATION**  
43 Fire Station Rd.
- 58 ----- **ABEDON LOPEZ COMMUNITY CENTER**  
155 A Camino De Quintana
- 59 ----- **POJOAQUE MIDDLE SCHOOL**
- 60 ----- **POJOAQUE MIDDLE SCHOOL**  
1797 B State Road 502
- 61 ----- **NAMBE HEADSTART**  
180 B State Road 503
- 62 ----- **LA CIENEGA COMMUNITY CENTER**  
136 Camino San Jose
- 63 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
- 64 ----- **SWEENEY ELEMENTARY**  
501 Airport Rd
- 65 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
- 66 ----- **AGUA FRIA COMMUNITY CENTER**  
1 Prairie Dog Loop
- 67 ----- **RAMIREZ THOMAS ELEMENTARY**  
3200 Calle Po Ae Pi
- 68 ----- **HONDO FIRE STATION #2**  
645 Old Las Vegas Hwy.
- 69 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
- 70 ----- **AMY BIEHL COMMUNITY SCHOOL**  
301 Avenida del Sur

- 71 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
- 72 ----- **ST. JOSEPH'S PARISH HALL**  
7 First St.
- 73 ----- **EDGEWOOD ELEMENTARY**  
171 State Road 344
- 74 ----- **KEARNY ELEMENTARY**  
901 Avenida De Las Campanas
- 75 ----- **SWEENEY ELEMENTARY**  
501 Airport Rd
- 76 ----- **CHAPARRAL ELEMENTARY**  
77 ----- **CHAPARRAL ELEMENTARY**  
2451 Avenida Chaparral
- 78 ----- **SANTA FE COUNTY FAIR BUILDING**  
3229 Rodeo Rd.
- 79 ----- **ABEDON LOPEZ COMMUNITY CENTER**  
155 A Camino De Quintana
- 80 ----- **AGUA FRIA COMMUNITY CENTER**  
1 Prairie Dog Loop
- 81 ----- **CAPSHAW MIDDLE SCHOOL**  
351 W. Zia Rd.
- 82 ----- **LAS TIERRAS FIRE STATION**  
6 Arroyo Calabasas
- 83 ----- **UNITY CHURCH OF SANTA FE**  
1108 La Cuchara Rd.
- 84 ----- **EDGEWOOD ELEMENTARY**  
171 State Road 344

- 85 ----- **EDGEWOOD MIDDLE SCHOOL**  
17 W Venus Rd.
- 86 ----- **ORTIZ MIDDLE SCHOOL**  
4164 S. Meadows Rd.
- 87 ----- **NAMBE PUEBLO TRIBAL ADMINISTRATIVE BUILDING**  
15 Bayay Poe
- 88 -----  
- **TURQUOISE TRAIL ELEMENTARY SCHOOL**  
13A San Marcos Loop

D. The polling places will be open from 7:00 a.m. to 7:00 p.m.

E. Voter registration will close at 5:00 p.m. on October 9, 2012.

F. Absentee voting by mail begins on Tuesday, October 9, 2012, and ends on Friday, November 2, 2012. Returned absentee ballots must be received by the Office of the County Clerk by 7:00 p.m. on November 6, 2012.

G. Absentee in-person voting will be conducted in the Office of the County Clerk, 102 Grant Avenue, Santa Fe, New Mexico, from Tuesday, October 9, 2012, through Saturday, November 3, 2012.

**APPROVED AND ADOPTED this \_\_\_\_ day of August, 2012.**

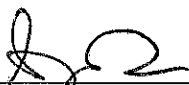
**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Liz Stefanics, Chair

**Attest:**

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

**Approved as to form:**

  
\_\_\_\_\_  
Stephen Ross, County Attorney

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

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

**A PROCLAMATION CALLING FOR AN ELECTION TO BE  
HELD COINCIDENT WITH THE GENERAL ELECTION ON NOVEMBER 6, 2012  
CONCERNING WHETHER TO  
ADOPT A COUNTY FIRE PROTECTION EXCISE TAX IN  
THE AMOUNT OF ONE QUARTER OF ONE PERCENT**

**WHEREAS**, the Board of County Commissioners of Santa Fe County, New Mexico, (the "Commission") has determined there is a need to submit to the voters during the Regular Election of November 6, 2012 the question of whether to impose an excise tax equal to one quarter of one percent (0.25%) of the gross receipts reported or required to be reported pursuant to the New Mexico Gross Receipts and Compensating Tax Act as provided for in NMSA 1978, §7-20E-15 (as amended) for the purpose of financing the operational expenses, ambulance services or capital outlay costs of independent fire districts or ambulance services provided by Santa Fe County.

**NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:**

A. On the 6th day of November 2012 and as a part of the General Election, the voters in the unincorporated areas of the County of Santa Fe, New Mexico will decide whether to impose an excise tax on any person engaging in business for the privilege of engaging in business in the amount of one quarter of one percent (0.25%), known as the "County Fire Protection Excise Tax."

B. The question to be voted upon shall be as follows:

*COUNTY FIRE EXCISE TAX*

*Shall the County of Santa Fe, New Mexico, for the purposes of, financing the operational expenses, ambulance services or capital outlay costs of independent fire districts*

*or ambulance services provided by the county, impose an excise tax equal to one-fourth of one percent (.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended?*

C. The polling locations are as follows:

<b>PRECINCT NO.</b>	<b>POLLING LOCATION</b>
<b>1 -----</b>	<b>SOMBRILLO ELEMENTARY</b>
<b>2 -----</b>	<b>SOMBRILLO ELEMENTARY</b> 20 C SR 106
<b>3 -----</b>	<b>BENNY J. CHAVEZ CENTER</b> 354 A Juan Medina Rd.
<b>4 -----</b>	<b>CUNDIYO FIRE STATION</b> 5 Jose Simon Drive
<b>5 -----</b>	<b>EL RANCHO COMMUNITY CENTER</b> 394 County Road 84
<b>6 -----</b>	<b>TESUQUE PUEBLO INTERGENERATIONAL CENTER</b> 39 TP 804
<b>7 -----</b>	<b>RIO EN MEDIO COMMUNITY CENTER</b> 1 El Alto
<b>8 -----</b>	<b>TESUQUE ELEMENTARY</b> 1555 Bishop's Lodge Road
<b>9 -----</b>	<b>ACEQUIA MADRE ELEMENTARY</b> 700 Acequia Madre
<b>10 -----</b>	<b>FORT MARCY COMPLEX</b> 490 Bishop's Lodge Road
<b>11 -----</b>	<b>GONZALES COMMUNITY SCHOOL</b> 851 W. Alameda St

- 12 ----- **LA CIENEGA COMMUNITY CENTER**  
136 Camino San Jose
  
- 13 ----- **HONDO FIRE STATION #2**  
645 Old Las Vegas Hwy.
  
- 14 ----- **TURQUOISE TRAIL ELEMENTARY**  
13 A San Marcos Loop
  
- 15 ----- **SOUTH MOUNTAIN ELEMENTARY**
- 16 ----- **SOUTH MOUNTAIN ELEMENTARY**  
577 State Road 344
  
- 17 ----- **GALISTEO COMMUNITY CENTER**  
35 County Road 33-A
  
- 18 ----- **EDGEWOOD MIDDLE SCHOOL**  
17 Venus Rd.
  
- 19 ----- **STANLEY COMMUNITY CENTER**  
13 W. Kinsell Ave.
  
- 20 ----- **GONZALES COMMUNITY SCHOOL**
- 21 ----- **GONZALES COMMUNITY SCHOOL**  
851 W. Alameda St
  
- 22 ----- **MONTEZUMA LODGE**  
431 Paseo de Peralta
  
- 23 ----- **NAMBE HEADSTART**  
180 B State Road 503
  
- 24 ----- **ACADEMY AT LARRAGOITE SCHOOL**  
1604 Agua Fria St.
  
- 25 ----- **ASPEN COMMUNITY MAGNET SCHOOL**  
450 La Madera St.
  
- 26 ----- **EL MUSEO CULTURAL DE SANTA FE**
- 27 ----- **EL MUSEO CULTURAL DE SANTA FE**  
555 Camino de La Familia

- 28 ----- **MONTEZUMA LODGE**  
431 Paseo de Peralta
  
- 29 ----- **SANTA FE COUNTY FAIR BUILDING**  
3229 Rodeo Rd.
  
- 30 ----- **FORT MARCY COMPLEX**  
490 Bishop's Lodge Road
  
- 31 ----- **SALAZAR ELEMENTARY**
- 32 ----- **SALAZAR ELEMENTARY**  
1231 Apache Ave.
  
- 33 ----- **ASPEN COMMUNITY MAGNET SCHOOL**  
450 La Madera St.
  
- 34 ----- **SALAZAR ELEMENTARY**  
1231 Apache Ave.
  
- 35 ----- **NAVA ELEMENTARY**  
2655 Siringo Rd.
  
- 36 ----- **ACEQUIA MADRE ELEMENTARY**  
700 Acequia Madre
  
- 37 ----- **CAPSHAW MIDDLE SCHOOL**  
351 W. Zia Rd.
  
- 38 ----- **KEARNY ELEMENTARY**
- 39 ----- **KEARNY ELEMENTARY**  
901 Avenida De Las Campanas
  
- 40 ----- **SAN ILDEFONSO PUEBLO**  
San Ildefonso Pueblo
  
- 41 ----- **DE VARGAS MIDDLE SCHOOL**  
1720 Llano St.
  
- 42 ----- **PUBLIC SCHOOL ADMINISTRATION BUILDING**  
610 Alta Vista St.



- 43 ----- **PUBLIC SCHOOL ADMINISTRATION BUILDING**  
610 Alta Vista St.
- 44 ----- **WOOD GORMELY ELEMENTARY**  
141 E. Booth St.
- 45 ----- **UNITARIAN CHURCH**
- 46 ----- **UNITARIAN CHURCH**  
107 W. Barcelona
- 47 ----- **ACEQUIA MADRE ELEMENTARY**  
700 Acequia Madre
- 48 ----- **ATALAYA ELEMENTARY**  
721 Camino Cabra
- 49 ----- **KEARNY ELEMENTARY**  
901 Avenida De Las Campanas
- 50 ----- **NAVA ELEMENTARY**  
2655 Siringo Rd.
- 51 ----- **DE VARGAS MIDDLE SCHOOL**  
1720 Llano St.
- 52 ----- **E.J. MARTINEZ ELEMENTARY**  
401 W. San Mateo Rd.
- 53 ----- **PASA TIEMPO SENIOR CENTER**  
664 Alta Vista St.
- 54 ----- **CAPSHAW MIDDLE SCHOOL**  
351 W. Zia Rd.
- 55 ----- **ELK'S B.P.O.E. 460 LODGE**  
1615 Old Pecos Trl.
- 56 ----- **SANTA FE COUNTY FAIR BUILDING**  
3229 Rodeo Rd.

- 57 ----- **GLORIETA FIRE STATION**  
43 Fire Station Rd.
  
- 58 ----- **ABEDON LOPEZ COMMUNITY CENTER**  
155 A Camino De Quintana
  
- 59 ----- **POJOAQUE MIDDLE SCHOOL**
- 60 ----- **POJOAQUE MIDDLE SCHOOL**  
1797 B State Road 502
  
- 61 ----- **NAMBE HEADSTART**  
180 B State Road 503
  
- 62 ----- **LA CIENEGA COMMUNITY CENTER**  
136 Camino San Jose
  
- 63 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
  
- 64 ----- **SWEENEY ELEMENTARY**  
501 Airport Rd
  
- 65 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
  
- 66 ----- **AGUA FRIA COMMUNITY CENTER**  
1 Prairie Dog Loop
  
- 67 ----- **RAMIREZ THOMAS ELEMENTARY**  
3200 Calle Po Ae Pi
  
- 68 ----- **HONDO FIRE STATION #2**  
645 Old Las Vegas Hwy.
  
- 69 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
  
- 70 ----- **AMY BIEHL COMMUNITY SCHOOL**  
301 Avenida del Sur

- 71 ----- **ELDORADO COMMUNITY SCHOOL**  
2 Avenida Torreon
- 72 ----- **ST. JOSEPH'S PARISH HALL**  
7 First St.
- 73 ----- **EDGEWOOD ELEMENTARY**  
171 State Road 344
- 74 ----- **KEARNY ELEMENTARY**  
901 Avenida De Las Campanas
- 75 ----- **SWEENEY ELEMENTARY**  
501 Airport Rd
- 76 ----- **CHAPARRAL ELEMENTARY**  
77 ----- **CHAPARRAL ELEMENTARY**  
2451 Avenida Chaparral
- 78 ----- **SANTA FE COUNTY FAIR BUILDING**  
3229 Rodeo Rd.
- 79 ----- **ABEDON LOPEZ COMMUNITY CENTER**  
155 A Camino De Quintana
- 80 ----- **AGUA FRIA COMMUNITY CENTER**  
1 Prairie Dog Loop
- 81 ----- **CAPSHAW MIDDLE SCHOOL**  
351 W. Zia Rd.
- 82 ----- **LAS TIERRAS FIRE STATION**  
6 Arroyo Calabasas
- 83 ----- **UNITY CHURCH OF SANTA FE**  
1108 La Cuchara Rd.
- 84 ----- **EDGEWOOD ELEMENTARY**  
171 State Road 344

- 85 ----- **EDGEWOOD MIDDLE SCHOOL**  
17 W Venus Rd.
- 86 ----- **ORTIZ MIDDLE SCHOOL**  
4164 S. Meadows Rd.
- 87 ----- **NAMBE PUEBLO TRIBAL ADMINISTRATIVE BUILDING**  
15 Bayay Poe
- 88 -----  
- **TURQUOISE TRAIL ELEMENTARY SCHOOL**  
13A San Marcos Loop

D. The polling places will be open from 7:00 a.m. to 7:00 p.m.

E. Voter registration will close at 5:00 p.m. on October 9, 2012.

F. Absentee voting by mail begins on Tuesday, October 9, 2012, and ends on Friday, November 2, 2012. Returned absentee ballots must be received by the Office of the County Clerk by 7:00 p.m. on November 6, 2012.

G. Absentee in-person voting will be conducted in the Office of the County Clerk, 102 Grant Avenue, Santa Fe, New Mexico, from Tuesday, October 9, 2012, through Saturday, November 3, 2012.

**APPROVED AND ADOPTED this \_\_\_\_ day of August, 2012.**


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

By: \_\_\_\_\_  
Liz Stefanics, Chair

**Attest:**

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

**Approved as to form:**

  
\_\_\_\_\_  
Stephen Ross, County Attorney