

**NO PACKET MATERIAL FOR THIS
ITEM**

SPECIAL PRESENTATION



Santa Fe County Proclamation

WHEREAS, Shad Ireland has been on kidney dialysis for twenty-nine years and is the first person on dialysis to ever compete and complete an Ironman Triathlon; and

WHEREAS, he has completed several Ironman Triathlons and over twenty triathlons; and

WHEREAS, Mr. Ireland is an advocate, motivational speaker and spokesperson for the global community of people suffering from kidney disease; and

WHEREAS, he established the Shad Ireland Foundation to raise awareness for the leading causes of kidney disease, which are diabetes and high blood pressure and to inspire people and give them the tools and resources they need to make a change in their lives; and

WHEREAS, a prime focus of the foundation is to provide prevention, education, access and awareness tools for the leading causes of kidney disease to underserved communities and communities of color, and

WHEREAS, New Mexico is listed among the top three states with the highest incidence of diabetes related kidney disease; and

WHEREAS, preliminary research shows the rate of diabetes related kidney disease deaths is two hundred ninety-six percent higher among Native Americans and Hawaiians and one hundred twenty percent higher among Hispanics than among Caucasians; and

WHEREAS, Shad Ireland has embarked upon a cycling tour called "Take on the Tour" which is taking on several of the toughest stages of the major cycling tours around the world over the next twenty four months; and

WHEREAS, the ultimate goal of this tour is to raise money for the Shad Ireland Foundation's project endowment to ensure the programs of the foundation will live on and that communities will continue to be served; and

WHEREAS, on Friday, September 16, and Saturday, September 17, 2011, Shad Ireland will present his message in Santa Fe at the Mary Esther Gonzales Center and the Genoveva Chavez Center to promote kidney disease prevention.

NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF SANTA FE COUNTY COMMISSIONERS THAT recognition be extended to Shad Ireland and the Shad Ireland Foundation and that Shad Ireland be commended for his contributions and achievements in combating renal disease in New Mexico and the nation.

APPROVED, ADOPTED AND PASSED, ON THIS 13th DAY OF September 2011.

Virginia Vigil, Chair
District 2

Liz Stefanics
Vice Chair, Liz Stefanics
District 5

Commissioner Danny Mayfield
District 1

Commissioner Robert A. Anaya
District 3

Commissioner Kathy Holian
District 4

Katherine Miller, County Manager

APPROVED AS TO FORM

Stephen C. Ross, County Attorney

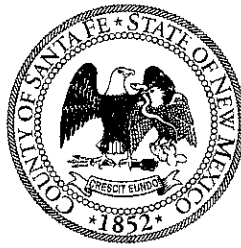
ATTEST:

Valerie Espinoza - County Clerk

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: September 2, 2011

TO: Board of County Commissioners

FROM: Rita B. Maes on Behalf of Commissioner Virginia Vigil

RE: Certificates of Appreciation

Commissioner Vigil is pleased to bring forth certificates of appreciation on behalf of the Maternal Child Health Planning Council in acknowledgement of Lisa Garcia, Maternal Child Health Program Coordinator and Lynn Hathaway, Director of Children and Youth Commission for the City of Santa Fe.

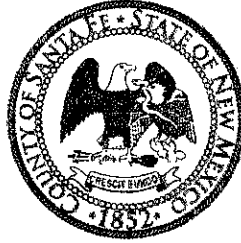
During her tenure in this capacity, Lisa coordinated services with the State Health Department to assist families with children 0 to 3 years old. She is now a Claims Investigator for the County Indigent Fund Program. Lynn Hathaway served on the Maternal Child Health Planning Council for 20 years and facilitated the progress and direction of the council. She will retire from her position this month.

The Board of County Commissioners express their gratitude and appreciation of the work and contribution of these two outstanding women.

Harry B. Montoya
Commissioner, District 1

Paul Duran
Commissioner, District 2

Michael D. Anaya
Commissioner, District 3



Paul Campos
Commissioner, District 4

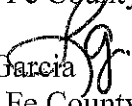
Jack Sullivan
Commissioner, District 5

Gerald T.E. González
County Manager

Memorandum

To: Santa Fe County Board of County Commissioners

Through: Steve Shepherd
Santa Fe County Community Services/HHSD Department

From: Lisa Garcia 
Santa Fe County Maternal and Child Health Planning Council

Date: September 13, 2011

Subject: MCH Planning Council 20th year Anniversary Resolution

Issue:

The Santa Fe County Maternal and Child Health (MCH) Planning Council requests the approval of a Resolution recognizing the 20th anniversary of the Santa Fe County Maternal and Child Health Planning Council and the County Maternal and Child Health Plan Act of 1991.

Background:

The Santa Fe County Maternal and Child Health Planning Council is celebrating the twentieth anniversary of the County Maternal and Child Health Plan Act. The Act empowered the Santa Fe Board of County Commissioners to create the Santa Fe County Maternal and Child Health Planning Council. Over the past twenty years, the Santa Fe County MCH Planning Council has been very active and effective as it focuses on the health and well-being of children 0-3 and their families.

Staff Recommendation:

Staff recommends approval of this Resolution.

SANTA FE COUNTY

Resolution No. 2011 -

A RESOLUTION RECOGNIZING THE SANTA FE COUNTY MATERNAL AND CHILD HEALTH PLANNING COUNCIL ON ITS' TWENTIETH ANNIVERSARY OF WORK ON BEHALF OF THE HEALTH AND WELL BEING OF CHILDBEARING WOMEN AND FAMILIES IN SANTA FE COUNTY

WHEREAS, the Santa Fe Board of County Commissioners has supported and desires to recognize the 20th anniversary of the Maternal and Child Health Plan Act [Section 24-1B-1 NMSA 1978 et seq.] and the subsequent creation of the Santa Fe County Maternal and Child Health Planning Council; and

WHEREAS, the Council continues to carry out the purpose of the Maternal and Child Health Plan Act, which is to: *“Encourage the development of comprehensive, family-centered, community-based, culturally competent Maternal and Child Health Plans designed to coordinate available resources to meet the needs of childbearing women and their families, and thereby improve the long-term health of New Mexicans”* [7.30.4.6 NMAC]; and

WHEREAS, the Council has facilitated the development and update of the Santa Fe County Maternal and Child Health Plan to consider the needs of childbearing families, determine the availability of existing services and identify needed services and service gaps in the community; and

WHEREAS, the Council, through funds from the New Mexico Department of Health, has disbursed over three million dollars (\$3,000,000) for planning, coordination and direct service programs like Adolescent Reproductive Services, Family Planning, Prenatal Case Management, Health Promotion/Education, Youth Development, Home Based Postpartum Support, Emergency Child Care Assistance, Breastfeeding Support that benefit children aged 0-3; and

WHEREAS, the Council was instrumental in establishing the Community Infant Program to address infant mental health and has faithfully advocated for continued funding of the program for the last 10 years; and

WHEREAS, the Council proposed and the Commission adopted “A Resolution Calling for Santa Fe County to Stand For Children” in 2001 and again in 2005 [Ordinance 2001-95 and 2005-86] to acknowledge the importance of early parent-child interactions which have a profound impact on shaping the course and nature of social and emotional development of a child; and

WHEREAS, the Board of County Commissioners has appointed over 150 volunteer members to the planning council over the course of 20 years; and

WHEREAS, the Council has provided innumerable community-wide trainings lead by professionals in the maternal and child health field; and

WHEREAS, the Council developed and distributed to agencies, families and community members over thirty-thousand (30,000) Resource Directories for Families with Young Children; and

WHEREAS, the Council supplied St. Vincent Women's Services with over thirteen-thousand (13,000) Welcome Baby Packets to give to new families with information about breastfeeding, child development, community resource support, parenting, domestic violence, oral health and home visiting services; and

WHEREAS, the Council has improved its website to include easier access to information, expanded the Resource Directory for Families of Young Children to include northern and southern Santa Fe County and is currently developing an interactive directory for even greater access to information.

NOW THEREFORE, BE IT RESOLVED, that the Board of County Commissioners recognizes the Santa Fe County Maternal and Health Planning Council, both past and present, for its years of service, and the devotion and dedication the Council has demonstrated in identifying and mobilizing resources to meet the needs of young children and their families in the Santa Fe community.

PASSED, APPROVED and ADOPTED this 12th DAY OF SEPTEMBER, 2011.

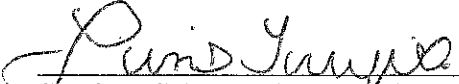
BOARD OF COUNTY COMMISSIONERS

Virginia Vigil, Chairman

ATTEST:

Valerie Espinoza, Santa Fe County Clerk

APPROVED AS TO FORM:



Stephen C. Ross, Santa Fe County Attorney



Santa Fe County Proclamation

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS, sixteen years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS, frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse;

WHEREAS, the correlation between frequent family diners and reduced risk for teen substance abuse is well documented;

WHEREAS, parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW THEREFORE, the Santa Fe Board of County Commissioners do hereby proclaim September 26, 2011 as

Family Day – A Day to Eat Dinner with Your Children™

and urge all citizens to recognize and participate in its observance.

APPROVED, ADOPTED AND PASSED, ON THIS 13th DAY OF SEPTEMBER 2011.

Chair Virginia Vigil
District 2

Liz Stefanics

Vice-Chair Liz Stefanics
District 5

Daniel Mayfield

Commissioner Daniel Mayfield
District 1

Commissioner Robert A. Anaya
District 3

Kathy Holian

Commissioner Kathy Holian
District 4

Katherine Miller

Katherine Miller, County Manager

APPROVED AS TO FORM
Stephen C. Ross

Stephen C. Ross, County Attorney

ATTEST:
Valerie Espinoza

Valerie Espinoza - County Clerk





Santa Fe County Proclamation

WHEREAS, Santa Feans have long been proud of their city's heritage developed through the merging of cultures; and

WHEREAS, the evolvment and settlement of Santa Fe has produced a tradition of colorful music, vibrant dance and song, together with a spirit of friendliness, hospitality and acceptance; and

WHEREAS, this tradition encompasses what the "Fiesta de Santa Fe" represents and seeks to preserve and perpetuate annually; and

WHEREAS, Fiesta de Santa Fe is the continued fulfillment of a promise made by General Don Diego de Vargas Zapata y Luján Ponce de León y Contreras, Marquis of La Nava de Brazinas to the Blessed Virgin Mary for the peaceful reoccupation of the City of Holy Faith in 1692; and

WHEREAS, the Annual Fiesta de Santa Fe is preserved inviolate for the citizens of Santa Fe County in the spirit and letter as outlined in the original Fiesta Proclamation drafted by city officials, signed by Governor Marquez de La Peñuela and issued on the sixteenth day of September of seventeen-hundred and twelve; and

WHEREAS, Fiesta de Santa Fe is the oldest community celebration in the United States of America, observing two-hundred ninety-nine years of continuous observation; and

WHEREAS, Fiesta de Santa Fe is a time for reconciliation, prayer, tribute, homecoming and making new friends all while preserving tradition; and

WHEREAS, today Don Diego de Vargas is portrayed by Andy Lee Lopez y Sandoval and the royal court of the Fiestas is represented by La Reina Samantha Antonio Tapia y Olguin along with their Cuadrilla y las Princesas Reales; and

WHEREAS, we truly appreciate the dedication and countless volunteer hours of the Santa Fe Fiesta Council, under the direction of the current President Herman Lovato y Lobato and each member past and present for preserving this historic event.

NOW THEREFORE, WE THE BOARD OF COUNTY COMMISSIONERS HEREBY PROCLAIMS SEPTEMBER 9, 2011 as:

"THE OFFICIAL COMMENCEMENT OF THE 299TH FIESTA DE SANTA FE"

Commissioner Virginia Vigil, Chair
Chair
District 2

Commissioner Liz Stefanics, Vice-
District 5

Commissioner Daniel Mayfield
District 1

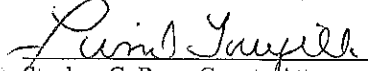
Commissioner Robert A. Anaya
District 3

Commissioner Kathy Holian
District 4

Katherine Miller, County Manager

APPROVED AS TO FORM

ATTEST:



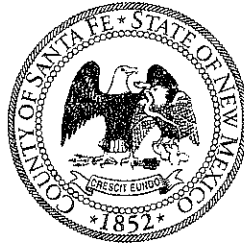
Stephen C. Ross, County Attorney

Valerie Espinoza - County Clerk

Danny Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefarnics
Commissioner, District 5

Katherine Miller
County Manager

CASE NO. V 11-5090

VARIANCE

SUZANNE TENG, APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as “the BCC”) for hearing on July 12, 2011, on the Application of Suzanne Teng, Santa Fe County Open Space and Trails, Colleen Baker (hereinafter referred to as “the Applicant”) for a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots: one lot consisting of 1.51 acres with two dwelling units and one unimproved lot consisting of 1.04 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and 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 Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots: one lot consisting of 1.51 acres with two dwelling units and one unimproved lot consisting of 1.04 acres located at 1673 Camino McMillin, West of Siler Road, within Section 32, Township 17 North, Range 9 East (“Property”).
2. The Applicant would retain 1.51 acres (Lot 5-A) with all existing structures and the Santa Fe County Open Space and Trails Program would purchase the remaining 1.04 acres (Lot 5-B) within the Santa Fe River floodplain.

3. The Applicant states the proposed land division is solely for the purpose of creating public open space along the Santa Fe River. The land division will not be recorded until and unless the purchase of Lot 5-B is completed by the County. The proposed Lot 5-B will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains. There is also a historic windmill on Lot 5-B that the Open Space and Trails Program plans to improve and maintain.
4. The Applicant also states that the Open Space and Trails Program is working to implement a long range plan to acquire land along the Santa Fe River in order to create a greenway of public open space and trails from downtown Santa Fe to the Waste Water Treatment Plant. The proposed land division is necessary for the County's open space and trails.
5. Ordinance No. 2007-2 states the density in this area (AFLDUZ) is 2.5 acres per dwelling unit; however density on this Property was established prior to the adoption of Ordinance No. 2007-2; density in this area prior to the adoption of Ordinance No. 2007-2 was 0.75 acres per dwelling unit. The land division would preserve distinctive natural features such as the Santa Fe River and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as provided in Ordinance No. 2007-2.
6. Staff recommends the following conditions of approval:
 - A. A Plat of Survey meeting all Santa Fe County Land Development Code requirements shall be submitted to the Building and Development Services Department for review and approval.

- B. Water use shall be restricted to 0.50 acre feet per year for Lot 5-A. Water meters shall be installed on both homes and this shall be noted on the Plat. Water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
- C. No further division of either tract shall be permitted. This shall be noted on the Plat.
- D. Prior to Plat recordation, the Applicant shall submit documentation from the City of Santa Fe granting an ingress and egress easement across the City-owned parcel in order to provide legal access to Lot 5-A.
- E. Lot 5-B shall be designated as open space, development other than open space amenities on this lot is prohibited, and this shall be noted on the Plat.
- F. The Applicant shall connect to community water and sewer when it becomes available within 200 feet of the Property line.
- G. The Applicant shall provide updated liquid waste permits from the New Mexico Environment Department prior to Plat recordation.
- 7. In support of the Application, the Applicant states that she agrees with staff's conditions.
- 8. No members of the public spoke in favor or in opposition to the Application.

After conducting a public hearing on the request, the Board of County Commissioners hereby approves a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to allow a land division of 2.55 acres into two lots: one lot consisting of 1.51 acres with two dwelling units and one unimproved lot consisting of

1.04 acres on Property located at 1673 Camino McMillin based upon the Applicant complying with the conditions as stated above.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners of Santa Fe County on this ___ day of September, 2011.

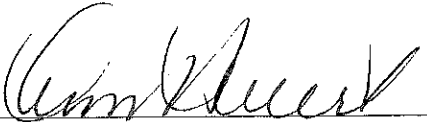
By: _____

Virginia Vigil, Chair

Attest: _____

Valerie Espinoza, County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

UNAP

XIII. A. 2. CDRC CASE # V 11-5090 Suzanne Teng Variance. Suzanne Teng, Applicant, Santa Fe County Open Space and Trails, (Colleen Baker), Agent, Requests a Variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.6 to Allow a Land Division of 2.55 Acres into Two Lots; One Lot Consisting of 1.51 Acres and One Lot Consisting of 1.04 Acres and to Allow Two Dwelling Units on 1.51 acres. The Property is Located at 1673 Camino McMillin, West of Siler Road, within Section 32, Township 17 North, Range 9 East (Commission District 2) Wayne Dalton, Case Manager

CHAIR VIGIL: Thank you, ladies and gentlemen. Members of the Board, we're going to move on to the next case. Has this been referred to the Agua Fria Village Association, Mr. Dalton?

WAYNE DALTON (Building & Development Services Supervisor): Madam Chair, not that I'm aware of.

CHAIR VIGIL: Okay.

MR. DALTON: Thank you, Madam Chair. On April 21, 2011 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request for a variance by a unanimous 7-0 voice vote. There is currently a residence, guesthouse, RV garage, a detached two-car garage and two conventional septic systems on the property. The property is served by an onsite well which serves the two existing dwelling units. The property is located within the Village of Agua Fria low-density urban zone.

Ordinance No. 2007-2 states the minimum lot size in this area is 2.5 acres per dwelling unit. Lot size can be reduced to one acre with community water or sewer and can be further reduced to half an acre with both community water and sewer. The proposed land division would divide the current 2.55-acre parcel. The applicant would retain 1.551 acres, which would be Lot 5-A with all existing structures, and the Santa Fe County Open Space and Trails program would purchase the remaining 1.04 acres, which would be Lot 5-B encompassing the Santa Fe River floodplain.

The applicant states the proposed land division is solely for the purpose of creating public open space along Santa Fe River. The land division would not be recorded until and unless the purchase of Lot 5-B is completed by the County. The proposed Lot 5-B will be used exclusively for open space, river restoration, habitat enhancements, public trails and related amenities such as benches and drinking fountains. There is also a historic windmill on Lot 5-B that the Open Space and Trails program plans to improve and maintain.

The applicant also states that the Open Space and Trails program is working to implement a long-range plan to acquire land along the Santa Fe River in order to create a greenway of public open space and trails from downtown Santa Fe to the wastewater treatment plant. The proposed land division is necessary for the County to purchase this portion of the river.

Recommendation: Staff has reviewed this application and has found the following facts to support this submittal: Ordinance No. 2007-2 states the density in this area is 2.5 acres per

DRAPF

dwelling unit; however density on this property was established prior to the adoption of Ordinance # 2007-2; density in this area prior to the adoption of Ordinance No. 2007-2 was 0.75 acres per dwelling unit; the land division would preserve distinctive natural features such as the Santa Fe River, and primary open space corridors; and clustering of structures is encouraged to preserve natural open space areas as stipulated within Ordinance No. 2007-2; therefore staff recommends approval of the Applicant's request subject to the following conditions. Madam Chair, may I enter the conditions into the record?

[The conditions are as follows:]

1. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
2. Water use shall be restricted to 0.50 acre-feet per year for (Lot 5-A). Water meters shall be installed on both homes this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
3. No further division of either tract shall be permitted. This shall be noted on the Plat.
4. Prior to Plat recordation, the Applicant shall submit documentation from the City of Santa Fe granting an ingress and egress easement across the City owned parcel in order to provide legal access to (Lot 5-A).
5. (Lot 5-B) shall be designated as open space, development other than open space amenities on this lot is prohibited, and this shall be noted on the Plat.
6. The Applicant shall connect to community water and sewer when it becomes available within 200 feet of the property line.
7. The Applicant shall provide updated liquid waste permits from the New Mexico Environment Department prior to Plat recordation.

CHAIR VIGIL: Are there any questions of staff at this point? Okay. I have just for the point of clarification. This lot division will not include any additional dwellings.

MR. DALTON: Madam Chair, that is correct.

CHAIR VIGIL: Okay. The only additional structures that will be built will be to enhance the Santa Fe River Corridor, correct?

MR. DALTON: Madam Chair, that's correct.

CHAIR VIGIL: Okay. I just wanted that clarification. Is the applicant here?

PAUL OLAFSON (Community Services Department): Madam Chair, Commissioners, I'm here on behalf of Colleen Baker who could not be here tonight, and this is part of our Open Space and Trails Santa Fe River project.

CHAIR VIGIL: Okay. And everyone in Colleen's shop and your shop has read the conditions and were all okay with it?

MR. OLAFSON: Madam Chair, yes.

CHAIR VIGIL: Okay. Thank you. Any questions of the applicant? Seeing none, this is a public hearing. Is there anyone in the public that would like to address the Commission?

COMMISSIONER STEFANICS: Madam Chair, could I ask a question?

CHAIR VIGIL: Yes.

COMMISSIONER STEFANICS: Since this seems to be something that would

DRAFT

be benefiting County Open Space, couldn't this have been done administratively?

MR. DALTON: Madam Chair, Commissioner Stefanics, it cannot be done administratively because it does not meet the lot size requirements as per Ordinance 2007-2.

COMMISSIONER STEFANICS: So the person is reducing their lot in order to make land available to the County?

MR. DALTON: Madam Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: Okay. I just think that's a little weird. Thank you.

CHAIR VIGIL: Well, they're actually selling that property to COLTPAC, correct?

MR. DALTON: Madam Chair, that is my understanding, yes. That the 1.04 acres will be sold to the County.

CHAIR VIGIL: And Ordinance No. 2007-2, is that the Agua Fria Community Plan?

MR. DALTON: That's correct.

CHAIR VIGIL: And so prior to this the .75 was prior to the plan?

MR. DALTON: Madam Chair, that's correct. Yes.

CHAIR VIGIL: And currently it's 2.5 acres.

MR. DALTON: Yes.

CHAIR VIGIL: Okay. Further questions? Seeing none, I was just asking if anyone from the public would like to address the Commission on this. Okay. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of CDRC Case #V 11-5090, Susan Teng Variance.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: I have a motion and a second.

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

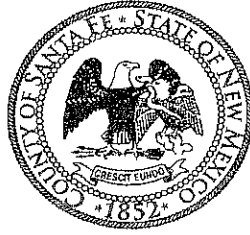
- XIII. A. 3. CDRC CASE # V 11-5030 Ivan Salcido Variance. Ivan Salcido, Applicant, Requests a Variance of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to Allow a Family Transfer Land Division of 2.8 Acres Into Two 1.4-Acre Lots From Sibling to Sibling. The Property is Located at 17 Corral Blanco Road Off the East Frontage Road, South of the N.M. 599/I-25 Intersection, within Section 4, Township 15 North, Range 8 East, (Commission District 5) Wayne Dalton, Case Manager

MR. DALTON: Thank you, Madam Chair. On April 21, 2011 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request for a variance by unanimous 7-0 voice vote.

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 11-5030

VARIANCE

IVAN SALCIDO, APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on July 12, 2011, on the Application of Ivan Salcido (hereinafter referred to as "the Applicant") for a variance of Article II, Section 4.3.2c (Family Proper) of the Santa Fe County Land Development Code ("Code") to allow a Family Transfer Land Division of 2.8 acres into two 1.4 acre lots from sibling to sibling. The BCC, having reviewed the Application and supplemental materials, staff reports and 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 requested a variance to allow a Family Transfer Land Division of 2.8 acres into two 1.4 acre lots from sibling to sibling. The property is located at 17 Corral Blanco Road off the East Frontage Road, South of the N.M. 599/I-25 Intersection, within Section 4, Township 15 North, Range 8 East ("Property").
2. As set forth in the Code the minimum lot size in the area is 2.5 acres.
3. Article II, Section 4.3.5 of the Code allows for lots of no less than half the minimum lot size, i.e., 1.25 acres in this case, with water restrictions and water conservation measures.

4. Family Proper is described in Article II, Section 4.3.2c of the Code, as “lineal relations up to and including the third degree, i.e., grandparent, parent, child. Step relations shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer, including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.”

5. Staff recommends the following conditions of approval:

A. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot, and this requirement shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk’s Office.

B. The Applicant shall enter into a shared well agreement with the owners of Tract B and Tract C.

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

D. No further division of either tract shall be permitted. This shall be noted on the Plat.

E. The Applicant shall connect to the County Water System when it becomes available within 200 feet of the Property line.

F. No further structures shall be permitted on either lot.

G. The Applicant’s lot and the newly created lot shall not be sold for a period of five years.

6. In support of the Application, the Applicant stated that he agrees with staff’s conditions.

7. No members of the public spoke in favor or in opposition of the Application.

After conducting a public hearing, the Board of County Commissioners hereby approves Application for a variance of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to allow a Family Transfer Land Division of 2.8 acres into two 1.4 acre lots from sibling to sibling subject to the Applicant complying with staff's conditions as stated above.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners of Santa Fe County on this ___ day of September, 2011.

By: _____

Virginia Vigil, Chair

Attest: _____

Valerie Espinoza, County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

DRAFT

be benefiting County Open Space, couldn't this have been done administratively?

MR. DALTON: Madam Chair, Commissioner Stefanics, it cannot be done administratively because it does not meet the lot size requirements as per Ordinance 2007-2.

COMMISSIONER STEFANICS: So the person is reducing their lot in order to make land available to the County?

MR. DALTON: Madam Chair, Commissioner Stefanics, that's correct.

COMMISSIONER STEFANICS: Okay. I just think that's a little weird. Thank you.

CHAIR VIGIL: Well, they're actually selling that property to COLTPAC, correct?

MR. DALTON: Madam Chair, that is my understanding, yes. That the 1.04 acres will be sold to the County.

CHAIR VIGIL: And Ordinance No. 2007-2, is that the Agua Fria Community Plan?

MR. DALTON: That's correct.

CHAIR VIGIL: And so prior to this the .75 was prior to the plan?

MR. DALTON: Madam Chair, that's correct. Yes.

CHAIR VIGIL: And currently it's 2.5 acres.

MR. DALTON: Yes.

CHAIR VIGIL: Okay. Further questions? Seeing none, I was just asking if anyone from the public would like to address the Commission on this. Okay. What's the pleasure of the Commission?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: I move for approval of CDRC Case #V 11-5090, Susan Teng Variance.

COMMISSIONER STEFANICS: Second.

CHAIR VIGIL: I have a motion and a second.

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

- XIII. A. 3. **CDRC CASE # V 11-5030 Ivan Salcido Variance. Ivan Salcido, Applicant, Requests a Variance of Article II, Section 4.3.2c (Family Proper) of the Land Development Code to Allow a Family Transfer Land Division of 2.8 Acres Into Two 1.4-Acre Lots From Sibling to Sibling. The Property is Located at 17 Corral Blanco Road Off the East Frontage Road, South of the N.M. 599/I-25 Intersection, within Section 4, Township 15 North, Range 8 East, (Commission District 5) Wayne Dalton, Case Manager**

MR. DALTON: Thank you, Madam Chair. On April 21, 2011 the CDRC met and acted on this case. The decision of the CDRC was to recommend approval of the applicant's request for a variance by unanimous 7-0 voice vote.

The Applicant requests a variance to divide 2.8 acres into two 1.4-acre lots. The Applicant states he would convey 1.4 acres to his brother who originally helped him purchase the property. The Applicant claims that his brother and his brother's family have been residing with him for nearly eight years and it is time for his brother resides in his own home. The division will also enable his brother to leave his children something in the future.

There is currently a residence and conventional septic system on the property. The property is served by an off-site shared well. The property is located within the Basin Hydrologic Zone. Article III, Section 10 of the Land Development Code states the minimum lot size in this Hydrologic area is 10 acres and can be reduced to 2.5 acres with water restrictions. Lot size may be further reduced to 1.25 acres via small-lot family transfer per Article II, Section 4.3.5. The property has been in lawful possession of the family proper for over five years, therefore the Applicant can apply for a small-lot family transfer if the proposed variance is approved by the Board of County Commissioners.

Family Proper is described in Article II, Section 4.3.2c, as lineal relations up to and including the third degree, i.e., grandparent, parent, child. Step-relations shall count as natural relationships so long as the step relationship is legally existent at the time of the transfer, including legal guardians who have performed the function of grandparent or parent to the person who is receiving the transferred lot.

Recommendation: Staff has reviewed this Application and has found the following facts to deny this Application: Article II, Section 4.3.2c of the Land Development Code states: lineal relations up to and including the third degree, i.e. grandparent, parent, child, lineal in definition is the direct line of descent from an ancestor or hereditary; the Applicant is requesting the variance to allow for a small-lot family transfer land division to be deeded from sibling to sibling, which is not considered a line of descent per Code; the purpose of the Code would be nullified; the Applicant has not justified a hardship which is contemplated by the Code therefore staff recommends denial of the request.

If the decision of the BCC is to approve the Applicant's request, staff recommends the following conditions be imposed. Madam Chair, may I enter the conditions into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for both lots this shall be noted on the Plat. Annual water meter readings shall be submitted to the Land Use Administrator by January 1st of each year. Water restrictions shall be recorded in the County Clerk's Office.
2. The Applicant shall enter into a shared well agreement with the owners of Tract B and Tract C.
3. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
4. No further division of either tract shall be permitted. This shall be noted on the Plat.
5. The Applicant shall connect to the County Water System when it becomes available within 200 feet of the property line.

CHAIR VIGIL: Are there any questions of Mr. Dalton?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

DRAFT

COMMISSIONER HOLIAN: Thank you, Madam Chair. Wayne, is it possible to put on a plat that only one dwelling unit is allowed on that plat?

MR. DALTON: Madam Chair, Commissioner Holian, I have seen that condition, that note put on a plat.

COMMISSIONER HOLIAN: Okay. Thank you.

CHAIR VIGIL: Okay. Any other questions of Mr. Dalton? Commissioner Anaya.

COMMISSIONER ANAYA: You learn something every day, Mr. Dalton. It's okay for a grandparent or child to get a lot split but it's not okay for a sister to give a sister a lot or a brother to give a brother a lot?

MR. DALTON: Madam Chair, Commissioner Anaya, that is correct. The code states that small lot family transfers can only be deeded from a grandparent, a parent or a child. So either a grandparent can give it to their daughter or son. It's kind of confusing. A piece of property can only be deeded from a grandparent to a parent to a child. That's all the code states for a small lot family transfer. It cannot be deeded from sibling to sibling. So a brother cannot give it to a sister and a sister can't give it to a brother, cousin or anything like that. It has to be --

COMMISSIONER ANAYA: Madam Chair, Mr. Dalton I would assume that we've had -- have we had variances in this that have been approved? Brother to brother? Because it would seem to me that it's still a variance but it would seem to me that they would be included if they're immediate, but have we had variances similar to this request?

MR. DALTON: Madam Chair, Commissioner Anaya, yes. We've had these requests come forward.

CHAIR VIGIL: Are you done, Commissioner Anaya?

COMMISSIONER ANAYA: Madam Chair, one more question. Associated with lot size, I know that NMED has tightened up their regulations associated with septic tanks. Does any of this, if it would get approved, is it impacted by NMED within those new rules? Do you have any knowledge of that?

MR. DALTON: Madam Chair, Commissioner Anaya, if this request is approved and he does create two 1.25-acre lots or 1.4-acre lots I believe he would have no problem getting a septic permit from the Environment Department.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics, then Commissioner Mayfield.

COMMISSIONER STEFANICS: Thank you very much, Madam Chair and thank you, Wayne. How many people live currently in the house on 2.818 acres?

MR. DALTON: Madam Chair, Commissioner Stefanics, it is the applicants and the applicants' brother's family. I'm not sure how many of them reside there.

COMMISSIONER STEFANICS: Can you ask them?

MR. DALTON: Madam Chair, Commissioner Stefanics, eight.

COMMISSIONER STEFANICS: Eight people. So if the lot is divided, how many people will live on the two lots? Eight? No more, unless there's more babies.

MR. DALTON: That's correct.

COMMISSIONER STEFANICS: Okay. Thank you very much, Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

DRAFT

COMMISSIONER MAYFIELD: Madam Chair, Mr. Dalton, based on Commissioner Anaya's question, it can't be transferred from sibling to sibling the way our code is, hypothetically, could the child give it to the parent and the parent come back and give it to a couple of kids?

MR. DALTON: Madam Chair, Commissioner Mayfield, the way the code is written, no. Well – Madam Chair, Commissioner Mayfield, yes. A child can transfer to a parent and then the parent can transfer it back to the child as long as the child is of age, which would be 18.

COMMISSIONER MAYFIELD: Okay. Thank you.

CHAIR VIGIL: How long have the applicants owned this property?

MR. DALTON: Madam Chair, the applicant has owned the property since 2003.

CHAIR VIGIL: Thank you. Any other questions of Mr. Dalton?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Dalton, Mr. Kolkmeier, just a comment associated with Commissioner Mayfield's comment and the comments I made previously, I think the intent, and this goes to the code discussions we're having now, I think the intent is immediate relation, so it's my perspective for discussions in the code and I just want to put it on the record that siblings should be included for consideration absolutely. I have a friend near and dear to me that raised his – all of his brothers and sisters. He raised them from the time they were little until the time they grew up. So I think that's a code item that we should look at. So thank you, Madam Chair.

CHAIR VIGIL: Mr. Ross, did you want to address that with regard to what state statute says family transfer and lineage?

MR. ROSS: Well, Madam Chair, the state statutes don't contain any language about this.

CHAIR VIGIL: So it's interpreted that –

MR. ROSS: No, it's County code. There are limitations in County code. It's poorly written; we know it is; we're trying to rewrite the whole thing. This is just one of many problems that exists in the code is that it doesn't make any sense. Why would you do it that way?

CHAIR VIGIL: Thank you, Madam Chair. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, a question you asked previously. Mr. Dalton, the acquisition of this property was 2003. Is there when you acquire a property or purchase a property, is there a certain amount of time before it can be split up into a family transfer under our code?

MR. DALTON: Madam Chair, there is. It has to be in the family proper for no less than five years.

COMMISSIONER MAYFIELD: Not ten, five?

MR. DALTON: Yes.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR VIGIL: Okay, if there are no further questions from Mr. Dalton is the applicant here? Please step forward. Are you Mr. Salcido. Please state your name. You're

going to need to be sworn in also. Please state your name and address. Is there interpretation going to go on? Bueno, bienvenido. ¿Cómo está?

[Duly sworn, Ivan Salcido testified as follows:]

IVAN SALCIDO: Bien, gracias.

CHAIR VIGIL: Mr. Larrañaga, you will be interpreting for us? Okay. Do you agree with all of the conditions that have been set forth?

MR. SALCIDO: Sí.

CHAIR VIGIL: Sí. Yes. Okay. Is there anything you would like to add?

MR. SALCIDO: Pues, de hecho querría pedir el permiso porque todos los vecinos que pregunté, todos están de acuerdo. No se oponen ni nada. Todos los terrenos que están juntos a mi casa están divididos. Por eso compramos nosotros allí.

CHAIR VIGIL: Bueno, Mr. Larrañaga.

JOSE LARRAÑAGA (Commercial Development Case Manager): Madam Chair, the applicant stated that he just wants to split his land and the property around him, a lot of the properties have been split, and he's talked to his neighbors and they're all okay with the lot division and what he's trying to do.

CHAIR VIGIL: Thank you. Are there any questions for the applicant?

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Are there any grandparents that might – that are around that might be joining the family?

MR. SALCIDO: Mi papa y mi hermano viven en el terreno enseguida.

MR. LARRAÑAGA: Madam Chair, Commissioner Stefanics, his father and another brother live right next to him. So they wouldn't be living on this property.

COMMISSIONER STEFANICS: Madam Chair, so they already live in the area.

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

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: There's two units that are identified, and you can answer this, Mr. Larranaga if you know it, or Mr. Dalton. One Exhibit E, is that – those two units, who's living in those? And is there going to be an additional unit placed?

MR. DALTON: Madam Chair, the applicant currently resides in one of the residences and the other home he moved on the property because it was getting vandalized at another location. So he moved that on the property while he was going through this process.

CHAIR VIGIL: Is that home – does it have the appropriate permitting?

MR. DALTON: Madam Chair, no, it does not, because it would not meet the minimum lot size in this area. If he does not get this approved and does not go through the small lot family transfer process he will not have enough acreage for two dwelling units on that property. That home is just stored there. It's not hooked up to any utilities at this time.

CHAIR VIGIL: Okay.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Mr. Salcido, would you agree to another condition that there would be only one residence per lot?

MR. SALCIDO: Sí.

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, he agrees to that condition.

COMMISSIONER HOLIAN: Okay. Thank you.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, Mr. Dalton, on Exhibit G, where we have the blocked out area, what's in that far upper right-hand corner? Where those two cars are parked. Are they sharing a structure with the other adjacent property?

MR. SALCIDO: Es un corral que tiene mi hermano tambien.

MR. DALTON: Madam Chair, Commissioner Mayfield, those are corrals and he is sharing them with his father on the adjoining piece of property.

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Further questions? This is a public hearing. Is there anyone in the audience that wishes to address the Commission on this agenda item? Please step forward. Seeing none, the public hearing is closed.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I would move approval of CDRC Case #V 11-5030 with staff conditions and the additional condition that Commissioner Holian noted of only one residence per lot.

COMMISSIONER HOLIAN: I'll second that.

CHAIR VIGIL: I have a motion and a second. Do we have a .25 limit on the water use and require metering or are they hooked up?

MR. DALTON: Madam Chair, that is condition #1 that we restrict both homes to a quarter acre-foot. Both lots will be restricted to a quarter acre-foot.

CHAIR VIGIL: We need clarification. .25 per lot or .25 to include both lots?

MR. DALTON: Madam Chair, it will be .25 for each lot.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: Madam Chair, on that point. I think your report indicates they're on a shared well. Where is that shared well located at?

MR. DALTON: I believe that's on the adjacent tract, on his father's tract.

COMMISSIONER MAYFIELD: And what's the water restriction there?

MR. DALTON: It's shown on Exhibit F. It is on Tract B, the well.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Dalton, how many folks are sharing that well?

MR. DALTON: Madam Chair, Commissioner Mayfield, it is a shared well between all three tracts. So lots A, B and C share the well.

COMMISSIONER MAYFIELD: B and C. And I'm sorry, Mr. Dalton, on Exhibit G; I'm just trying to look at the big tract that we're asking to be split, and then the adjacent tract to the right, there's two tracts there.

MR. DALTON: Correct.

COMMISSIONER MAYFIELD: So does that other lower tract or the higher tract have an independent well?

MR. DALTON: Madam Chair, Commissioner Mayfield, if you look at Exhibit F, the survey plat, you can see the tracts we're talking about, which is Tract A. To the right of that is Tract B. To the right of Tract B is Tract C. So all three of those lots share the well.

COMMISSIONER MAYFIELD: And what is the water usage on that adjacent tract that already has it?

MR. DALTON: It's a quarter acre-foot.

COMMISSIONER MAYFIELD: Also.

MR. DALTON: Yes.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair.

CHAIR VIGIL: Would the maker of the motion agree to an additional condition that would require the applicant and his brother to hold on to their property for a five-year period without reselling?

COMMISSIONER STEFANICS: Yes.

COMMISSIONER HOLIAN: Yes.

CHAIR VIGIL: Okay. I would like to make that condition #7. Would the applicant agree to that? Do you want to explain that, Mr. Larranaga?

MR. LARRAÑAGA: Madam Chair, the applicant agrees to the condition.

CHAIR VIGIL: Okay. So are there any other questions, comments? We have a motion with seven conditions, two that have been added tonight.

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

- XIII. 4. A. CDRC CASE #VAR 10-5560 Juan Lozoya Variance. Juan Lozoya, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Four Dwelling Units on 1.25 Acres. The Property is Located at 31 Cerro del Alamo, within Section 28, Township 16 North, Range 8 East, (Commission District 3). John M. Salazar, Case Planner

JOHN MICHAEL SALAZAR (Development Review Team Leader): Madam Chair, I spoke with the applicant last week. He stated that he was in California. He was supposed to send a representative for him today and I'm not sure if that representative is here or not.

CHAIR VIGIL: Is anybody here on behalf of Mr. Lozoya?

COMMISSIONER ANAYA: Motion to table, Madam Chair.

MS. COBAU: Madam Chair.

CHAIR VIGIL: Yes.

MS. COBAU: Prior to taking action, could I just point out that this applicant did not show up for any of the CDRC hearings. This case has been tabled before you twice. It's pretty obvious to us, we think that the applicant has no intention of showing up for a hearing and we'd like to enter the staff report into the record and recommend denial of his application for a variance.

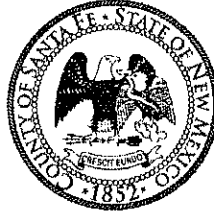
COMMISSIONER ANAYA: Madam Chair, I'll pull that motion I made.

CHAIR VIGIL: Okay. Then let's hear the testimony then, Mr. Salazar.

Daniel "Danny" Mayfield
Commissioner, District 1

Virgina 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. VAR 10-5560

VARIANCE

JUAN LOZOYA, APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on July 12, 2011, on the Application of Juan Lozoya (hereinafter referred to as "the Applicant") for a variance of Article III, Section 10 of the Santa Fe County Land Development Code ("Code") to allow four dwelling units on 1.25 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and conducted a public hearing on the request, finds that the Application is not well-taken and should be denied, and makes the following findings of fact and conclusions of law:

1. The Applicant requests a variance of Article III, Section 10 of the Code to allow four dwelling units on 1.25 acres.
2. The property is located at 31-A Cerro del Alamo, within Section 28, Township 16 North, Range 8 East.
3. The Applicant was not present for the public hearing.
4. Four members of the public spoke in opposition to the Application.

5. After conducting a public hearing on the request and having heard from staff and the public, the Board of County Commissioners hereby finds evidence was not presented to support the requested variance and therefore denies the Application for a variance.

IT IS SO ORDERED

This Order was approved by the Board of County Commissioners of Santa Fe County on this ____ day of September, 2011.

By: _____

Virginia Vigil, Chair

Attest: _____

Valerie Espinoza, County Clerk

Approved as to form:

 _____

Stephen C. Ross, County Attorney