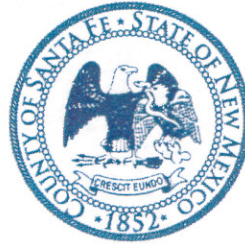


Daniel "Danny" Mayfield
Commissioner, District 1

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

Date: November 8, 2011

To: Santa Fe Board of County Commissioners

From: Beth Mills, Community Planner, Open Space and Trails Program

CC: Mark Hogan, Director, Properties and Facilities
Paul Olafson, Division Director, Community Projects
Colleen Baker, Manager, Open Space and Trails Program

Re: A Resolution Endorsing Funding for Operation, Management, and Maintenance for County Open Lands, Parks, and Trails and Authorizing the Trust for Public Land to Continue to Provide Technical Assistance to the County for Conservation Finance Strategies.

Background:

At the April 21, 2011 regular meeting of COLTPAC the committee discussed, at length, the status and health of the Open Space and Trails Program. Part of this discussion focused on the ways in which the committee could assist staff in order to ensure success in achieving the goals set out in the original Open Land and Trails Plan (2000) and how they could assist in strategies for funding the program. At this meeting the committee unanimously recommended to the BCC that "it was time to begin ensuring that they (the acquired properties and trails) are maintained with permanent staff to do so".

In August, 2009, the Santa Fe Board of County Commissioners requested help from the Trust for Public Land to perform a Conservation Finance Feasibility Study. This study was completed in February 2010 and recommended specific strategies for pursuing funding for the Open Space and Trails Program. Since that time, COLTPAC and staff have been in conversation with the Trust for Public Land concerning preparation for the potential funding opportunities in the next General Obligation Bond funding cycle (2012).

Discussion:

The resolution under discussion here addresses both these matters; it brings forward the language COLTPAC agreed on to recommend support for operations and maintenance of the properties that have been acquired over the past 11 years with general obligation bonds, and it supports the continued work with the Trust for Public Land in seeking funding mechanisms to ensure the future of the Program.

Action Requested:

Staff request that the Board approve the "Resolution Endorsing Funding for Operation, Management, and Maintenance for County Open Lands, Parks, and Trails and Authorizing the Trust for Public Land to Continue to Provide Technical Assistance to the County for Conservation Finance Strategies".

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

RESOLUTION NO. 2011- _____

**A RESOLUTION
ENDORISING FUNDING FOR OPERATION, MANAGEMENT, AND MAINTENANCE FOR
COUNTY OPEN LANDS, PARKS AND TRAILS AND AUTHORIZING THE TRUST FOR
PUBLIC LAND TO CONTINUE TO PROVIDE TECHNICAL ASSISTANCE TO THE
COUNTY FOR CONSERVATION FINANCE STRATEGIES**

WHEREAS, the voters of Santa Fe County have recognized the importance of open lands, parks, trails, and historic and cultural places to the mental, physical, and social health of our busy, complex, and rapidly-changing society;

WHEREAS, the voters of Santa Fe County understand the value of such places as components of local and regional ecosystems upon which all life depends;

WHEREAS, the voters of Santa Fe County have authorized and directed their elected officials and their public servants to acquire, manage, and develop such places for the public benefit;

WHEREAS, since 2000, with the advice and assistance of the County Open Land and Trails Planning and Advisory Committee (COLTPAC), Santa Fe County has developed a rational plan for such acquisition, management, and development and has enjoyed great success in acquiring the beginnings of an exemplary county system of open lands, parks, trails, and historic and cultural places;

WHEREAS, the voters, elected officials, public servants, and COLTPAC members have known from the outset that places acquired for the public benefit must be professionally studied, understood, managed, operated, and maintained for the public benefit;

WHEREAS, approximately twelve years have passed since the initial acquisition

of open space by Santa Fe County;

WHEREAS, in August 2009, Santa Fe County requested technical advice and assistance from the Trust for Public Land to develop a program to finance land conservation;

WHEREAS, in February 2010, the Trust for Public Land delivered a “Conservation Finance Feasibility Study” to the County which made recommendations about financing options;

WHEREAS, in April of 2011 COLTPAC recommended that the Board of County Commissioners take action to staff permanent positions for the purpose of the operation and maintenance of open space.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners directs staff to include in future County budgets adequate staffing and financing to accomplish the management, operation, and maintenance of county open space for the public benefit and that staff continue to seek input from the Trust for Public Land regarding structuring future conservation finance strategies.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2011.

VIRGINIA VIGIL, CHAIR

SANTA FE COUNTY INTEROFFICE MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: DUNCAN SILL
VIA: COMMISSIONER VIRGINIA VIGIL, CHAIR
RE: REQUEST APPROVAL OF A RESOLUTION TO SUPPORT FILM AND MEDIA INDUSTRY ECONOMIC DEVELOPMENT ACTIVITIES IN SANTA FE COUNTY AS MEANS TOWARDS ACHIEVING A SUSTAINABLE LOCAL ECONOMY AND STIMULATE LOCAL JOB CREATION AND RETENTION
DATE: 9/26/2011
CC: KATHERINE MILLER, COUNTY MANAGER, RITA MAES, CONSTITUENT LIAISON

Background:

The local regional economy, similar to many areas throughout the nation, has been impacted significantly since the 2008 national financial and housing crisis resulting in job loss, underemployment, stagnant industry activities and decrease consumer and development spending and investment. In turn, government budgets, including Santa Fe County, have experienced downturns. Since 2008, GRT collection in the region has declined by 16% and wages in the region have remained flat while some goods and services--such as fuel and food, as reflected by Consumer Price Indices--have increased, placing more financial stress on our citizens.

Ongoing viable economic development in the region is critical to sustain the quality of life for our communities and the film industry has been an active contributor to the local economy. Since 2003, the film industry, with more than 60 major television and film productions taken place within the county, has spent more than \$250 million in direct and \$750 million in indirect expenditure in the region. Many of the film and media productions and related activities created and retained jobs for local community members with average wages ranging between \$23- \$28 per hour. Film and media arts training programs have been established at the Santa Fe Community College to provide education and workforce development opportunities.

Issues:

Efforts to address economic recovery, nationally and locally, require balanced strategies for cost savings and sharing, spending reduction and appropriate investments. The County, as expressed in the Sustainable Growth Management Plan ("SGMP"), has taken a deliberate approach with Economic Development by integrating efforts in critical economic infrastructure, targeted cluster industries, workforce development, business services and regional alliance. The film and media industry is one of the cluster sectors identified in the SGMP for focus. The greater region, via the Regional Economic Development Initiative, including seven local jurisdictions in Northern New Mexico (Santa Fe County is part of), also selected the Media cluster as a targeted industry. New Mexico was recently rated by industry insiders as the third best location for filmmaking in North

America. According to *Variety*, New Mexico trailed only California and New York, while beating out Chicago, Louisiana, and other domestic locations.

The County has designated a Media District within the Community College District, via Ordinance 2007-10, with the purpose to create a specific district where a variety of media businesses including the film industry, publishing industry and broadcast media uses can be located to accommodate and support the special needs of these types of activities. Furthermore, Santa Fe County approved and adopted via Ordinance 2008-07 to support a Local Economic Development Act ("LEDA") project with Santa Fe Film and Media Studios and La Luz Holdings LLC to construct and operate a film and multi-media production studio. The initial Phase 1A development of the LEDA film project has created more than 160 construction and related jobs in recent months offering direct benefits to address the current economic recession. Given that New Mexico continues to gain market shares of the overall domestic film industry, the potential for economic growth is significant for the local region and the state.

In addition to activities related to major productions, the region has much to offer to support viable independent film production initiatives that are complementary to the local cultural and environmental context. Other related opportunities exist with expanding capacity for post productions and multimedia applications and innovation. Equally noteworthy is the potential for training and workforce development for our community youth; and in times when youth unemployment is at its highest rate (nearly 1 in 5 according to the US Census) since World War II, the necessity to invest in this local community population and resource is extremely critical for the future of the region and the state.

In summary, the film and media industry is worthy of support as a viable targeted cluster industry within Santa Fe County. It is further considered as part of the means and strategies to promote sustainable local economic and community development.

Recommendation:

Approve Resolution to Support Film and Media Industry Economic Development Activities in Santa Fe County as Means Towards Achieving a Sustainable Local Economy and Stimulate Local Job Creation and Retention.

Thank you for your attention and please contact Duncan at 995-2728, dsill@santafecounty.org, if you have questions or require additional information.

**SANTA FE COUNTY
RESOLUTION No. 2011-**

**A RESOLUTION TO SUPPORT FILM AND MEDIA INDUSTRY ECONOMIC
DEVELOPMENT ACTIVITIES IN SANTA FE COUNTY AS A MEANS TO ACHIEVE A
SUSTAINABLE LOCAL ECONOMY AND TO STIMULATE LOCAL JOB CREATION
AND RETENTION**

WHEREAS, the United States is currently experiencing one of the most challenging economic times in history; and

WHEREAS, the local economy has been negatively impacted by the downturn of the greater economy which in turn broadly affects local governments, community institutions, businesses and citizens; and

WHEREAS, the County of Santa Fe attempts to and is committed to support a diverse local sustainable community-based economy with appropriate policies, strategies and investment for enhancing opportunities in critical economic infrastructure, targeted cluster industries, workforce development and business services; and

WHEREAS, the County of Santa Fe is dedicated to economic viability that complements the region's natural environment and the quality of life for local communities; and

WHEREAS, the film and media industry has demonstrated that it is a feasible targeted cluster industry for the greater region of Santa Fe, financially impacting the area with more than \$250 million of direct expenditure and \$750 million of indirect and induced economic impact since 2003; and

WHEREAS, other economic and community impacts include enhancement of telecommunications broadband infrastructure to enable technological and research innovations, improvements to roads, water and wastewater infrastructure systems in support of direct and indirect industry initiatives, promotion of youth, workforce and job training programs with educational institutional partners, creation and retention of local regional jobs in indirect and induced business sectors, stimulation of tourism, hospitality, creative arts and culture activities, all of which advance community and economic viability for the greater region; and

WHEREAS, the State of New Mexico's Governor Martinez has expressed to the film industry that the state continues to offer competitive incentive packages to support productions and related activities within a film friendly community network throughout the state and a dedicated film office ready to provide assistance; and

WHEREAS, according to a recent economic impact study completed by Ernst and Young (2009), related film production activities for the State of New Mexico have contributed to estimated annual creation of more than 2000 direct jobs and more than 3700 jobs for capital expenditures and 1600 jobs for indirect activities; and

WHEREAS, the film industry promotes wages that exceed the average wage rates within the greater region ranging between \$23 - \$28 per hour plus overtime and benefits for grips, journeymen, best boys and other technical positions; and

WHEREAS, Santa Fe County designated a 65-acre media district within the Santa Fe County Community College District which adopted Ordinance 2007-10 to create a specific district where a variety of media businesses including the film industry, publishing industry and broadcast media can be located to accommodate and support the special needs of these types of use; and

WHEREAS, Santa Fe County approved and adopted Ordinance 2008-07 to support a Local Economic Development Act ("LEDA") project with Santa Fe Film and Media Studios and La Luz Holdings LLC to construct and operate a film and multi-media production studio; and

WHEREAS, the initial Phase 1A development of the LEDA film project has created more than 160 construction and related jobs in recent months offering direct benefits to residents of the county to address the current economic recession; and

WHEREAS, the continuation and expansion of economic activities related to the film and media industry within Santa Fe County are critical to regional and economic development.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners hereby recognizes the value of the film and media industry and its related ongoing contribution towards the viability and sustainability of local, regional, community and economic development and in furtherance of that value the County and City will combine resources to develop and produce a comprehensive marketing strategy that will bring films to Santa Fe County;

BE IT FURTHER RESOLVED that the Board of County Commissioners extends an invitation to the film industry to locate productions and to conduct activities within Santa Fe County in collaboration with the Santa Fe Studios LEDA Project;

BE IT FURTHER RESOLVED that the Board of County Commissioners continues to support initiatives lending to creation and retention of local and regional jobs related to direct production, capital expenditure, indirect and induced activities connected to the film and media industry to benefit our local economy and community; and considers this a sustainable economic development initiative for the future of Santa Fe County and the State of New Mexico; and

BE IT FURTHER RESOLVED that staff is directed to investigate possible incentives for the film and media industry to produce film and media in Santa Fe County.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2011.

COMMISSIONER VIRGINIA VIGIL, CHAIR

ATTEST:

VALERIE ESPINOZA, COUNTY CLERK

APPROVED AS TO FORM:



STEPHEN C. ROSS, COUNTY ATTORNEY



Santa Fe County Proclamation

REGONIZING MATTHEW BEAVER'S COURAGEOUS BATTLE WITH BONE CANCER AND HE AND HIS FAMILY'S LOVE AND SERVICE TO SANTA FE COUNTY

Whereas, Jayne and Glenn Levant moved to Santa Fe in 2004 after long and distinguished careers in Public Service and Non Profit Charity work in Los Angeles; and

Whereas, in 2004 Jayne and Glenn Levant were visited at their new Santa Fe County home by their Daughter, Ellisa Beaver, her husband, Steven Beaver, and their grandchildren, Matthew Beaver, then 13, and Emily Beaver, then 10; and

Whereas, Matthew and Emily were so enchanted with the beauty of Santa Fe and its wonders that Emily, at the age of 10 was inspired by Matthew to write the following poem:

**Santa Fe, New Mexico
How beautiful it is.
Fluffy Clouds
That goes on for miles,
The warm weather,
The colorful trees
That seem to change every day.
Wide open pristine space.
Feel the wind rush past you.
Watch the lightning light up the sky.
Let the sun
Shine on your face
And let the warmth rush in
The stars are bright
And shine through the night
And make the moonlight brilliant.
Taste the warm,
Fine air
And breathe it in
With pleasure.
The green grass,
The dirt cliffs,
The waterfalls,
Soak into you like Heaven.**

Whereas, after returning home to San Diego from Santa Fe, the family was devastated to learn that Matthew had been stricken with a rare form of bone cancer called Ewing's Sarcoma; and

Whereas, for over three years, Matthew underwent painful treatment including chemotherapy transfusions of blood and platelets, radiation, and an amputation of his right leg at San Diego Children's Hospital; and

Whereas, throughout his entire ordeal, Matthew was constantly accompanied by his Father and Mother, Sister and Grandparents and bravely endured the medical procedures without complaint, with humor, courage and positive spirits; and



Whereas, Matthew always spoke of the beauty of Santa Fe and his wonderful memories of its pristine wonders; and

Whereas, Matthew succumbed to the cancer on January 14, 2009 in the presence of his supportive and loving family; and

Whereas, Glenn and Jayne Levant adopted Santa Fe County Road 85 in honor of Matthew and his family; and have faithfully kept the road litter free in accordance with Matthew's memories of Santa Fe's Pristine nature;

NOW THEREFORE, BE IT RESOLVED THAT THE BOARD OF SANTA FE COUNTY COMMISSIONERS HEREBY RECOGNIZES:

MATTHEW BEAVER, HIS SISTER EMILY BEAVER, HIS PARENTS, ELLISA AND STEVEN, AND HIS GRANDPARENTS, JAYNE AND GLENN LEVANT, FOR THEIR COURAGE DURING MATTHEW'S HEROIC ORDEAL, AND THEIR COLLECTIVE LOVE AND SERVICE TO SANTA FE COUNTY

Virginia Vigil, Chair
District 2

Vice Chair, Liz Stefanics
District 5

Commissioner Danny Mayfield
District 1

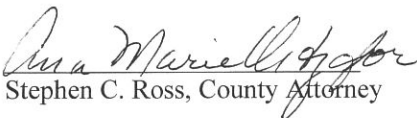
Commissioner Robert A. Anaya
District 3

Commissioner Kathy Holian
District 4

Katherine Miller, County Manager

APPROVED AS TO FORM

ATTEST:

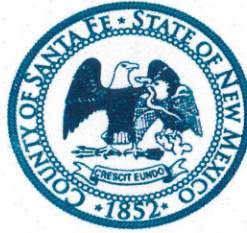

Stephen C. Ross, County Attorney

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 Stefanics
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: November 8, 2011

TO: Board of County Commissioners

FROM: Shelley Cobau, Building and Development Services Manager *SC*

VIA: Jack Kolkmeier, Growth Management Planning and Development Division Director *JK*

REF.: County Development Review Committee (CDRC) Appointment

SUMMARY:

County Development Review Committee (CDRC), member Ivan Pato, Commission District 5 appointee, has resigned his position on the CDRC. Mr. Pato was also an appointee to the Extraterritorial Land Use Commission (ELUC). Staff subsequently issued a press release which was published in the local newspaper apprising the public of the vacancy on this local development review committee and resumes have been presented for consideration by interested individuals (Exhibit A).

Article II, Section 1.2. (County Development Review Committee) of the Code, gives the BCC the authority to appoint members of the CDRC. Section 1.2 states: "The Board shall appoint a County Development Review Committee consisting of not less than seven (7) members" (Exhibit B).

Applicants requesting consideration include the following individuals:

Daniel Drobnis	17 Sabroso Road	Commission District 5
Bonn Macy	98 Herrada Road	Commission District 5

RECOMMENDATION:

Staff has reviewed the resumes and finds these applicants are both eligible for service on the CDRC. The Commissioner from District 5 recommends Dan Drobnis for the new CDRC and ELUC member. The selected individual should be appointed to serve the remainder of Mr. Pato's term, ending on 1/1/2013.

ATTACHMENTS:

Exhibit A – Resumes
Exhibit B – Referenced Code
Exhibit C—Location Map of Applicant's Residency in District 5
Exhibit D—Member list CDRC and ELUC

17 Sabroso Road
Santa Fe, NM 87508-1904
September 23, 2011

Santa Fe County
Building Development and Services
P.O. Box 276
Santa Fe, New Mexico 87504

Attention: Shelly Cobau

Dear Ms. Cobau

I am responding to a notice in the *Santa Fe New Mexican* regarding an opening for a resident of County Commission District 5 to serve as a volunteer member of the County Development Review Commission.

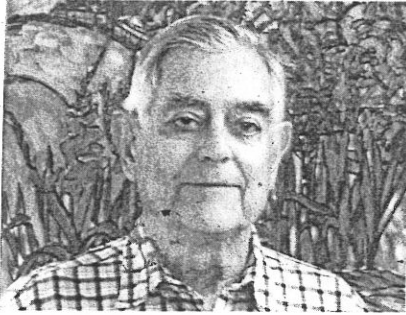
I have extensive experience in working as a member of the community on land use and development issues, both in my 26 years as a resident of San Diego, California and in my 12 years in Eldorado. I have attached a resume of my community service, as well as some brief background on my professional experience.

I have greatly enjoyed serving the local communities where I live, and hope to serve Santa Fe County as well. Please let me know if I can provide further information.

Yours truly,

Daniel D. Drobnis





Daniel Drobnis
17 Sabroso Road
466-4781
drobnisd@comcast.net

Applicant to the Santa Fe County Development
Review Committee

**Reasons for wishing to
join CDRC**

To apply my experience to County land use issues.

Qualifications

35 years of citizen involvement in local community land use issues.

6-year Eldorado Community Board member, over 5 years as Treasurer, 12 years of involvement in the Eldorado community.

Registered Professional Engineer, retired computer system designer and manager

We moved to Eldorado in 1999 from San Diego, where I served for over 25 years with various community service and land use planning organizations.

In Eldorado, I have served the homeowners association (ECIA, the Eldorado Community Improvement Association) as Board Member and Treasurer, and helped the staff and Board achieve budget surpluses in each of my six years from 2000-2006. I served for 10 years on the Architecture Committee, reviewing projects for conformance to the ECIA Covenants; and for 10 years on the Finance, and Information Committees. I have written numerous articles on local issues for the community newsletter, *Vistas*, with a circulation of over 3,000 and a readership of over 7,000. I served on the Board of the Vista Grande Public Library and participated in its construction, working with contractors and the County agencies that provided funding and management. I am currently the ECIA's Finance Committee Chair

In San Diego, I served as President of the La Jolla Community Planning Association, and as Secretary and Vice President of the La Jolla Town Council and Chair of its Land Use Committee. These positions involved extensive work with the San Diego Planning Department, other city agencies, and representatives of the California Coastal Commission, and work on interpreting and implementing city and state zoning and land use ordinances. I helped to draft the La Jolla Community Plan and Local Coastal Plan, the La Jolla Planned District Ordinance, and the Fay Avenue Precise Plan. I represented my community before the San Diego Planning Commission and City Council, and served as a member of the City of San Diego Community Planning Chairs Committee. I helped to found, and served as the first Chair, of the La Jolla Development Permit Review Committee.

I have had ties to Santa Fe since the early 60s, through frequent visits to family and friends in the area, and through numerous professional contacts and visits to Los Alamos National Laboratory and Kirtland AFB in Albuquerque. Since retiring to Eldorado, I have worked with the ECIA, the Vista Grande Public Library, and the Eldorado Area Water and Sanitation District (EAWSD) Board, where I headed a group that developed and disseminated information on septic tank maintenance.

My wife and I chose to retire to the Eldorado area in Santa Fe County because of its strong sense of community. I believe that I can offer many years of experience in working with citizen volunteers and local government staff to solve community and land use problems.

I have Bachelors and Masters degrees from Yale University in Electrical Engineering, and hold a Registered Professional Engineer license from California. In my working career, I built and operated large computer systems and centers, including supervising construction and management of the San Diego Supercomputer Center on the UC San Diego campus, and have managed projects with annual budgets of up to \$15M per year.

Bonn J. Macy
98 Herrada Road, Santa Fe, NM 87508 tel: 505-204-7925

October 6, 2011

Building Development and Services
Attn: Shelley Cobau
P.O. Box 276
Santa Fe, NM 87504-0276

Re: Santa Fe County Development Review Committee (CDRC) Application from District 5

Dear Ms. Cobau,

Please accept this letter as my expression of interest in serving on the County Development Review Committee (CDRC) as a resident of District 5.

It would be a privilege to serve on the Committee and believe I have the skills and experience to make a positive contribution to the well-being of the County and its residents.

As you can see from the attached resume, I have a academic background in Natural Resource and Land Economics which included sustainable land development and multiple-use concepts. While was an appointee at the Dept. of the Interior under the Clinton Administration, I worked on Public Lands and resource issues in New Mexico, and Public lands issues nation-wide while at OMB. I believe my experience in business as a management consultant and entrepreneur gives me valuable insight into commercial development proposals that may come before the committee as well as the ability to effectively assess them. In addition, I have experience with the full range of issues that might come before the Committee, including residential construction, community amenities and services, zoning, variances, and architectural issues, from my tenure on the Community Development Committee for Advisory Neighborhood Committee 2F of Washington, D.C.

I am happy to discuss my interest and abilities further with you or other representatives of the County, and would appreciate the opportunity to serve the needs of the County and my fellow residents.

Thank you for your time and I look forward to hearing from you.

Sincerely,

Bonn J. Macy

encl.

BONN J. MACY

98 Herrada Road, Santa Fe, NM 87508
tel. 505-204-7925 e-mail: bonn.macy@gmail.com

STATEMENT OF QUALIFICATIONS:

Business planner and economist with broad experience in both the private and public sectors – including assessing markets and technologies, management consulting, and policy analysis. Results-oriented approach to business strategy and management with proven project execution skills. Combines analytical ability with a capacity to communicate complex, technical issues to a wide range of audiences.

AREAS OF EXPERTISE:

Strategic planning	Regulatory, tax & fiscal policy analysis	Financial and risk analysis
Project management	Natural Resource, Energy & Land economics	Market research and forecasting
Emerging technologies	Project appraisal and feasibility studies	Statistical/econometric methods

SELECTED ACHIEVEMENTS:

- ◆ Led analysis of regional gasoline distribution network for a large international petroleum company including the financial impact and benefits of acquiring a regional refinery and pipeline infrastructure.
 - ◆ Saved \$20M and assured a tight schedule by redesigning a critical project for the Dept. of Energy.
 - ◆ Developed a detailed financial and planning model to assess the implications of the introduction and expansion of a new technology serving retail energy markets.
 - ◆ Led team designing a new organization for a natural gas unit of a major international energy company to drive change, leverage best practices and contract synergies, and increase performance.
 - ◆ Analyzed the midstream and retail market opportunities for natural gas liquids and propane gas for a major international energy company, and developed strategies for market entry.
 - ◆ Designed, developed and managed the innovative Federal “royalty-in-kind” program, where royalties from Federal oil and gas leases are paid as a share of production and then created a new business to market the production. Volume grew to 75,000 barrels of oil and up to 900,000mcf of natural gas/day.
 - ◆ Developed and led an effort with the General Services Administration to create and structure a Federal "utility" taking Federal natural gas production direct to Federal end-use customers.
 - ◆ Led major study of the long-term competitiveness of advanced-technology nuclear power in the US that included financial and economic modeling, price and generation capacity forecasting, regulatory impact analysis, and senior industry interviews.
 - ◆ Developed and managed McKinsey & Company’s World Oil Outlook and oil market forecasting.
 - ◆ Devised divestment options for the \$4.5bn sale of British Petroleum’s Minerals division.
-

PROFESSIONAL EXPERIENCE:

NanoVentures, LLC, Los Angeles, CA & Santa Fe, NM 2006-present
Principal

Business venture focusing on the early-stage commercialization of bio-medical, pharmaceutical, energy and other technologies. Role comprises business and product planning, strategy, competitive analysis, financial planning and budgeting, and technology assessment. Technologies under development include clean Gas-to-Liquids and methanol processes, pharmaceutical discovery, functional foods, medical facilities, solar cells, nano-scale cancer treatment, laser solid-state lithography. Additional activities include consulting, conference planning, & outreach as Managing Director of *ArcXeon International*. Also delivers professional training, internationally, on topics in executive management and economics.

Haward Technology Middle East, Abu Dhabi, U.A.E. 2007-present
Instructor

Deliver occasional training courses on topics in Management, Economics and Finance, such as Strategic Management and Balanced Scorecards. Course locations include Abu Dhabi, Dubai and elsewhere.

Booz Allen and Hamilton, McLean, VA 2001-2005*Senior Associate, Global Energy Practice*

Provide strategic management and economic consulting services to clients around the world. Assisted four of the largest global energy companies build and strengthen businesses from upstream operations to downstream marketing. Assisted the Dept. of Energy with NRC compliance of the Yucca Mountain project. Analysis of emerging technologies, markets, energy policies and regulation.

Minerals Management Service, U.S. Department of the Interior, Washington, DC 1997-2001*Special Assistant to the Director (Presidential Appointee)*

Senior Advisor to Interior Dept. on energy policy, federal lands, regulation and markets. Negotiated and developed major regulations and policies with industry, FERC, the States, and Congress; developed the innovative "royalty-in-kind" programs, drafted congressional and FERC testimony and speeches.

Sentech, Bethesda, MD 1996-1997*Senior Economist/ Program Manager*

Consultant to Dept. of Energy and industry on renewable, gas, coal & other emerging technologies. Work included, power generation, fuel cells, renewable energy, utility de-regulation and energy policy.

Agency for International Development, Washington, DC 1994-1995*Project Manager/Policy Advisor - Contractor*

Managed energy and environmental investment and policy projects in Eastern Europe.

NUS, Washington, DC 1992-1994*Senior Economist, Energy Group*

Analysis of nuclear, renewable, coal, & other power technologies and policy for industry and the Dept. of Energy.

Office of Management and Budget, Executive Office of the President, Washington, DC 1991-1992*Senior Economist*

Lead economist in a special policy unit focused on national energy, public land, & environmental policies.

McKinsey and Company, Washington, DC 1989-1991*Energy Associate*

Developed corporate strategies, and market and financial analyses for leading global companies.

British Petroleum, p.l.c., London, England and Cleveland, OH 1986-1989*Senior Economist, Corporate Planning**Financial Economist, BP Finance International, Financial Planning Branch*

Developed corporate financial strategy including corporate structure, hedging and liability management. Analyzed energy markets, taxes, regulations, and energy policy. Developed US E&P investment strategy.

EDUCATION:**M.Sc., Economics, 1986, London School of Economics, London, England**

Economics, finance, development economics, econometrics; natural resource royalty and taxation systems

Guest Graduate Student, 1985, University of Stockholm, Stockholm, Sweden

Energy, resource and environmental economics, and development economics.

M.S., Mineral Economics and Mining, 1984, Columbia University, New York, NY, USA

Energy, mineral, and environmental economics, finance, business, and resource engineering.

B.S., Materials Science, 1982, Columbia University, New York, NY, USA

Materials science, engineering, mineral economics, and economics

PROFESSIONAL SOCIETIES

International Association for Energy Economics: President, Washington, D.C. chapter, 1997 and 1998; Program committee - International conference, 1995 and North American conference, 1996.

ARTICLE II - ADMINISTRATION

SECTION 1 - APPOINTMENTS AND AUTHORITY

1.1 Code Administrator

1.1.1 Appointment

The County Manager shall recommend to the Board of County Commissioners (hereinafter referred to as the "Board") any person to be considered for employment as the Code Administrator. The Board shall appoint a Code Administrator, pursuant to the County Personnel Ordinance and Regulations, after considering the recommendations of the County Manager.

1.1.2 Duties

The Code Administrator shall:

- 1.1.2a Perform the duties that are assigned throughout the Code to the Code Administrator and such other duties as may be determined by the Board or the County Manager.
- 1.1.2b Keep copies of each application filed, each plat submitted, and each development permit issued, filed by legal description of the land to which the development permit applies and also by name of applicant.
- 1.1.2c Make recommendations to the Board for amendments to the Code.
- 1.1.2d Give written reports as directed by the Board or as requested by the County Development Review Committee and approved by the Board, listing all applications, Code Administrator decisions and recommendations, County Development Review Committee decisions, and appeals from Code Administrator or County Development Review Committee decisions that have been filed since the last Code Administrator report; provided, however, that such reports shall be made at least once a month and shall be submitted to the Board and the County Development Review Committee.

1.2 County Development Review Committee

1.2.1 Appointment

The Board shall appoint a County Development Review Committee consisting of not less than seven (7) members. The residence requirements shall be as follows: At least one member shall reside within the limits of the City of Santa Fe. These members should reside in different areas of the County, in order to provide diversity of representation. The other six (6) members shall be residents of the County of Santa Fe. Terms of members, all appointments by the Committee, and removal of members shall be made by the Board as set forth in Section 3-19-2 N.M.S.A., 1978, as it may be amended. The County Development Review Committee shall establish policies concerning notice and conduct of its meetings and a copy of such policies shall be posted in the Code Administrator's office. Election of chairperson, meetings, and keeping of records, shall be as set forth in Section 3-19-3 N.M.S.A., 1978, as it may be amended. A majority of the members shall constitute a quorum at any meeting of the County Development Review Committee. If a quorum is present, the affirmative vote of the majority of the members present at the meeting shall be the act of the County Development Review Committee, unless otherwise required by law. There shall be no proxy voting.

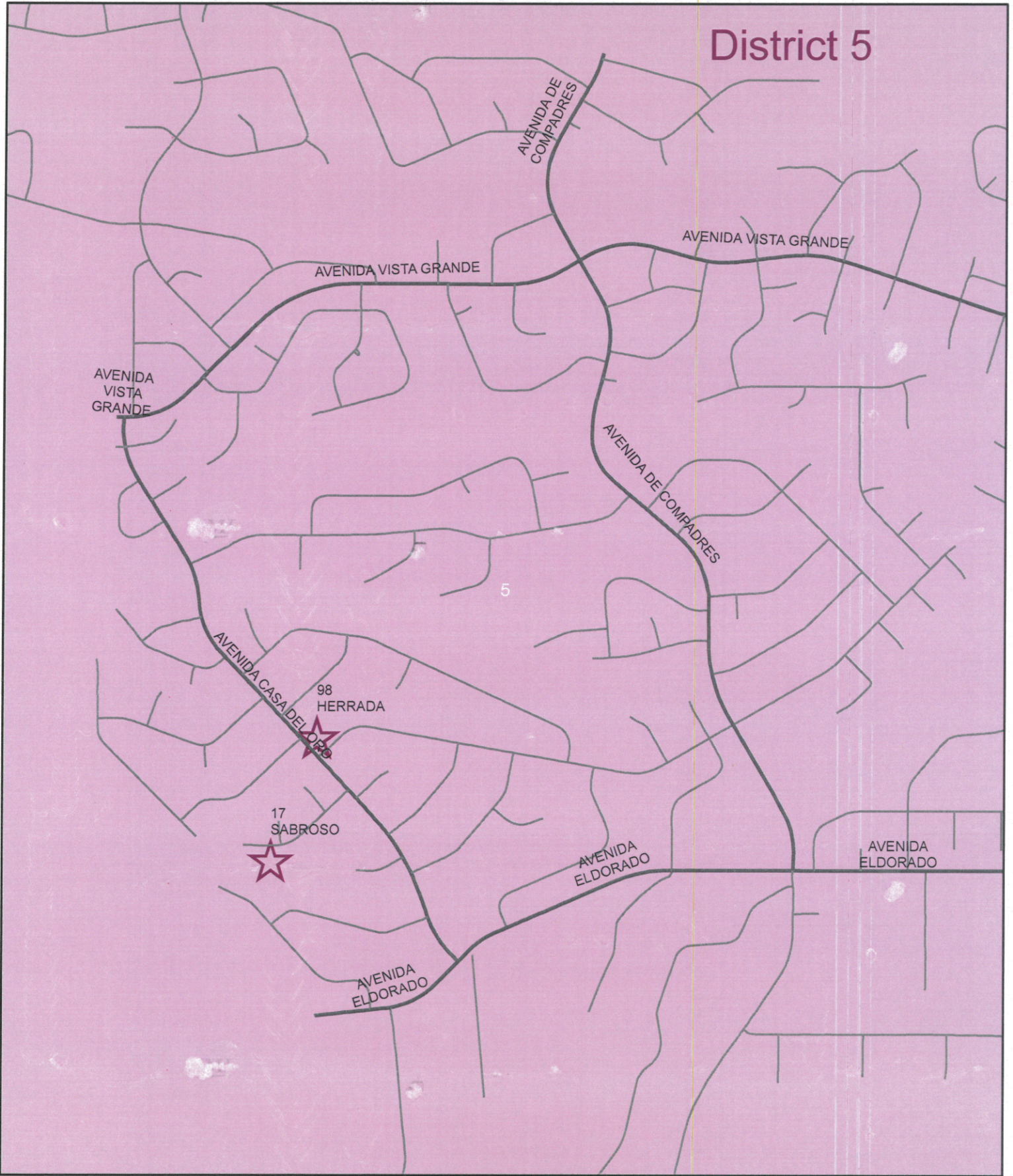
History. 1980 Comp. 1980-6. Section 1.2.1 was amended by County Ordinance 1981-2, changing the membership of the County Development Review Committee from five (5) to seven (7) members.

1.2.2 Authority



County Development Review Committee

District 5



- Legend**
- Minor Roads
 - Major Roads
 - 2011 Commission Districts**
 - District 1
 - District 2
 - District 3
 - District 4
 - District 5



1 inch = 1,752 feet



This information is for reference only. Santa Fe County assumes no liability for errors. Users are responsible for confirming data accuracy.

October 18, 2011

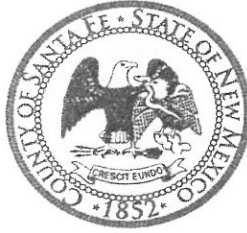


LAST	FIRST	District	Date Appointed	Term Ends	Appointed by:
COUNTY DEVELOPMENT REVIEW COMMITTEE					
Anaya	Filandro	3	2/8/2011	1/1/2013	Anaya
DeAnda Hay	Maria	2	2/8/2011	1/1/2012	Vigil
Gonzales	JJ	3	2/8/2011	1/1/2012	at large
Fry Martin	Susan	2	2/8/2011	1/1/2012	at large
Katz	Frank	4	2/8/2011	1/1/2013	Holian
Pato	Ivan	5	2/8/2011	1/1/2013	Stefanics
Valdez	Sef	1	2/8/2011	1/1/2013	Mayfield
EXTRATERRITORIAL LAND USE COMMISSION					
Anaya	Filandro	3	2/8/2011	1/1/2013	Anaya
DeAnda Hay	Maria	2	2/8/2011	1/1/2012	Vigil
Katz	Frank	4	2/8/2011	1/1/2013	Holian
Pato	Ivan	5	2/8/2011	1/1/2013	Stefanics
Valdez	Sef	1	2/8/2011	1/1/2013	Mayfield

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 11-5180

VARIANCE

JOHN ROBERTSON, APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on September 13, 2011, on the Application of John Robertson (hereinafter referred to as "the Applicant") for a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a second dwelling unit on 10.17 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 a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a second dwelling on 10.17 acres.
2. The property is located off Highway 14 at 35 North Fork, within Section 25, Township 15 North, Range 8 East ("Property").
3. A residence, barn, an outdoor riding arena, and conventional septic system are located on the Property. The property is served by an on-site well which serves the existing residence.
4. In support of the Application, the Applicant stated that he is in agreement with staff's conditions.

5. Staff recommends the following conditions of approval:

- A. The Applicant must hold and use the property for a period of five years after the second home is placed on the property.
- B. Water use shall be restricted to 0.25 acre feet per year per home. A water meter shall be installed for each residence. 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.
- C. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
- D. The Applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
- E. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
- F. The placement of additional dwelling units on the property is prohibited.
- G. The existing driveway will serve the proposed residence.

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

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 of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow a second dwelling unit on 10.17 acres 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 November, 2011.

By: _____

Virginia Vigil, 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 horizontal line.

Stephen C. Ross, County Attorney

XIV. A. 3. CDRC Case # V 11-5180 John Robertson Variance. John Robertson, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Second Dwelling Unit on 10.17 Acres. The Property is Located Off Highway 14 at 35 North Fork, within Section 25, Township 15 North, Range 8 East, (Commission District 5). Wayne Dalton, Case Manager

WAYNE DALTON (Building and Development Services): Thank you, Madam Chair. On August 18, 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 4-0 vote.

The property is located within the Basin Fringe Hydrologic Zone. Article III, Section 10 requires the minimum lot size in this area to be 50 acres per dwelling unit. Lot size may be further reduced to 12.5 acres if the applicant proposes to utilize water conservation measures. There is currently a residence, a barn, an outdoor riding arena, and conventional septic system on the property. The property is served by an on-site well which serves the existing residence on the property.

The applicant states he wishes to place a second home on the property for his ex-wife in order for her to assist him with his health and physical conditions. The applicant is deaf and has very poor balance causing him to fall and is also asthmatic and has chronic obstructive pulmonary disease, also known as COPD, which causes frequent bronchitis infections and occasional asthma attacks requiring emergency care. The applicant further states the variance is needed in order for his daughter to be closer to her mother on a daily basis and due to his ex-wife being unemployed and no longer able to afford rent for a space within a mobile home park she currently resides in.

Recommendation: Staff has reviewed this application and has found the following facts to deny this submittal: Article III, Section 10 of the Land Development Code states the minimum lot size in this area is 50 acres per dwelling unit; the applicant's lot size is only 10.17 acres; the hardship described by the applicant is not the type of variance hardship required by the Code; the applicant has not justified a hardship which is contemplated by the Code; strict compliance with the requirements of the code would not result in extraordinary hardship to the applicant; to allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends denial of the applicant's request.

If the decision of the CDRC is to recommend approval, staff recommends the following conditions be imposed. Madam Chair, may I enter those into the record?

[The conditions are as follows:]

1. A temporary permit will be issued for a period of five years to be approved for consecutive five-year periods by CDRC. The applicant at that time must prove the hardship still exists.
2. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. 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. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
4. The applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
5. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
6. The placement of additional dwelling units on the property is prohibited.
7. The existing driveway will serve the proposed residence.

CHAIR VIGIL: Are there any questions of staff? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you very much. So the CDRC was aware of staff's position on this case?

MR. DALTON: Madam Chair, Commissioner Stefanics, yes, they were.

COMMISSIONER STEFANICS: And yet they moved 4-0 for approval.

MR. DALTON: Madam Chair, Commissioner Stefanics, that is correct.

COMMISSIONER STEFANICS: Can you recap their reasoning?

MR. DALTON: Madam Chair, I really can't recap their reasoning. I did read the staff report and they did ask questions. They asked what the minimum lot size in the area was, how big the lots were in the area. Is there multiple structures on the properties surrounding this property, and they did move for approval with the condition of temporary placement for a five-year period to be approved for consecutive five-year periods by the CDRC. And at that time the applicant would have to prove that the hardship still exists in order to get five-year extensions.

CHAIR VIGIL: Anything further, Commissioner Stefanics?

COMMISSIONER STEFANICS: Well, I'm wondering about the 50-acre lot minimum, and I'm hoping it's going to be different in our next code. That's all.

CHAIR VIGIL: Any other questions? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I actually listened in on this case at CDRC and Mr. Roberts was actually asked several questions through the interpreter. I'd like to hear more comments from the Commissioners if they have them but personally, I'm comfortable with the CDRC's recommendation.

CHAIR VIGIL: Okay. Any other comments, questions? This is a public hearing. Is there anybody here to testify for or against this request? Seeing none –

COMMISSIONER STEFANICS: Madam Chair, is the applicant here? I would like to hear from the applicant.

CHAIR VIGIL: Would you please stand.

COMMISSIONER STEFANICS: I'd like to know if he has any kind of statement, through his interpreter or course. Does the applicant have something to say to support his request since the staff are recommending to deny it?

CHAIR VIGIL: Wayne, would you hand her the microphone so you can get that on the record?

JOHN ROBERTS [speaking through a sign language interpreter]: I hope that you support my application process to put a double-wide on the property and I would like to say that I would like to identify on the paper on the list, for example, the water rights. I will follow the – he's saying that he would like to follow the stipulations that were set forth.

COMMISSIONER STEFANICS: The conditions?

MR. ROBERTS: Yes, he would definitely like to accept the conditions. I was born and raised here in Santa Fe and I really respect the environment. And I don't plan to plant trees and grass and I would like to leave the natural environment around my home.

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

CHAIR VIGIL: Okay. Any other questions, comments? Anyone on the Commission want to move forward with a motion?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Did we read in the conditions?

CHAIR VIGIL: We read in the conditions into the record and I do believe the applicant said he was willing to comply with them.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER STEFANICS: So, Madam Chair, are we ready for a motion?

CHAIR VIGIL: That's what I just asked.

COMMISSIONER STEFANICS: Sorry. It's getting late. I would move approval on CDRC Case V 11-5180, with all of the staff's conditions.

COMMISSIONER ANAYA: Second.

CHAIR VIGIL: Did you want to include the five-year waiting period that CDRC recommended, after five years to review whether or not the variance is still needed.

MR. DALTON: Madam Chair, that is condition number one.

CHAIR VIGIL: Well, Steve –

COMMISSIONER STEFANICS: State law says five years. I don't know that we can make it longer than five years.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER MAYFIELD: On that point, let's say we do go through our code rewrite, and the area changes would there have to be this mandate to deal with?

MR. ROSS: Madam Chair, Commissioner Stefanics and Commissioner Mayfield, there's really not a mechanism for a five-year waiting period. The statute says you have to have held the property for five years which this apparently complies with. When you add a five-year holding period on like this you create a restraint on their alienation. We don't actually have a temporary permit authorized by our code so you'd probably want to get the applicant to agree to a condition like this where they're holding property that they wouldn't otherwise have to hold.

COMMISSIONER STEFANICS: Well, Madam Chair, on the first condition, what I am recommending which is different language than what's here is that the applicant would hold and use the property for five years with no changes. Because that is what we've done with other applicants that have come before us.

CHAIR VIGIL: Would the applicant be in agreement with that?

MS. COBAU: Madam Chair, Commissioner Stefanics –

MR. ROBERTS: I just wanted to clarify something here. So does that mean – so you're saying that I have to wait until five years later to put the house on the property? But then in five years, is it possible to put a house on the property in five years?

CHAIR VIGIL: Commissioner Stefanics, would you clarify your motion?

COMMISSIONER STEFANICS: Madam Chair, my intent is that they could put the temporary home, or that they could put the home on the property as long as it is held that way for at least five years. That's my intent.

CHAIR VIGIL: In the motion.

COMMISSIONER STEFANICS: In the motion. So there might be some different intent up here. I'm not sure.

CHAIR VIGIL: Does the seconder agree with that intent?

COMMISSIONER ANAYA: Madam Chair, I do agree with that intent, and I also would say I don't want these people to have to come back in five years. This is his ex-wife that is going to be caring for him and I don't want them to have to come back and say we want to get another five years. So a five-year term of them not doing anything else, yes, I'm in agreement with that. So I would approve that as the seconder of the motion. But I think the difference, Mr. Dalton, is we don't want them coming back in our motion, like stipulated by the CDRC. Thank you, Madam Chair.

CHAIR VIGIL: Okay. Steve, do you have the agreement that you were recommending on record? We were recommending that the applicant be in agreement with this five-year period.

MR. ROSS: Yes.

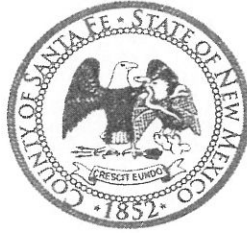
CHAIR VIGIL: So we have a motion and a second. Are there any further discussions on this?

The motion passed by unanimous [5-0] 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 11-5200

VARIANCE

JESUS GARCIA SOLIS, APPLICANT

ORDER

THIS MATTER came before the Board of County Commissioners (hereinafter referred to as “the BCC”) for hearing on September 13, 2011, on the Application of Jesus Garcia Solis (hereinafter referred to as “the Applicant”) for a variance of Ordinance No. 2002-9 (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.2 to allow a second dwelling unit on 2.53 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 a variance of Ordinance No. 2002-9 (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.2 to allow a second dwelling unit on 2.53 acres.
2. The property is located in the Vallecita de Gracia Subdivision, off Los Pinos Rd. (County Road 54) at 1 Corte Gracia, Section 22, 27, & 28, Township 16 North, Range 8 East (“Property”).
3. A residence and conventional septic system are located on the Property. The property is served by a shared well system which serves five additional lots.

4. The property is located in the Traditional Historic Community, within the Basin Zone. Ordinance No. 2002-9 requires the minimum lot size in this area as 10 acres per dwelling unit. With proof of 100-year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants the maximum density may be increased to one dwelling unit per 2.5 acres.

5. The Vallecita de Gracia Subdivision was granted Preliminary and Final Plat and Development Plan approval by the Board of County Commissioners on March 10, 2005. The approval consisted of an 11 lot subdivision. On July 13, 2010, the Board of County Commissioners approved a request for Preliminary and Final Plat and a Development Plan Amendment to create 3 additional lots in addition to the previously platted 11 lots for a total of 14 lots on 42 acres.

6. At the time of approval in 2005, a geohydrologic report was submitted for a 16 lot subdivision which demonstrated adequate water availability for the development. At the time of Plat recordation, water restrictive covenants were also recorded restricting water use to 0.25 acre feet per year per lot which is only adequate water for one residence per lot. On the Plat of Survey recorded in the County Clerk's Office on April 2, 2007, under Santa Fe County Notes and Conditions # 13 states: "guest houses are prohibited, therefore only one dwelling unit is allowed per lot".

7. Beverly Garcia, Louie Martinez, and Louise Martinez spoke in opposition to the Application.

8. After conducting a public hearing on the request and having heard from the Applicant, the Board of County Commissioners hereby finds the following facts to deny the request for a variance; a) Ordinance No. 2002-9 requires the minimum lot size in this area

of 10 acres per dwelling unit; b) the Applicant's lot size is only 2.53 acres; c) water restrictive covenants were recorded within the Vallecita de Gracia Subdivision restricting water use to 0.25 acre feet per year per lot which is only adequate water for one residence per lot; d) the hardship described by the Applicant is not the type of variance hardship required by the Code; e) strict compliance with the requirements of the Code would not result in extraordinary hardship to the Applicant; f) to allow further reduction of the Code density requirements would nullify the purpose of the Code.

IT IS SO ORDERED

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

By: _____

Virginia Vigil, Chair

Attest: _____

Valerie Espinoza, County Clerk

Approved as to form:



Stephen C. Ross, County Attorney

successful at all. Those kinds of commercial centers have not worked in many, many other developments in the last ten years and I think that the live-work units really make sense. I believe that approving these changes actually increases the chances that this development will be successful and I believe in turn that increases the chances that property values in that area, not only in La Pradera but also in the neighboring communities will start stabilizing as well.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Does the motion include all the conditions listed on page 6?

CHAIR VIGIL: Would the motioner include that please?

COMMISSIONER ANAYA: Yes.

CHAIR VIGIL: The seconder?

COMMISSIONER HOLIAN: I agree.

COMMISSIONER STEFANICS: Thank you very much.

CHAIR VIGIL: Okay. Is there any other question, comments?

The motion passed by majority [4-1] voice vote with Commissioner Mayfield casting the nay vote.

[The Commission took a five-minute recess.]

- XIV. A. 6. **CDRC Case # V 11-5200 Jesus Garcia-Solis Variance. Jesus Garcia-Solis, Applicant, Requests a Variance of Ordinance No. 2002-9, (La Cienega/La Cieneguilla Traditional Community Zoning District), Section 6.4.2 to Allow a Second Dwelling Unit on 2.53 Acres. The Property is Located in the Vallecita de Gracia Subdivision, off Los Pinos Rd. (County Road 54) at 1 Corte Gracia, within Sections 22, 27, & 28, Township 16 North, Range 8 East (Commission District 3) Wayne Dalton, Case Manager**

MR. DALTON: Thank you, Madam Chair. The applicant requests to allow a second dwelling unit on 2.53 acres. There is currently a residence and conventional septic system on the property. The property is served by a shared well system which serves five additional lots. The property is located in the Traditional Historic Community, within the Basin Zone. Ordinance #2002-9 requires the minimum lot size in this area as 10 acres per dwelling unit. With proof of 100-year water supply through a geohydrologic reconnaissance report, and adoption of water use covenants the maximum density may be increased to one dwelling unit per 2.5 acres.

The Vallecita de Gracia Subdivision was granted preliminary and final plat and development plan approval by the Board of County Commissioners on March 10, 2005. The approval consisted of an 11-lot subdivision. On July 13, 2010, the Board of County Commissioners approved a request for preliminary and final plat and a development plan

amendment to create three additional lots in addition to the previously platted 11 lots for a total of 14 lots on 42 acres.

At the time of approval in 2005, a geohydrologic report was submitted for a 16-lot subdivision which demonstrated adequate water availability for the development. At the time of plat recordation, water restrictive covenants were also recorded restricting water use to 0.25 acre-foot per year per lot which is only adequate water for one residence per lot. On the Plat of Survey recorded in the County Clerk's Office on April 2, 2007, under Santa Fe County Notes and Conditions, #13 states: guest houses are prohibited, therefore only one dwelling unit is allowed per lot.

The applicant states in 2008, he and his brother purchased the property with the intent that they could both construct a home or place a mobile home on the property. The applicant states that shortly after purchasing the property his brother then placed a mobile home on the property. The applicant states he decided to wait on purchasing his home due to the lack of money. The applicant has already purchased a mobile home and has also paid half the cost of installing the septic system. The applicant also states that this is a lot of money to lose and was looking forward to finally residing on his portion of property after so many years. The applicant currently works out of town to be able to pay rent where he is living and also to pay mortgage on his portion of property that is vacant.

Recommendation: Staff has reviewed this application and has found the following facts to deny this submittal: Ordinance 2002-9 requires a minimum lot size in the area of 10 acres per dwelling unit. The applicant's lot size is 2.53 acres. Water restrictive covenants were recorded with the Vallecita de Gracia Subdivision restricting water use to a quarter acre-foot per year per lot, which is only adequate water for one residence per lot. The hardship described by the applicant is not the type of variance hardship required by the Code. The applicant has not justified a hardship which is required by the Code. Strict compliance with the requirements of the code would not result in extraordinary hardship to the applicant. To allow further reduction of the Code density requirements would nullify the purpose of the Code therefore staff recommends denial of the applicant's request.

Madam Chair, if the decision of the CDRC is to approve the applicant's request, staff recommends the following conditions be imposed, and may I enter those into the record?

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per home. A water meter shall be installed for each residence. 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. A shared well agreement shall be signed and recorded in the Office of the County Clerk.
3. The applicant must obtain a development permit from the Building and Development Services Department for the second dwelling.
4. Compliance with minimum standards for Terrain Management as per the Land Development Code and compliance with Ordinance 2003-6 Water Harvesting.
5. The placement of additional dwelling units on the property is prohibited.
6. The existing driveway will serve the proposed residence.

CHAIR VIGIL: Is the applicant here?

MR. DALTON: Madam Chair, yes, they are.

CHAIR VIGIL: Okay. Is the applicant in agreement with all the conditions that have been identified?

MR. DALTON: Madam Chair, they are in agreement with the conditions.

CHAIR VIGIL: Okay. Questions for staff? Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. So I guess this is a question for Shelley. Is there a quarter acre-foot restriction actually recorded on the plat to this property. Maybe Wayne knows this.

MS. COBAU: Wayne, can you address that? If there's a plat note that plat note would indicate that there is but we can check on the plat, Madam Chair and Commissioner Holian.

CHAIR VIGIL: Thank you. Further questions?

MR. DALTON: Madam Chair, Commissioner Holian, yes, there is a water restriction on the plat as a quarter acre-foot.

COMMISSIONER HOLIAN: And the applicant is proposing to put a home where a second family would live on a single lot, correct?

MR. DALTON: Madam Chair, Commissioner Holian, that is correct.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Further questions? Seeing none, and the applicant is here, does the applicant care to address the Commission on this? Is anyone else going to testify? Everyone that's going to speak to the Commission would you please stand up, raise your hands and be sworn in.

[Those wishing to speak were placed under oath.]

CHAIR VIGIL: You may approach. Please state your name and address for the record.

DOREEN GARCIA: I just wanted to say that I'm going to interpret for Jesus Garcia.

CHAIR VIGIL: Very good. Thank you very much. He can bring forth testimony right now.

[As translated by Doreen Garcia] JESUS GARCIA-SOLIS: My name is Jesus Garcia. He resides right now at 6151 Airport Road. It's been 3 ½ years that him and his brother purchased 1 Corte Gracia in La Cienega. He just said when they purchased the property, him and his brother, before they purchased it they asked him if they were able to put more than one dwelling or house, mobile home, on the property, and they told him yes. His brother put his mobile home first on the property. So his brother of course put his mobile home first and Jesus decided to wait a while because of money problems. He didn't have enough – he wanted to make more money to be able to put a mobile home on the property, since they were told both of them could put two dwellings on the property.

My husband and myself, which is his brother, actually my husband came to ask him to go ahead with the process of getting the building permits and all that and asked if they were able to put another dwelling unit on that property and they did check and they told him yes, so I came in and I proceeded with the application and everything we needed to do to get the permits.

We proceeded with the applications, with everything that was needed, we paid the fees. As the process was going along with the application he purchased a mobile home and went along with the septic tank, whatever he had to do to put the mobile home on the property. He thinks that because of the error that – a couple weeks after we did the applications and everything, he bought a mobile home, did all the process of the septic tank and everything and before the two weeks we were called in and said that they had denied the application for the building permit and he says because of their error he doesn't think that it's right for him to suffer all the costs that's had to do when all the process was done and the check that he gave to the permits and stuff, it went through and everything. Everything was done. Then after they told him that he wasn't able to put two dwellings on the one property after he went through all that and purchased the mobile home and everything, thinking that it was okay, when they told him it was fine to do that.

He's just saying the last time he was here they talked a lot about the well, the size of the property and the amount of water that is able to be used. He says the trees that are there are the only trees that are going to be around his part of the property. He's not planning to plant any trees or anything. It's just him, his wife and his little girl that are going to be living in that mobile home and that's it. As Wayne was reading a while ago he said there were five properties for the one well; there's only four properties, not five.

CHAIR VIGIL: I do have some questions. Commissioner Stefanics, then Commissioner Holian.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Could you clarify who he went to apply for permits with?

: Here at the County? We came here to the County – you want the name of the person?

COMMISSIONER STEFANICS: No. Okay. Could I then ask staff to kind of clarify this whole situation with the permits and whether or not he was not told at the beginning? Could I understand more about the process?

MS. COBAU: Madam Chair, Commissioner Stefanics, I believe the applicant spoke with Caleb Mente who is our permit counter staff who takes in applications, and the key word here is applications. It doesn't infer an approval. The application is then sent through a process where various members of staff review the case for compliance to different portions of the code. An application doesn't infer approval and the fee is to cover the process of reviewing that application.

CHAIR VIGIL: Does he understand this or can you summarize it for him.

[Ms. D. Garcia translated for Mr. Garcia]

COMMISSIONER STEFANICS: The next question, Madam Chair, is does he understand the La Cienega Ordinance prohibits second dwellings even with community water?

MR. GUERRERORTIZ: Now he does, but before, he didn't.

[Ms. D. Garcia translated for Mr. Garcia]

MR. GUERRERORTIZ: Before he didn't know but he's hearing and after all this –

COMMISSIONER STEFANICS: Okay. So Madam Chair, are we to believe that when they bought the property, the owner of the property is the one that said they could have two homes there.

MR. GUERRERORTIZ: Yes. That's the reason why they bought it together. Or else they wouldn't have bought it, together to have a piece of property. Like right now, that's vacant for no use at all.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I'll have some questions for staff later on.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, I think that was more or less my question but I guess I'll ask it again. Who told Mr. Solis that he could have two homes on there? Was it anybody other than the former owner of the property?

[Ms. D. Garcia translated for Mr. Garcia]

MR. GUERRERORTIZ: Yes, and his name is Sam Valencia.

COMMISSIONER HOLIAN: And nobody else told him that?

MR. GUERRERORTIZ: No.

COMMISSIONER HOLIAN: Thank you.

CHAIR VIGIL: Further questions for the applicant.

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, question for Wayne. The development, the subdivision was approved in 2005, 11 units, and in 2010 they added an additional three units for a total of 14 units, and that was just in July of this past year?

MR. DALTON: Madam Chair, Commissioner Anaya, that is correct.

COMMISSIONER ANAYA: And then associated with that subdivision plat – I was at the CDRC when this case was heard as well, but the subdivision plat had covenants associated with the subdivision in addition to the La Cienega Ordinance as well. Is that correct? Are there covenants in the plat? They talked about it. It's in the minutes where they talk about covenants. I think it was you, Shelley, that was talking about it during the CDRC meeting.

MS. COBAU: If you look on page 27. It's Exhibit G in your packet. On the right hand side of the notes and conditions that were recorded with the plat and that includes a subdivision disclosure statement, and covenants are item 11. And they're all the notes regarding no guesthouses, water restrictions, are all clearly there on the first page of the plat, which certainly should be included in the closing documents when someone purchases a piece of property.

CHAIR VIGIL: Would you explain to Mr. Solis that – and I'm happy to give you this. It should have been part of his closing documents that identify the covenants that explain what can and cannot be done. That's just what was summarized for us by staff.

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: I think it was item 11, wasn't it Shelley, that explains that?

MS. COBAU: That's correct, Madam Chair. It's item 11 is the subdivision restrictions. Item 13 states that guesthouses are prohibited. And item 15 refers people to a disclosure statement.

CHAIR VIGIL: Would you restate that for him?

[Ms. D. Garcia translated for Mr. Garcia]

MR. GUERRERORTIZ: I guess he's never seen this.

CHAIR VIGIL: What staff has testified to is that is very likely a document that was there when he closed, when he signed on the sale. I know there's a lot of documents to review, but that should be a part of his closing documents and he might just refer to them again to make sure.

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: Is there anything else, Shelley, with that note? Any other questions for the applicant? Seeing none, would anyone else who's in favor of this like to address the Commission? Those of you who raised your hands may come forward and if you need an interpreter would you please stay there. You can address us now.

[Previously sworn, testified as follows:]

LORENA PEREZ: My nombre es Lorena Perez y mi direccion es 3 Corte Gracia. Yo vengo a favor de el porque yo pienso que deberian dejarle que ponga su trailer por tanto que el ya compro el trailer. Ya hizo su trámite. Yo pienso que le deban dejarle una oportunidad para que ponga su lugar de vivir.

CHAIR VIGIL: Bueno, Lorena. Dejeme ver.

[Ms. D. Garcia translated for Ms. Perez]

MR. GUERRERORTIZ: She thinks that he deserves the right to put his mobile home because of what happened. She just thinks that you should give him an opportunity to do it because of what happened and he did purchase his mobile home again and did everything and that's just a lot of money to waste. Again, I know this is a paper he should have had or read or went over and not just listened to a person, then again came over here and they told him, so he went on with the process. It's just hard when you think you investigate and everything and they tell you one thing and it's not true. She just thinks that he deserves an opportunity to put his mobile home on his property.

CHAIR VIGIL: Okay. Anything else? Algo mas?

MS. PEREZ: No.

CHAIR VIGIL: Bueno. Muchísimas gracias. Anyone else. Otros quieren hablar? Por favor danos tu nombre.

SERVANDO GARCIA SOLIS: My nombre es Servando Garcia Solis.

CHAIR VIGIL: Bueno. Por favor.

MR. S. GARCIA: Yo soy hermano de Jesus Garcia. Yo y él compramos juntos el lote.

MS. D. GARCIA (translating): He says, well, he is Jesus' brother and they both bought the property together.

MR. GARCIA: Yo puse el mobile home primero porque, pues yo tenía la oportunidad de ponerlo ese año.

MS. D. GARCIA (translating): He just said again, he purchased the mobile home and went on the property first because he was the one that had the money, the means to do it.

MR. S. GARCIA: Cuando compramos el lote nos dijeron que podíamos – que habia suficiente agua en ese lote y estaba una noria que estaba compartida para los cuatro lotes que estaban allí.

MS. D. GARCIA (translating): Just again, when they bought the property they were told that there was enough water, that there was a shared well on those properties.

MR. S. GARCIA: Nos dijeron tambien que podiamos poner dos viviendas alli.

MS. D. GARCIA (translating): Again, they were told that they were able to put two dwellings on the lot.

MR. S. GARCIA: Entonces, este año mi hermano decidio poner otra vivienda para vivir y yo me encargué aquí in el condado de los procesos de los papeles.

MS. D. GARCIA (translating): Just again, this year he finally decided that he would want to go ahead and proceed with putting a mobile home on the property and Servando is the one that came in again and investigated and asked in the front if they were able to put two dwellings on the property.

MR. S. GARCIA: Cuando yo vine aquí yo vine para – antes de hacer lo que hicimos con planos y todo yo vine y pregunté si yo podía poner un mobile home allí o no, y ellos me dijeron que sí.

MS. D. GARCIA (translating): When he came to the County to get the application for the building permit to put the mobile home in the property he asked first are we able to put a second dwelling on this property or no.

MR. S. GARCIA: Porque yo no queria hacer nada que me iban a negar, porque cuando me dijeron a mí que sí, fue cuando yo empece a hacer planos, sacar permisos para el septic tank. Yo le dije a mi hermano que el podía ir compando un mobile home porque ya me han dicho que sí, va poder. No más que tenía que esperar 15 días que me dieran permiso.

MS. D. GARCIA (translating): Okay. So when he got the answer yes, that's when he started the process of the application and to pay for the permits for the septic tank and all that stuff. He's trying to say that again, he asked yes or no. He said they even, the guy, they looked on the plan, on the area of the lot and told him yes. The main thing that we're trying to get through is that's the hard part, that he asked, they looked, the guy looked, and they told him yes, so that's why he proceeded with all the costs and the permits and everything.

CHAIR VIGIL: Okay. I have a question.

COMMISSIONER MAYFIELD: Madam Chair, and I'm sorry, Mr. Solis, I thought I heard that staff told him that he had to wait 15 days.

MS. D. GARCIA (translating): Yes. That he would get the permit within 15 days. They told him that it would be 15 days when he got the permit after putting the application, bringing in the plans, paying the fee, everything for the permit, they said within 15 days they would call him for the permit.

COMMISSIONER MAYFIELD: Thank you.

MR. S. GARCIA: Porque si ellos no me habian dicho que yo no podía poner un mobile home alli, yo no hubiera hecho nada. Yo no más hubiera dicho a mi hermano que no se podía.

MS. D. GARCIA (translating): He said if they would have told him no, that he would have told his brother that they couldn't do it, that they could not put the second mobile home. But they told him yes, after checking, after going through the whole

process of everything, so that's the reason why his brother went on and bought the mobile home and did everything because he was told, yes.

CHAIR VIGIL: Okay.

MR.S. GARCIA: Y ahora, pues es duro para mí, como quedarme yo solo con el lote porque pues hicimos un acuerdo de pagar entre los dos y el lote lo estamos pagando los dos.

MS. D. GARCIA (translating): He's just saying that it's hard for him to pay, going to have to pay it alone because when he bought the property it was supposed to be between them two and they are paying it together.

CHAIR VIGIL: Okay.

[Duly sworn, Beverly Garcia testified as follows:]

BEVERLY GARCIA: My name is Beverly Garcia, and I live at 34-B South Paseo de Angel in La Cienega. Paseo de Angel is a 55-acre subdivision that's comprised of eighteen lots and we're situated immediately behind the property that is the subject of this hearing. And in the last – time flies, but I'm going to say that in last year to two years there have been lot splits in the two lots that are adjacent to the Garcia property. Both of them were for an additional dwelling, as I understand. But of the additional lots are now commercial horse establishments.

Right along Los Pinos Road there is a major arroyo behind what I'm calling the buildable portion of these lots. These commercial horse operations are operating within the arroyo that has been pretty severely cleared causing major erosion problems. They were already existing before the lot splits but it's worsened severely.

CHAIR VIGIL: Ms. Garcia, could I ask you just to stop so that the interpreter could at least summarize what you've said so far for the applicants so that they have an understanding of the hearing process. The interpreter, would you –

MS. B. GARCIA: Would you like me to tell him in Spanish? I'd be glad to.

CHAIR VIGIL: Beverly, yes.

[Ms. B. Garcia translated her remarks for the benefit of the applicants.]

MS. B. GARCIA: It's been a major concern to us because when all of us in my subdivision used to be able to eat outside they no longer can. This summer I finally enclosed the whole back portal with screen so that I could eat outside, because you can just no longer do it. There is so many flies from all the horses. What I myself have observed on one of the subdivided lots is a huge edifice down there where a trailer that can carry like about eight horses drives in there and then they unload like eight horses in that place. There's activity that takes place – I don't know if they walk the horses within the lot, but this thing is huge.

But there are horses trailers going and coming all the time. Other neighbors have told me that they hear machinery running in there at night. Something that sounds like welding. We do not know what's going on within the interior of those. I have called the County on several occasions. Most of the neighbors from the 18 homes have called here. The whole operation still continues. Staff is very – almost like trained to say, yes, we've received this complaint. We know it. Everything's done according to code. They can run that operation there. Horses are allowed. And I say, wait a minute. Those aren't horses on a residential lot. These are commercial operations, and it's like it falls on deaf ears.

CHAIR VIGIL: Could you restate that for the applicant?

[Ms. B. Garcia translated her remarks for the benefit of the applicants.]

MR. DALTON: Madam Chair.

CHAIR VIGIL: Yes.

MR. DALTON: The property that Mrs. Garcia is referring to, the applicants don't even own that piece of property.

MS. B. GARCIA: Right. It's immediately adjacent to them. I tried to make clear. He's correct. He's correct. Now, getting to the instant property, it is my belief that this is a ruse to do the same thing with their lot, to subdivide it, again, not for a dwelling but to expand the horse operations that are taking place within the arroyo. I for one would sure like to see what this property that is held in both their names. I'd like to see some piece of paper that shows that indeed they bought that second mobile home. Something more than just these statements that are here to really show good faith. If this is a good faith application that's one thing, but I have reason to believe that it's not a good faith application, and on that basis I ask that this be denied. I think that we have lot splits for certain reasons and hardship conditions are there for very, very valid reasons. I just don't think this is one of them. There's a lot that just doesn't jibe here for me and if you find that you want to grant this then I would strongly suggest that you impose some conditions and one is if there is going to be a dwelling unit placed there that you identify what the building envelope is for it, and find, first of all, that there is indeed a buildable lot left there, in view of the size of that arroyo. Where would they place that mobile home?

I think that that –

CHAIR VIGIL: We have a question, Ms. Garcia.

COMMISSIONER ANAYA: Ms. Garcia, I appreciate your feedback and on that other issue I look forward to talking with you more on that because I already had a conversation with Mr. Martinez about the other issue. But on the point of the current request, if there was a condition placed that the – all the things you said. If the mobile home was purchased, if it was only utilized for that second resident, maybe even if there was a condition that if they had livestock they could only have one.

MS. B. GARCIA: None, because there wouldn't be any room left for it. You'd have two homes now, in this limited area, a quarter acre of water, and now they're going to put – and the thing is, with these horses going in there, no one's saying where the manure goes, when it goes, how they – it's out of control on Los Pinos. Nobody's enforcing anything. It's like really Wild West out there right now.

COMMISSIONER ANAYA: So, Madam Chair, Ms. Garcia, if it was a condition of no livestock, and if it was a condition that they would hold the property for a minimum of five years, maybe longer, would that be something that you believe would be fair?

MS. B. GARCIA: I would because I think it would establish whether or not this application is really being made in good faith. You might find that the application will go away.

COMMISSIONER ANAYA: Thank you, Madam Chair. I'd like to hear more comments. Thank you.

CHAIR VIGIL: Okay. Were you able to interpret her? Okay. Thank you very much. Next. Please state your name and address for the record.

[Duly sworn, Louie Martinez testified as follows:]

LOUIE MARTINEZ: Yes. My name's Louie Martinez and I live right next door. My address is 04 South Paseo de Angel. I live right next door to these people over here. And it's been my concern since they started putting those trailers in and so forth like this in being given the arroyo as big as it is and the amount of property that faces up in the places that they had to go ahead build those homes. How could so many homes or so many trailers be put on in those teeny little properties right there?

And then now with the arroyo, okay, they have the property right there. It's a teeny little property for two trailers. The thing about it is, who's got the access to go down into the arroyo. It goes right in between that property. The thing about it is if there's an ordinance, let's follow it. Let's not make exceptions as so forth like this. I know it's hard times. I know the conditions are rough.

CHAIR VIGIL: Can we interpret what you've said so far?

MR. MARTINEZ: Okay.

CHAIR VIGIL: Are you able to interpret or –

MR. MARTINEZ: Yes. I know how to –

CHAIR VIGIL: Very well.

[Mr. Martinez translated his remarks.]

CHAIR VIGIL: Okay, would you continue with your testimony?

MR. MARTINEZ: And the thing about it is, if we have the ordinances, fine. Let's follow them. It's sad and it's a sad situation like I said. I just went through one of them. I just lost \$12,000 on one of the insurance that I had, a bad investment. But you learn. And I mean there's nothing you can do about it. There's nothing that insurance is going to give me back, other than we're sorry, hey, live with it. And that's the way I feel. And if we have ordinance out there, let's follow them. Let's not go ahead and say, well, this one can get away with this. Well, we can go ahead and do this. Let's give this one a little break over there. Let's go ahead and give another one over here.

Fine. But right there, the way those houses are and as close as they are. I mean, look at it. All you have to do is go over there and look at it. That's what I'm telling everyone and that's what I tell everyone. Go look at it. Then you'll give me the answer. Then you tell me if I'm right or if I'm wrong. I'm very fortunate that I got the upper place where the arroyo is far away from me and mine is all on flat land. I only have one little trunk right there and in fact I asked the County Commissioners – I mean not the County Commissioners. I asked the County when Oliver Garcia was upstairs, I told him can I go ahead and fill that arroyo right there, so I can make a drive-through right-of-way? I said [inaudible] the road right to my house and I wouldn't have to use Paseo de Angel.

What was I told? You will not mess around with any arroyos. You cannot cover anything up.

CHAIR VIGIL: Could you summarize from the insurance up to the arroyos?

[Mr. Martinez translated his remarks.]

CHAIR VIGIL: Okay, if you're ready to summarize. Are you done?
Thank you very much. Next.

[Duly sworn, Louise Martinez testified as follows:]

LOUISE MARTINEZ: Louise Martinez, 04 South Paseo de Angel. I'll try to make this quick, because I know everyone's tired because I am.

CHAIR VIGIL: Thank you.

MS. MARTINEZ: I understand how you've heard concerns regarding the corrals and stuff but that's from another property; it's not from them. But I also understand Ms. Garcia's concerns saying that she's not sure if this permit is in good faith because – and I only know this because this winter I found some puppies roaming around and I literally – in the winter, when we had the bad snow. So I went looking for homes, and they told me that they were related to these other people, that one of the homeowners that has the corrals there was their uncle.

So that does kind of make me skeptical that more horses are going to be in there. And right now, the horses – and granted again, I know it's not them, but those horses that are allowed to run free. You can come onto our property. We have no horses. I have Chihuahuas. If you come onto our property and you can see piles of horse manure. We had solar lights that go around our driveway that have been broken. As early as this morning our next door neighbor, who was unable to be here because she works in Los Alamos, the horses were there and they were going and getting the horses from there. You see hoof prints all the way up to my vehicle. And I'm afraid that more of the same thing is going to happen if another dwelling is put there.

CHAIR VIGIL: Okay. Can we get that interpreted?

MS. MARTINEZ: I don't speak Spanish.

CHAIR VIGIL: Okay are you able to summarize that?

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: Okay. You can proceed.

MS. MARTINEZ: So I sympathize with Mr. Solis-Garcia on the permit issue and buying the mobile home and purchasing that but I worked in enforcement. I've had to get permits in the past before too and maybe it was a language barrier; I don't know. But I think it's kind of common knowledge no matter where you go that if you're asking for permission to do something you need to wait until you're told yes, you can before you go out and start doing everything and incurring all these costs upon yourself.

CHAIR VIGIL: Would you interpret that please?

[Ms. D. Garcia translated for Mr. Garcia]

MS. MARTINEZ: And that's pretty much all I have to say. I'm just not in favor of this. And also their acreage, again I agree – I don't think it's large enough. Granted, it's 2.53 acres, but I think part of that acreage is in the arroyo so I'm not sure how the dwelling – if it will fit another mobile home. I don't know because part of the covenant, the way I understood it is you can't have a single-wide out there, and I'm not sure if it would be able to sustain like a double-wide or a modular home or anything like that. I'm not a contractor; I'm not sure but that's my opinion. Thank you.

CHAIR VIGIL: Thank you. Did you want to summarize that for them?

[Ms. D. Garcia translated for Mr. Garcia]

CHAIR VIGIL: Okay. Thank you very much. Questions? Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I have some questions of staff. This rings similar to some past cases we've had where there's been

some misunderstandings in purchases of land and expectations of what can happen on the land. From looking at the map it seems that there might be a precedent for other mobile homes to be on small lots and having more than one. Is that correct?

MS. COBAU: Madam Chair, Commissioner Stefanics, we have had applications come in in the Por su Gracia Subdivision for land divisions, one on the south side of Paseo de Angel and it was denied about four or five years ago. And one on the north side of Paseo de Angel, which I don't believe was part of the Por su Gracia Subdivision. It was adjacent to it. It was a gentleman named Joseph Albilar who was originally denied because he didn't have all-weather access, and then subsequent to the bridge being built on Paseo de Angel he did an administrative land division.

The land divisions that are occurring outside this previously approved subdivision unless they come to you. They can come forward and ask for a land division in a previously approved subdivision but staff cannot administratively grant one. It's the same. We see them all the time in that subdivision on the other side of 599, Pinon Hills. It's the same.

COMMISSIONER STEFANICS: So, Madam Chair, Wayne, have you been out there for site visits?

MR. DALTON: Madam Chair, Commissioner Stefanics, yes, I have been to this property.

COMMISSIONER STEFANICS: Besides this property, in the area, the question I'm asking you is have you seen double residences on properties that you think are too small?

MR. DALTON: In this immediate vicinity, in this particular subdivision, no. Outside of the subdivision, I have seen properties about an acre and a quarter with two mobile homes on them.

COMMISSIONER STEFANICS: Okay. So the next question is, Shelley or Wayne, what's the situation on these horses and the arroyo?

MR. DALTON: Madam Chair, Commissioner Stefanics, we have received those complaints about these horses in the arroyo. One being the barns. The barns are permitted with Santa Fe County and the horses.

COMMISSIONER STEFANICS: Barns are permitted in an arroyo?

MR. DALTON: No, no. Yes, the barns are permitted in the arroyo. They're inhabitable structures so they can be permitted in the floodplain. So those barns were permitted with our office and we don't regulate livestock on one's property. The actual property owner, the arroyo runs in his property. So we have gone out there and looked at that property and have not found any violation.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

CHAIR VIGIL: Okay. I need to actually before I take – let everyone know that this closes the public hearing. Did you want to – you'll have to come up. I'll give one opportunity for the opponent and then one opportunity for the opponent. You need to come up to the microphone and address this.

MR. MARTINEZ: I would just like to show you just one picture and then you tell me how right they are.

CHAIR VIGIL: While he's locating the picture would the proponents like to make a statement.

MR. J. GARCIA: Bueno, primero, yo pienso que 2.5 acres es suficiente terreno para dos mobile homes.

MS. D. GARCIA (translating): He's saying that he thinks that 2.5 acres is enough property for two dwellings, two mobile homes.

MR. J. GARCIA: No se porque están hablando de caballos. Yo no tengo que ver con los caballos. En mi propiedad hay solamente un mobile home y yo invito a los senores que puedan ir y ver que hay solamente un mobile home.

MS. D. GARCIA (translating): Okay. He's saying he doesn't know why they're saying anything about horses, that on his property they only thing right now is a mobile home and anybody that would like to go over there and look they're more than happy to do so.

MR. J. GARCIA: Y quiero aclarar que por mi propiedad no corre el arroyo. Es plano. No corre el arroyo.

MS. D. GARCIA (translating): That on his property that the arroyo doesn't pass through it. It doesn't pass through his property.

CHAIR VIGIL: Anything else?

MS. D. GARCIA (translating): That's it.

CHAIR VIGIL: Okay. I'll pass this down if you want to wait at the other end.

COMMISSIONER MAYFIELD: Madam Chair, may I ask a question.

CHAIR VIGIL: Please go right ahead. We have a question here.

COMMISSIONER MAYFIELD: Madam Chair, thank you. This is a question for the applicant. So the second mobile home has already been purchased and is already on the property or there's just one mobile home that's on the property?
[inaudible]

COMMISSIONER MAYFIELD: Thank you.

CHAIR VIGIL: Mr. Martinez, so that we can get that on the record would you go to the podium. Mr. Martinez. Just describe for us what you're showing and I'd also like you to show that to the applicants.

MR. MARTINEZ: What I'm showing right over here is right in the bottom of the arroyo, right at the bottom of their place. There is two big barns right there. There is a walker to train the horses. There is also that stable right there where they keep the horses where the horses keep on getting on. Those are the ones that keep on going into our place. There is a pile of manure on the other side. I don't know how many time a week, a month or what they take out.

CHAIR VIGIL: Okay.

MR. MARTINEZ: But you can see it right there.

CHAIR VIGIL: Would you show it to the applicants?

MR. J. GARCIA: Pero eso no es mi terreno.

CHAIR VIGIL: Mr. Martinez, we're allowing you the opportunity to show that to us. Have you finished?

MR. MARTINEZ: Okay, yes. I showed it to them and [inaudible] because they see it every day.

CHAIR VIGIL: Okay.

MR. MARTINEZ: And that's, you know. But saying that – if this is allowed the day that flooding was there, to top that off what really concerns me is my well is just a ways from right there. That is the whole key issue that I'm here. My well is right there and it's going to get contaminated.

CHAIR VIGIL: You may just mention that to the applicants. Thank you very much, Mr. Martinez. The public hearing is now closed and with that are there any other questions? What's the pleasure of the Commission? Commissioner Mayfield, and then Commissioner Holian.

COMMISSIONER MAYFIELD: Madam Chair, a question for Mr. Dalton. You went out and looked at adjacent property. Is this a commercial horse operation? Do you know? Is it just an individual who has some horses?

MR. DALTON: Madam Chair, Commissioner Mayfield, I myself didn't go out to that property with the horse barns on it; my inspector did. And what he relayed to me was there was no commercial operation being conducted on that property and there were no other violations. Myself and Shelley will go out to that property on Friday and conduct an inspection ourselves and see if there is indeed any violations on that property.

But that property has nothing to do with this request being heard before you tonight.

COMMISSIONER MAYFIELD: Thank you, Mr. Dalton.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I'm ready to make a motion.

CHAIR VIGIL: Proceed.

COMMISSIONER HOLIAN: I do feel for you. I feel that there was a huge communication problem, but on the other hand I also believe that it is a bad precedent to set to allow two homes on a lot which actually is limited to a quarter acre-foot per year. That is really only enough for one home. So therefore I move to deny CDRC Case V 11-5200.

CHAIR VIGIL: I have a motion to deny the case. Is there a second?

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: I have a motion and a second. Further discussion?

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, given everything that was said today, does staff have any other alternatives to suggest to the Commission other than denial?

MS. COBAU: Madam Chair, Commissioner Anaya, there really isn't any other solution for this applicant other than if they want to have a piece of property that they divide, this isn't the one. They could construct an accessory structure on the property, but because the plat precludes guesthouses it could only have a kitchen or a bath, not both. Anything that they put on the property has to be sprinklered. I don't know if they read the plat to understand that but there's some pretty substantial deterrents to this property being shared by two homes.

CHAIR VIGIL: Can you interpret the motion and the question in summary?

[Ms. D. Garcia translated for Mr. Garcia]

MS. COBAU: There can be an accessory structure but it can't have a kitchen and a bath. It can have a kitchen or a bath, but it can't have both.

CHAIR VIGIL: Question, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, is there a limitation on the size of the structure that can be built on this parcel?

MS. COBAU: An accessory structure exceeding 2,000 square feet –

COMMISSIONER ANAYA: Not an accessory structure, just a –

MS. COBAU: No.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR VIGIL: I have a motion and a second. Do you have any further discussion, Commissioner Stefanics?

COMMISSIONER STEFANICS: Yes, Madam Chair. One of the cases that Commissioner Anaya's question kind of lent itself to what I was remembering. We had a case, and you might want to tell them about this later, where somebody bought the property and thought that they could build multiple homes for the extended family. And what they can do is build a large home that adjoins two wings, or take the mobile home and add on to it or something like that. But we've had situations like this where there were major misunderstandings in buying the property. And it was the language barrier. It was also not knowing that when you buy something you have laws and you don't know that when you buy it.

CHAIR VIGIL: Okay. I have a motion and a second.

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

COMMISSIONER ANAYA: Madam Chair.

CHAIR VIGIL: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, tough case. Hardship for the families and I just want to make a public comment associated with this case and other cases is that I'm an advocate of where we can and where there's not as stringent of requirements under subdivisions for families to be able to have the opportunity to split their land. I just want to make that unequivocally clear and I just want people that are here and maybe those that might be listening to understand that it gets more complicated when there are actual subdivisions that have gone through a process at the County.

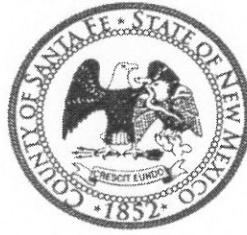
This one recently had a change in 2010. But I also think based on some of the language barrier issues that we as a County need to be more pro-active about communications to the realtors and others when we can to make sure that as best we can they convey the information that's necessary and contained within plats to the public. We've got to figure something out. This isn't the first time this has come forward. It won't be the last. But a tough vote to take but I think if staff could maybe put your heads together with the Manager, Legal and others we've got to figure out a better way to try and communicate to the public so that they can get information that's bilingual that people can understand and try and avoid these circumstances. Thank you, Madam Chair.

CHAIR VIGIL: Thank you.

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: Board of County Commissioners

From: Teresa Martinez, Finance Director 

Through: Katherine Miller, County Manager

Date: November 8, 2011

RE: ***A Resolution Requesting an Operating Transfer from the General Fund (101) to the Property Valuation Fund (203)***

ISSUE

The Finance Division on behalf of the County Assessor's Office is seeking approval of an operating transfer from the General Fund (101) to the Property Valuation Fund (203) in the amount of \$1,856.12.

BACKGROUND

One of the County Assessor's vehicles was recently involved in an automobile accident resulting in \$1,856.12 worth of damage. The current auto insurance policy for the County requires a \$25,000 deductible. At this time, the County Assessor does not have sufficient budget to cover the deductible amount. A small budget was included in the General Fund (101) to pay for deductibles that cannot be covered by individual departments. For fiscal year 2012, the County Assessor is assuming all operating expenses be paid by the Property Valuation Fund (203) thus requiring an operating transfer from the General Fund (101) to pay for the vehicle damage.

RECOMMENDATION

The Finance Division recommends an operating transfer from the General Fund (101) to the Property Valuation Fund (203) for the repair of a County vehicle in the amount of \$1,856.12

SANTA FE COUNTY

RESOLUTION 2011 - _____

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

Whereas, the Board of County Commissioners meeting in regular session on November 8, 2011, did request the following budget adjustment:

Department / Division: Finance Division for County Assessor Fund Name: Property Valuation (203)

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

BUDGETED REVENUES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	REVENUE NAME	INCREASE AMOUNT	DECREASE AMOUNT
203	1111	390	0101	Operating Transfer In / From Fund 101	\$1,856.12	
TOTAL (if SUBTOTAL, check here)					\$1,856.12	

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

FUND CODE XXX	DEPARTMENT/DIVISION XXXX	ACTIVITY BASIC/SUB XXX	ELEMENT/OBJECT XXXX	CATEGORY / LINE ITEM NAME	INCREASE AMOUNT	DECREASE AMOUNT
203	1111	413	7514	Insurance & Deductibles / Property Insurance Deductibles	\$1,856.12	
101	0000	490	0203	Operating Transfer Out / To Fund 203	\$1,856.12	
101	0303	412	7015	Other Operating Costs / Property/Liability Deduct.		\$1,856.12
TOTAL (if SUBTOTAL, check here)					\$3,712.24	\$1,856.12

Requesting Department Approval: _____ Title: _____ Date: _____

Finance Department Approval: William E. Martinez Date: 10/26/11 Entered by: _____ Date: _____

County Manager Approval: Katherine D. Jahn Date: 10.31.11 Updated by: _____ Date: _____

SANTA FE COUNTY

RESOLUTION 2011 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Carole Jaramillo Dept/Div: Finance Division Phone No.: 986-6321

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

- 1) Please summarize the request and its purpose.
Request is for an operating transfer from the General Fund (101) to the Property Valuation Fund (203) in the amount of \$1,856.12 for an insurance deductible for a County Assessor's vehicle that was damaged in an automobile accident.

a) Employee Actions

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

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

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

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

SANTA FE COUNTY

RESOLUTION 2011 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Carole Jaramillo Dept/Div: Finance Division Phone No.: 986-6321

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

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES _____ NO X
If YES, cite statute and attach a copy.
 - b) Does this include state or federal funds? YES _____ NO X
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
 - c) Is this request is a result of Commission action? YES _____ NO X
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
 - d) Please identify other funding sources used to match this request.
There are no other funding sources to match this request.

SANTA FE COUNTY
RESOLUTION 2011 - _____

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

Approved, Adopted, and Passed This 8th Day of November, 2011.

Santa Fe Board of County Commissioners

Virginia Vigil, Chairperson

ATTEST:

Valerie Espinoza, County Clerk