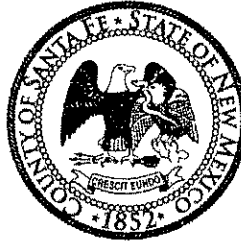


**Daniel "Danny" Mayfield**  
*Commissioner, District 1*

**Miguel M. Chavez**  
*Commissioner, District 2*

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



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

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

**Katherine Miller**  
*County Manager*

## MEMORANDUM

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

**FROM:** Rachel O'Connor, Health Division

**DATE :** February 14, 2013

**SUBJECT:** Presentation on Medicaid Expansion

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**Issue:**

The Commission has requested an update regarding Medicaid expansion in the State of New Mexico.

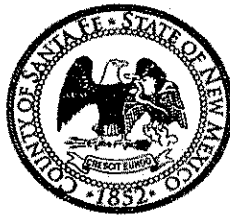
**Background:**

Governor Martinez has announced that New Mexico will be moving forward with expanding Medicaid as a part of health care reform in New Mexico. Ms. Julie Weinberg is the Director of Medicaid with the Human Services Department at the State of New Mexico. She will give a brief update on the plans for expansion.

**Staff Recommendations:**

None noted.

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## MEMORANDUM

**DATE:** February 26, 2013  
**TO:** Board of County Commissioners  
**From:** Katherine Miller, County Manager  
**RE:** New Santa Fe County Employees February 1-22, 2013

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### **New Detention Cadets That Graduated Friday, Feb. 22, 2013**

Benny Lee Atencio  
Santana Bustamante  
Josiah Fredericks  
Justin Garcia  
Reynold Hernandez  
Perry Hewlett  
Tiffany Martinez  
Christopher Salas  
Renee Scott  
Mitchell Shires  
Jeremy Valdez

### **Community Services Department**

Davis Fresquez                      ACTIVITIES PROGRAM COORDINATOR

### **Public Safety Department**

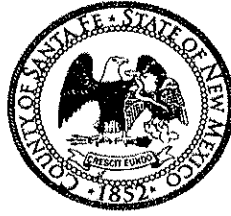
Russel Pacheco                      DETENTION OFFICER  
Ona Montoya                          DETENTION OFFICER  
Anita Olivas                          LIFE SKILLS WORKER

### **Growth Management**

Erika Garcia                          DEPARTMENT                      SECRETARY

### **Public Works Department**

Jesus Rodriguez                      SOLID WASTE MAINTENANCE WORKER  
Tony Quintana                          UTILITIES MAINTENANCE WORKER  
Matthew Ezzard                          VOLUNTEER FIRE FIGHTER  
Rose Lee                                  VOLUNTEER FIRE FIGHTER



## MEMORANDUM

**DATE:** February 26, 2013

**TO:** Board of County Commissioners

**VIA:** Katherine Miller, County Manager

**FROM:** Julia Valdez, Constituent Services Liaison, Manager's Office

**RE:** In Recognition and Appreciation of the Organizers and Participants of One Billion Rising V-Day in Santa Fe, New Mexico, A Call for Ending Domestic Violence Founded by Eve Ensler for the World (Commissioner Stefanics)

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### BACKGROUND

V-Day is a global activist movement to end violence against women and girls. V-Day is a catalyst that promotes creative events to increase awareness, raise money, and revitalize the spirit of existing anti-violence organizations. V-Day generates broader attention for the fight to stop violence against women and girls, including rape, battery, incest, female genital mutilation (FGM), and sex slavery.

February 14, 2013 was V-Day at the New Mexico Legislature where hundreds of men and women attended press conference in the Capitol Rotunda, a flash mob dance outside the east concourse and then marched to the Railyard where they attended a rally and other events.

According to a recent report by several local violence prevention groups, approximately one in four New Mexico women will experience domestic violence in her lifetime—significantly more than the national average of one in five.

## NOTICE TO RATEPAYERS

JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC. (JMEC or Cooperative) will file proposed rate riders, under Advice Notice No. 63, on March 4, 2013 with the New Mexico Public Regulation Commission (Commission) which will result in an increase to all consumers. Original Rate Rider No. 2 – Native American Access Cost Recovery – Entire Consumer Base, approved on August 14, 2012, will be replaced with First Revised Rate Rider No. 2 for all consumers and the system costs per kWh from the three following Pueblos Rate Riders will be added. Rate Rider No. 4 – Native American Cost Recovery – Pueblo de San Ildefonso will be filed and will result in an increase to all consumers located within the external boundaries of the Pueblo de San Ildefonso (Local Consumers). Rate Rider No. 5 – Native American Cost Recovery – Pueblo of Nambe will be filed and will result in an increase to all consumers located within the external boundaries of the Pueblo of Nambe (Local Consumers). Rate Rider No. 6 – Native American Cost Recovery – Pueblo of Pojoaque will be filed and will result in an increase to all consumers located within the external boundaries of the Pueblo of Pojoaque (Local Consumers). Consumers affected by Rate Riders 4, 5 and 6 include consumers on private land within the exterior boundaries of the pueblos.

Pursuant to Rule 17.9.540 NMAC of the Commission's Rules of Practice and Procedure, JMEC's consumers are notified that:

- (a) Original Rate 19 was approved August 14, 2012 and established a mechanism for JMEC to recover costs incurred due to a requirement that JMEC make payments to Native American governments for access expenses. Access costs are defined as expenses for Rights-of-Way on Native American Lands and are separated by System Rights of Way and Local Rights of Way.
- (b) First Revised Rate Rider No. 2 is applicable to all consumers within the territory of JMEC and the kWh charge is derived from adding the system costs/kWh in the amount of \$.000666/kWh for the Pueblo of Nambe, \$.000935/kWh for the Pueblo of Pojoaque and \$.001093/kWh for the Pueblo de San Ildefonso to the Original Rate Rider No. 2 in the amount of \$.0004/kWh for a total amount of \$.003094/kWh.
- (c) The Rate Riders 4, 5 and 6 are applicable to all consumers within the exterior boundaries of their defined Pueblos as stated above that are provided regular utility service under Rate Schedules 1, 2, 3, 4, 5, 6, 16, 17 and 18, on file with the Commission and is in addition to the regular charges under the applicable rate schedule.
- (d) The proposed changes affect an average of 26,543 consumers in the residential classification, an average of 270 residential – time of use consumers, 3,145 small commercial consumers, 19 small commercial – time of use consumers, 373 large power consumers, 243 municipal and small school consumers, and 21 street and highway lighting consumers.
- (e) The proposed rate riders kWh monthly charge is as follows:

All Consumers - First Revised Rate Rider No. 2 - All Applicable kWh sales @ \$.003094/kWh sold  
Pueblo de San Ildefonso - Original Rate Rider No. 4 – All Applicable kWh sales @ \$.055783/kWh sold  
Pueblo of Nambe - Original Rate Rider No. 5 – All Applicable kWh sales @ \$.036825/kWh  
Pueblo of Pojoaque - Original Rate Rider No. 6 – All Applicable kWh sales @ \$.003035/kWh

- (f) A comparison of the present rate and proposed rate with rate rider adjustment at various kWh consumption levels is as follows: General Service – Time of Use rate comparison is not included due to the variations in the consumption characteristics of an individual consumer.

GENERAL SERVICE – RATE 1 (BILLING RATE 1) AND RATE RIDER 2

<u>MONTHLY KWH</u>	<u>PRESENT RATE*</u>	<u>PROPOSED RATE*</u>	<u>MONTHLY \$ INCREASE</u>	<u>MONTHLY %INCREASE</u>
0	\$ 13.00	\$ 13.00	\$ 0.00	0.00 %
250	38.23	38.91	0.68	1.78 %
500	63.47	64.82	1.35	2.13 %
750	88.70	90.72	2.02	2.28 %
1000	113.94	116.63	2.69	2.36 %
2000	214.87	220.26	5.39	2.51 %

GENERAL SERVICE – RATE 1 (BILLING RATE 1) AND RATE RIDER 2 AND 4 (SAN ILDEFONSO)

<u>MONTHLY KWH</u>	<u>PRESENT RATE*</u>	<u>PROPOSED RATE*</u>	<u>MONTHLY \$ INCREASE</u>	<u>MONTHLY %INCREASE</u>
0	\$ 13.00	\$ 13.00	\$ 0.00	0.00 %
250	38.23	52.85	14.62	38.24 %
500	63.47	92.71	29.24	46.07 %
750	88.70	132.56	43.86	49.45 %
1000	113.94	172.41	58.47	51.32 %
2000	214.87	331.83	116.96	54.43 %

GENERAL SERVICE – RATE 1 (BILLING RATE 1) AND RATE RIDER 2 AND 5 (NAMBE)

<u>MONTHLY KWH</u>	<u>PRESENT RATE*</u>	<u>PROPOSED RATE*</u>	<u>MONTHLY \$ INCREASE</u>	<u>MONTHLY %INCREASE</u>
0	\$ 13.00	\$ 13.00	\$ 0.00	0.00 %
250	38.23	48.11	9.88	25.84 %
500	63.47	83.23	19.76	31.13 %
750	88.70	118.34	29.64	33.42 %
1000	113.94	153.46	39.52	34.68 %
2000	214.87	293.91	79.04	36.79 %

GENERAL SERVICE – RATE 1 (BILLING RATE 1) AND RATE RIDER 2 AND 6 (POJOAQUE)

<u>MONTHLY KWH</u>	<u>PRESENT RATE*</u>	<u>PROPOSED RATE*</u>	<u>MONTHLY \$ INCREASE</u>	<u>MONTHLY %INCREASE</u>
0	\$ 13.00	\$ 13.00	\$ 0.00	0.00 %
250	38.23	39.67	1.44	3.77 %
500	63.47	66.33	2.86	4.51 %
750	88.70	93.00	4.30	4.85 %
1000	113.94	119.67	5.73	5.03 %
2000	214.87	226.33	11.46	5.33 %

\* Present and proposed rates are adjusted by \$.018477/kWh due to increases in the cost of purchased power and \$.000680 for interest on long term debt above the base costs built into the base rates.

- (g) The Cooperative will promptly notify a member, who so requests, of the date on which the schedule proposing the new rates will be filed with the Commission.
- (h) The proposed new rates will go into effect automatically and without hearing by the Commission unless one percent or twenty five (25) members of any rate class, whichever is less, of JMEC file a protest with the Commission no later than twenty (20) days after JMEC has filed the schedule

proposing the new rates and the Commission determines there is just cause for reviewing the proposed rates on one or more of the grounds of the protest.

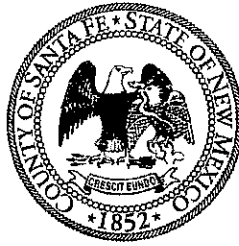
IF A HEARING IS HELD BY THE PUBLIC REGULATION COMMISSION, ANY COSTS INCURRED BY THE UTILITY MAY BE INCLUDED IN THE UTILITY'S FUTURE RATES, FOLLOWING THE UTILITY'S NEXT RATE CASE.

- (i) Procedures for protesting a proposed rate or rates is set forth in NMPRC Rule 17.9.540 NMAC, a copy of which can be obtained upon request from or inspected at either Jemez Mountains Electric Cooperative, Inc., Chama Highway, P.O. Box 128, Espanola, New Mexico 87532 (telephone 505-753-2105 or 888-755-2105) or the New Mexico Public Regulation Commission, 1120 Paseo De Peralta, PO Box 1269, Santa Fe, New Mexico 87504 (telephone 505-827-6960 or 888-427-5772 or <http://www.nmcpr.state.nm.us/nmac/parts/title17/17.009.0540.htm>.)
- (j) Prior to filing a protest with the Commission a Cooperative member should attempt to resolve any grievance by presenting your objections to the new rates, in writing, and allow JMEC seven (7) days in which to attempt a resolution of your objections or otherwise respond.
- (k) Any interested person may examine the rate filing together with any exhibits and related papers that may be filed at any time at the main office of the Cooperative or on or after the date of filing at the offices of the Commission.
- (l) Further information concerning this filing or the protest procedure may be obtained by contacting Jemez Mountains Electric Cooperative, Inc. or the New Mexico Public Regulation Commission.

Daniel "Danny" Mayfield  
*Commissioner, District 1*

Miguel M. Chavez  
*Commissioner, District 2*

Robert A. Anaya  
*Commissioner, District 3*



Kathy Holian  
*Commissioner, District 4*

Liz Stefanics  
*Commissioner, District 5*

Katherine Miller  
*County Manager*

**CASE NO. V 12-5300**

**VARIANCE**

**JOHN & VIRGINIA KRAUL, APPLICANTS**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on December 11, 2012 at which time a tie vote occurred, and again for a vote on January 8, 2013, on the Application of John and Virginia Kraul (hereinafter referred to as "the Applicants") for a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 0.90 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and having conducted a public hearing on the request, finds that the Application is well-taken and should be granted, and makes the following findings of fact and conclusions of law:

1. The Applicant requests a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 0.90 acres.
2. Article II, Section 3.1 of the Code states that where in the case of a proposed development it can be shown that strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant because of unusual topography or other such non-self-inflicted conditions or that these conditions would result in inhibiting the achievement of the purposes of the Code, an Applicant may file a written request for a variance. It further states that the BCC may vary, modify or waive the requirements of

the Code upon adequate proof that compliance with the Code provision at issue will result in an arbitrary and unreasonable taking of the property or exact hardship, and proof that the variance from the Code will not result in conditions injurious to health or safety. Section 3.1 provides that in no event shall a variance be granted by the BCC if by doing so the purpose of the Code will be nullified. Additionally, it states that in no case shall any variation or modification be more than a minimum easing of the requirements.

3. The property is located at 7 Camino La Llorona, within Section 27, Township 16 North, Range 10 East ("Property").

4. There is currently one dwelling unit on the property and three accessory structures.

5. Article III, Section 10 has a minimum lot size of .75 Acres per dwelling.

6. The subject lot was created by way of family transfer land division on October 2, 1998, under development permit No. 97-4540.

7. Applicant eventually converted one of the accessory structures into a second dwelling unit and allowed his sister to move into the unit. The two dwelling units have been occupied for a period of years.

8. Andres Garcia, April Velasco, and Antonia Velasco spoke in favor of the Application.

9. Edward Kraul and Joyce Kraul spoke in opposition of the Application.

10. Staff recommended that if the variance application were approved the following conditions accompany the approval:



- A. Water use shall be restricted to 0.50 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 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office.
  - B. The Applicant must obtain a development permit from the Building and Development Services Department for the second dwelling unit and the studio.
  - C. The Applicant shall provide a liquid waste permit from the New Mexico Environment Department with development permit Application.
  - D. The placement of additional dwelling units or further division of land is prohibited on the property.
  - E. The Applicant shall comply with all Fire Prevention Division requirements.
  - F. The applicant shall retain the structure for family member use for five years.
  - G. The applicant shall file an affidavit with the Santa Fe County Land Use that the structure be utilized by an immediate family member only.
- 11. The Applicant consented to staff's proposed conditions.
  - 12. Strict compliance with the requirements of the Code would result in extraordinary hardship to the Applicant.
  - 13. The granting of the requested variance is a minimal easing of the Code requirements to address obstacles to placement of an additional dwelling unit on the property.
  - 14. Granting this variance request will not nullify the purpose of the Code.

**WHEREFORE** the Board of County Commissioners of Santa Fe County hereby approves the request for a variance of Article III, Section 10 (Lot Size Requirements) of the

Code to allow two dwelling units on 0.90 acres located at 7 Camino La Llorona subject to the conditions as stated in Paragraph 8.

**IT IS SO ORDERED**

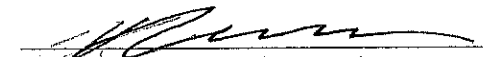
This Order was approved by the Board of County Commissioners of Santa Fe County on this \_\_\_\_ day of February, 2013.

By: \_\_\_\_\_  
Kathy Holian, Chair

Attest:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

Approved as to form:

  
Stephen C. Ross, County Attorney

**CDRC CASE # V 12-5300 John & Virginia Kraul Variance:** John & Virginia Kraul, Applicants, request a variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to allow two dwelling units on 0.90 acres. The property is located at 7 Camino La Llorona, within the Traditional Community of Canada de Los Alamos, within Section 27, Township 16 North, Range 10 East (Commission District 4)

JOHN LOVATO (Case Manager): The property is located within the Traditional Community of Canada de Los Alamos where the minimum lot size is 0.75 acres per dwelling. The subject lot was created in 1998, by way of a Family Transfer. There is currently a permitted residence, which is a modular unit; a modular unit with bath facilities which was permitted as an accessory structure and is now proposed to become a dwelling; an accessory structure used for storage; a garage; and a proposed storage shed on the property. The current accessory structure proposed for use as a residence is a 625 square foot modular unit.

In March of 1998, the Applicants obtained a permit for an accessory structure. The structure was then converted into a dwelling unit without authorization from the County, and the Applicant's sister resides in that unit. On October 7, 2011 a Notice of Violation was issued for exceeding density. Following issuance of the Notice of Violation, the Applicants converted the unit back to an accessory structure, as verified through an inspection. The Applicants are now in compliance with what was permitted in 1998.

The Applicants state, a variance is needed due to the sister's medical condition. The Applicant's sister has never had an income. The Applicants claim providing their sister with an affordable place to reside would provide their sister with emotional and financial support, along with peace of mind that she will have a place to call home and will also insure she has care and support from her family in the future.

On October 18, 2012, the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the Applicants' request by a 4-2 vote.

Growth Management staff have reviewed this Application for compliance with pertinent Code requirements and finds the project is not in compliance with County criteria for this type of request. Staff recommendation: If the decision of the BCC is to recommend approval of the Applicant's request, staff recommends imposition of the following conditions. Madam Chair, may I enter those conditions into the record?

CHAIR STEFANICS: Yes, you may.

Conditions:

1. Water use shall be restricted to 0.50 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 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office (As per Article III, § 10.2.2 and Ordinance No. 2002-13).
2. The Applicant must obtain a development permit from the Building and Development Services Department for the additional dwelling unit. (As per Article II, § 2).
3. The Applicant shall provide an updated liquid waste permit for both homes from the New Mexico Environment Department with the Development Permit Application (As per Article III, § 2.4.1a.1 (a) (iv)).
4. The placement of additional dwelling units or Division of land is prohibited on the

- property. (As per Article III, § 10).
5. The Applicant shall comply with all Fire Prevention Division requirements at time of development permit Application (As per 1997 Fire Code and NFPA Life Safety Code).

CHAIR STEFANICS: The first question I have before we go to the applicant is why do we have pictures of a refrigerator and a sink and some other things in this?

MR. LOVATO: Madam Chair, at the time the inspection was done we took photographs of everything. Where the kitchen was, where the sinks were just for proof that everything that everything had been removed for staff files.

CHAIR STEFANICS: I understand, okay. So is the applicant here? Do you have anything you'd like to say? So would you rise and be sworn in.

[Duly sworn, Virginia and John Kraul were duly sworn]

VIRGINIA KRAUL: My name is Virginia Kraul and I live 07 Camino La Llorona.

JOHN KRAUL: And I'm her husband, John Kraul, and I live at 07 Camion La Llorona also.

CHAIR STEFANICS: Okay.

MS. V. KRAUL: So we are here today to request a variance to convert the accessory structure into a dwelling.

CHAIR STEFANICS: Could you speak into the mike?

MS. V. KRAUL: We are here today to request a variance to convert the accessory structure into a dwelling. My sister in-law is living in there and she has really nowhere else to go and she is un – she's not medically stable and she needs assistance daily.

And I don't know if you received the other petitions?

CHAIR STEFANICS: Yes. We're asking for your presentation. We're not talking about anything else. So just give us your presentation before I go to the public hearing, please.

MS. V. KRAUL: Okay. We would appreciate if we would be able to turn this into dwelling.

CHAIR STEFANICS: Okay, thanks. Do you have anything to say, sir?

MR. J. KRAUL: Nothing.

CHAIR STEFANICS: Okay, great. Thanks for coming. Okay, we're at the point at public hearing. Are there individuals in the audience that would like to speak for or against this request? Okay, I have two hands. Anybody else? I have three hands. Three, okay so would everybody who is going to speak come up all at once so you can be sworn in at once. Please. This is our transcriber, she needs to swear everybody. Are you also coming up? Okay. So let's get everybody up here who is going to speak. So when you speak I need you all to use the microphone. Identify yourself by name and your address so whoever would like to start.

[Duly sworn, April Velasco testified as follows]

APRIL VELASCO: Hi, my name is April Velasco and I live at 14 Camino La Llorona and I approve of this.

CHAIR STEFANICS: You support this?

MS. VELASCO: Yes, I support it.

CHAIR STEFANICS: Thank you so much. The next person.

[Duly sworn, Andreas Garcia testified as follows]

ANDREAS GARCIA: Andreas Garcia, 107 Cañada Village Road, I speak in behalf of the rest of the Garcias – the better there. We all approve this motion we'd like to see this lady have a place to be able to call home. Thank you.

CHAIR STEFANICS: Thank you very much. Next.

ANTONIO VELASCO: My name is Antonio Velasco. I live at 7 Camino La Llor – I mean 14 Camino La Llorona and I approve this. I just want a place for my wife's aunt to call home.

CHAIR STEFANICS: Thank you very much for coming. Yes, ma'am. No, I need your name and address please.

[Duly sworn, Joyce Kraul testified as follows]

JOYCE KRAUL: My name is Joyce Kraul and my address is 6-C Camino La Llorona and also [inaudible] Cerro Gordo.

CHAIR STEFANICS: Okay, go ahead. One person at a time, please, to speak.

MS. J. KRAUL: Okay, well, although we sympathize with the situation we feel that John and Virginia should not be allowed to have two dwellings on their property for the following reasons. We feel that their property is too small, 0.90 acres to accommodate all these structures already on the property. Their residence, they do studio, a garage, and a half of singlewide trailer and their accessory structure-type dwelling that they're talking about. This does not include, well, like, you know, their easements, and they also have to have a hammer turnaround, hammerhead turnaround.

Miguela has been on the property – on that place since February 2011 after she gave her inheritance property to John and Virginia's daughter, Amanda Kraul Rodriguez. Prior to Miguela living there they had it rented to a – well, they had it rented and also they had Amanda and her then boyfriend, Ruben, living within that structure.

When John and Virginia's survey plat – well, they do have a studio that is – with a bath and kitchen. But, instead, of – they have that rented out to a [inaudible] pottery for storage. And like three or four times out of the year they have like a semi – like a semi, what would you call it?

EDWARD KRAUL: Semi-trailer. We have pictures of it.

MS. J. KRAUL: We have a picture. It's there. It's really in the way and it's just really awkward. And, because the property is so small for all of this existing structures it is very congested and difficult to drive through. Cars are pulling out of all directions. It is congested with vehicles, with their own vehicles – they have quite a few. They have five and they have a trailer. And when they have visitors it's – and John also works on other people's cars [inaudible] garage, and it makes very difficult and dangerous to drive through there especially in the winter time.

Perhaps it would be different if John and Virginia's lot was in the back, not the first lot of seven other lots that have to drive through with this congestion.

We feel bad for Miguela's situation, like we said before. John and Virginia's house is big enough to have her live with them. I believe they said they have six bedrooms. Amada – well, when Miguela gave Amada her property she could care for her, you know, she did give her inheritance. Miguela could also move into, like I said, John and Virginia's already existing studio. Miguela could possibly qualify for some kind of low-income home if she wanted I suppose. Miguela is still young and she might meet someone and possibly get married. If

Miguela would have used her property as a density to put a second dwelling on John's property it would not have come to this unfortunate situation.

And, also, we have –

MR. E. KRAUL: We were misinformed.

CHAIR STEFANICS: Just one at a time. Let her finish.

MS. J. KRAUL: Also we have some papers –

MR. E. KRAUL: We submit a packet but we were misinformed.

CHAIR STEFANICS: Wait a minute. We need to your name, sir.

MS. J. KRAUL: Can I just give you some pictures.

CHAIR STEFANICS: Okay, give it to the staff, Mr. Lovato. Okay, so please introduce yourself and your address.

[Previously sworn, Edward Kraul testified as follows]

EDWARD KRAUL: My name is Edward Kraul, 6C La Llorona. We were misinformed by personnel here at the County. We were submitting a package and they told us to submit the package by the 14<sup>th</sup>. We had the intention that the package was submitted to the Development Review Board was going to be submitted to you guys and everything so that's why you didn't get a package from us on all this material because we were misinformed by personnel here. And if you could have reviewed all of this, you could have reviewed all of this prior if we would have been informed properly. Because we were misinformed by John Lovato that they were going to submit what we submitted to the other board of – that they were going to submit to you materials we are submitting to you now. Because we have a petition of everybody in the historical village that doesn't want this and this is what you should have reviewed prior to coming to this meeting.

And, like I said we were misinformed by County personnel. And if you would have taken the time to review this document that we submitted through the Development Review Board then you would be aware of exactly what is going on. You don't have the time – you didn't this in front of you as you do now. If you take the time to review it. Because the density on that property it shows. The petition is from everybody in the historical. This gentleman that spoke, Garcia, he doesn't live in the historical. He lives in Cañada but he doesn't in the historical. We're talking about the historical 20 acre tract in the Village of Cañada de los Alamos and a lot of the neighbors who signed the petition is very concerned about septic systems and congestion of traffic and to have two dwellings on one property. I mean, you just can't have two houses on one property because someone is ill.

CHAIR STEFANICS: Okay. Is there anything else?

MR. E. KRAUL: No, I'm fine, thank you.

CHAIR STEFANICS: Okay, well, we really appreciate you coming and sharing that with us.

MR. E. KRAUL: Thank you.

CHAIR STEFANICS: Thank you very much. Is there anybody else who wanted to speak? Yes, the woman in the green, are you wanting to speak? Is that a yes or a no? Are you wanting to speak? You raised your hand; are you wanting to speak? Okay, come up please and be sworn in. Is there anyone else that wants to speak during this public time? Okay, wait a minute. You are encouraged if there is anybody else in the audience. I just want to go through this one more time swearing in. Okay, come on up. Everyone will get sworn in at once.

Okay, so if you would introduce yourself by name and address.

[Duly sworn, Miguela Martinez testified as follows]

MIGUELA MARTINEZ: My name is Miguela Martinez. I live at 07 Camino La Llorona. My brother has brought up the issue of me having land. When I came back – I lost my husband. He died five years ago from Agent Orange. My family shipped me all around trying to get me to – you know, get over – try to live with it. I was married for 20 years. I came back. I tried to get a loan on my land. When my husband died I only got a spousal benefit. I do not make enough money on that land. So that is why I gave it to my niece because she needed a home for her husband and her two children. I have a nice little studio that I am living in. That's all I have. That's all I am asking for is to stay where I am. To be around my family. That is all. I thank you very much.

CHAIR STEFANICS: Thank you very much for coming tonight and speaking.  
Yes, sir. Your name and address.

[Duly sworn, John Quintana testified as follows]

JOHN QUINTANA: My name is John Quintana. I live at 116 Bob Street. I have known Miguela for many, many years and I'm aware of her physical and emotional state. She really does need the support of her family. But I want to address one thing about low-income housing. She is a single individual. She is not over 62. She does not meet the disability requirement. She is not eligible. There is nothing that can be done. I work for the Santa Fe Civic Housing Authority. She can't go and apply. So that is not an option. Thank you.

CHAIR STEFANICS: Thank you very much for coming this evening. Okay, is there either any questions of staff. Yes.

COMMISSIONER ANAYA: I have a few questions.

CHAIR STEFANICS: Commissioner Anaya and then Commissioner Holian.

COMMISSIONER ANAYA: Madam Chair and the applicant, if you guys could stand up. Have you reviewed each of the four conditions associated with the request? Restriction of the .25 acre-feet of water, the need to acquire a building development permit, the need to get a permit for liquid waste which isn't our – if this were to be granted then you would have to get a permit from them and they would have to whether or not the seepage is correct and whether or not you environmentally could put that in; do you understand that?

MR. J. KRAUL: Yes, sir.

COMMISSIONER ANAYA: They could potentially not approve it and that doesn't have anything to do with us.

MR. J. KRAUL: Yes, sir. But see you were misled again. I do own a three-bedroom house and I have a septic, I have a permit there for a four bedroom already. A lot of this you're being misled by Mr. Kraul, I'm sorry.

COMMISSIONER ANAYA: Oh, no. I'm not speaking to that. I'm just speaking to – the Environment Department would be the one who would have to approve and issue one, not us.

MR. J. KRAUL: Yes, sir.

COMMISSIONER ANAYA: And then the compliance requirements associated with the fire could involve needing space to have an appropriate hammerhead turn.

MR. J. KRAUL: Yes, sir. If you look on the pictures we gave you.

COMMISSIONER ANAYA: I looked at the pictures. I just want to make sure that you –

MR. J. KRAUL: We've already gone through the Fire Marshall and he's already approved it and he's already seen where we have it and we have a turnaround.

COMMISSIONER ANAYA: You know what you have to do?

MR. J. KRAUL: Yes, we've already done everything that the County has asked us to do, sir.

COMMISSIONER ANAYA: That's all I have, Madam Chair.

MR. J. KRAUL: Yes, sir.

CHAIR STEFANICS: Mr. Patty, why don't you come forward in case there are questions for you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Mr. and Mrs. Kraul, is there a reason why your sister can't live in the primary residence that is on that lot?

MR. J. KRAUL: Well, because she probably would like her own privacy rather than to be living with me. And, like I said, it's already there. I already have a permit for it. All we're asking for is just to put a kitchen in. She already has a bathroom. I'll we doing is asking to turn it into a dwelling. If she lives in my house or if she live in that little apartment, she's going to use the same water. She's going to use the same – anything she uses in my house she's going to use in there. The only thing is she'll have a little bit more of her own privacy, you know, for herself. That's the only thing. Because right now we have a permit since 10 years ago for that structure. We're not changing nothing.

COMMISSIONER HOLIAN: It does seem like a fair amount of structures on your property.

MS. V. KRAUL: Yes, so actually, that's why I wanted you to take a look at the pictures because if you look at the ones that I just gave you with the additional petition that was signed. The entrance, number one is an easement, two is the hammerhead turnaround, three as you can see is one side of the property, okay. And as you get into the other side from the County, and let me find it for you, on NB 825, that is the opposite side of the easement. So the property is split up in between the easement. So the aerial view does look like everything is congested but if you're looking at it like you're at a picture, you can see that it's not all congested.

COMMISSIONER HOLIAN: And then I had a question about the petition. The petition that we have in our packet that was submitted by Edward Kraul, I believe, has quite a few more names on it. So this is a subset of the people who signed the petition who are reversing their position; is that what you're claiming?

MR. J. KRAUL: Yes, ma'am. The one he had signed he had signed from probably people downtown and all over the neighborhood except for where we lived. The people that live in the village of Cañada. I did go to their home and that's why I got this new petition for you because they did not understand what we were doing. They thought that we were subdividing property and these are things that were misled and there were some names that Mr. Kraul has on his list I have on mine now with phone numbers and you can call them because now they understand what is going on and they do not have a problem with this. None of the neighbors up there. And I'm talking about the people who live in the village with us, not outsiders that live over a mile or farther that he has on that list.



I could have went down, miles down that road and just kept getting them but I didn't do that. I just got people who live in the village itself, where I live.

COMMISSIONER HOLIAN: Thank you, Mr. Kraul. I have a question for Mr. Edward Kraul, do you have a comment on that on the petition issue?

MR. E. KRAUL: I haven't seen any petition that they submitted. If you look at all the addresses on our petition they're everybody in the village.

MS. J. KRAUL: And when we went to get their signatures we gave them a look with some pictures, we gave them that one we gave you I guessed it's called a side view of their property and how congested it was. And also because [inaudible] and we did get [inaudible] and maybe it is so that we did get some from neighboring – there's not more than one mile away, half a mile away.

COMMISSIONER HOLIAN: All right. Okay, all right. Okay, that's enough. I understand.

CHAIR STEFANICS: Commissioner Holian, has had her questions answered, thank you.

COMMISSIONER HOLIAN: I'm done.

CHAIR STEFANICS: Other questions, comments? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I would move for approval with all staff conditions.

CHAIR STEFANICS: Is there a second.

COMMISSIONER VIGIL: I'll second it for further discussion.

CHAIR STEFANICS: Okay. There's a motion and a second and we're still on discussion. Commissioner Vigil.

COMMISSIONER VIGIL: Okay, so I guess I'm trying to get a visual of this because all I have are pictures and I'm not sure who answered this. Currently, your sister is actually living there and under the current County guidelines she's allowed to live there because it's considered a guesthouse; is that it, Vicki? Or what's the situation with that?

MR. LOVATO: Madam Chair, Commissioner Vigil, she is not allowed to live in the guesthouse. It's not really even a guesthouse right now. It's an accessory structure.

COMMISSIONER VIGIL: It has a bathroom?

MR. LOVATO: Yes, it has a bathroom. But it doesn't have a kitchen and currently our accessory structure ordinance constitute a dwelling as having a bathroom and a kitchen. She's either allowed a bathroom or a kitchen but not both.

COMMISSIONER VIGIL: So if it was a guesthouse would we be going through this same procedure?

MR. LOVATO: Madam Chair, Commissioner Vigil, we would be going through the same procedure. They exceed the density.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: On that point may I ask a question?

COMMISSIONER VIGIL: Please.

CHAIR STEFANICS: Penny, in the new code people are going to be allowed to have a guesthouse.

PENNY ELLIS-GREEN (Land Use Administrator): Madam Chair, Commissioners, it would not be called a guesthouse. It would be an accessory dwelling unit for

a family member. But it's smaller than the existing house and I believe we've had a – it's up to 1,000 square foot. So that's a proposal on the new code.

This permit was approved as an accessory structure and not as a guesthouse and you can't live in an accessory structure. But under the new code you are correct that we would allow a permit for an accessory dwelling unit.

CHAIR STEFANICS: So, on this point still, because Commissioner Vigil still has the floor and I'll go to another on this point, but on this point, we are a few months away from approving something that would allow this. Is that correct?

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes, you maybe. I am not sure what kind of public comments we've got on that section of the code and we haven't had direction from the Board as to whether or not the Board wants to see that section remain in the code. The next time we come in front of the board we should have an analysis and the staff is recommending that we have that permit allowed under the code. So, yes, we may be within six months of approval of that.

CHAIR STEFANICS: Okay, on this point, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, on this point is the premise of my motion. We have had public comment and feedback I believe from at least one of my colleagues and I know I have been supportive of that amendment in the new code and that's my reason around doing it now with staff conditions. Thanks.

CHAIR STEFANICS: Thanks. Commissioner Vigil, you still have the floor.

COMMISSIONER VIGIL: I was just asking my colleague if the dwelling was under 1,000 square feet which would comply with the new development code and I guess it is; is that correct?

CHAIR STEFANICS: Mr. Lovato?

MR. LOVATO: Madam Chair, Commissioner Vigil, that is correct. It is 625 square feet.

COMMISSIONER VIGIL: One question that I need to ask in one of the photos that we saw we actually saw a fence for cattle; is that correct?

MR. LOVATO: Madam Chair, Commissioner Vigil, that is correct. It is an old photograph.

COMMISSIONER VIGIL: So does that exist now?

MR. LOVATO: That no longer exists.

COMMISSIONER VIGIL: Okay.

CHAIR STEFANICS: Anything else?

COMMISSIONER VIGIL: Could you identify the use of each building that's currently now in existence?

MR. LOVATO: Madam Chair, Commissioner Vigil, they have two storage units – a storage unit and a garage structure. They have –

COMMISSIONER VIGIL: Is that adjacent to the house?

MR. LOVATO: Right, it's opposite the road easement. And they also have the primary residence and the studio.

COMMISSIONER VIGIL: And which is the – is it the studio we're looking at to create a variance for or is there a separate dwelling?

MR. LOVATO: Madam Chair, Commissioner Vigil, it is the existing studio.

COMMISSIONER VIGIL: I heard testimony that that's currently being leased for storage space. Clarify that conflicting testimony for me.

MR. LOVATO: The existing studio is not being used. I was one of the code enforcement officers that went out on site and it was just explained as a studio accessory structure.

COMMISSIONER VIGIL: So is there a unit that is being leased for storage space?

MR. LOVATO: Madam Chair, Commissioner Vigil, I cannot answer that question. Perhaps the applicant can.

COMMISSIONER VIGIL: Okay, I see a no nod. Thank you very much.

CHAIR STEFANICS: Thank you. Any other questions or comments. There is a motion to approve the variance with staff conditions. If there is no further questions, we will vote.

The motion tied by 2-2 vote with Commissioners Stefanics and Anaya voting for Holian and Vigil voting against.

CHAIR STEFANICS: We have a tie vote and the case is laid on the table.

COMMISSIONER ANAYA: It goes to the next meeting right?

CHAIR STEFANICS: Not necessary. It is on the table unless somebody makes a motion.

COMMISSIONER ANAYA: I'll clarify that we've had two two votes that go to the next meeting for strictly reasons of voting so to be consistent with that –

CHAIR STEFANICS: Mr. Ross.

MR. ROSS: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Okay, so, Mr. Ross, this will just roll over to next month?

COMMISSIONER ANAYA: Just for a vote.

MR. ROSS: Just for a vote. Vote only.

CHAIR STEFANICS: A vote only.

MR. ROSS: Right. When Commissioner Mayfield is here.

CHAIR STEFANICS: Okay and even though we'll have a brand new Commissioner, they wouldn't have the opportunity to hear the case.

MR. ROSS: No, they'll have to acquaint themselves with transcript, using a transcript, the minutes and the exhibits involved here.

COMMISSIONER ANAYA: It's only a vote?

MR. ROSS: It's only a vote. Vote only.

CHAIR STEFANICS: Thank you very much so that we're all clear on that, thank you for that clarification, Commissioner and Mr. Ross.

Okay, so it's obviously going to the next meeting. Thank you.

CHAIR HOLIAN: Thank you, Commissioner, and I say to that, aye aye.

**XV. 3. Resolution No. 2013-03, a Resolution Determining Reasonable Notice for Public Meetings of the Board of County Commissioners of Santa Fe County and for Boards and Committees Appointed by or Acting Under the Authority of the Board of County Commissioners; Rescinding Resolution 2010-5**

MR. ROSS: Madam Chair, every year the Open Meetings Act requires that a public body enact a resolution determining the notice that it considers reasonable for its public meetings. Historically the Board of County Commissioners has done its duty under the act at the first meeting of each calendar year, so I prepared this resolution which is identical to the resolution of last year except that it adjusts the time of the regular meeting pursuant to our recent practice, which is 2:00 pm for this meeting and 1:00 for the administrative meeting at the end of the month. Those are the only changes from last year. This has worked well for a long time here set up the way it is. So with that I'll stand for questions.

CHAIR HOLIAN: Thank you, Steve. Any questions? This is a resolution, so is there anybody here who would like to comment on this resolution. Seeing none --

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

CHAIR HOLIAN: Is there a second?

COMMISSIONER CHAVEZ: Second.

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

**XVII. PUBLIC HEARINGS**

**A. Growth Management Department**

- 1. CDRC CASE # V 12-5120 John & Virginia Kraul Variance.  
John & Virginia Kraul, Applicants, Request a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow Two Dwelling Units on 0.90 Acres. The Property is Located at 7 Camino La Llorona, within the Traditional Community of Canada de los Alamos, within Section 27, Township 16 North, Range 10 East, Commission District 4 (Deliberation and Vote Only)**

CHAIR HOLIAN: Now, before we get started with this case I would like to note that even though this is under public hearings the public hearing has been closed on this case and it is noticed for deliberation and vote only. So I would like to ask Steve to give us an explanation of what that means.

MR. ROSS: Madam Chair, our rules of order require this procedure because a public hearing as a practical matter cannot be repeated. You can never have exactly the same public hearing twice. The reason for the rule is if a vote results in a tie and a member is not present that member has the opportunity to come in and essentially

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break the tie. An affirmative vote is required to enact one of these cases and the rules anticipate that if there's a tie vote that there's a chance to resolve the tie and establish either approval of the application or disapproval of the application at some subsequent meeting and avoid all the issues that go with that.

So traditionally, how we've done it is when there's a tie vote at the next meeting we have a brief summation of the progress or status of the case by Land Use then have a vote. How that works is just like it does when we conclude the public hearing and we concluded the public hearing last month. You'd have a motion, you'd have a second, you'd have discussion, just like normal, and then a vote.

CHAIR HOLIAN: Okay. Thank you, Steve. Now, Steve, as I understand it we don't have to vote on the exact motion that was made last time. A Board member can make a new motion. Is that correct?

MR. ROSS: Yes. That motion failed so we'll have to have a new motion. And it can be whatever the maker of the motion chooses.

CHAIR HOLIAN: Thank you. So, Mr. Lovato, would you like to give a brief summary?

JOHN LOVATO (Case Manager): Madam Chair, Commissioners, this case is still the same. I can go ahead and go over some of the information if you'd like. I'd stand for any questions.

CHAIR HOLIAN: Well, actually I think I would like sort of a brief summary and then I will be asking for a motion.

MR. LOVATO: Okay, Madam Chair. This case as you know was tabled with the vote tied. What they're essentially asking for is a density variance to allow a second home on the parcel. The structure has been on the property since 1997 which a permit was obtained. This is a 625 square foot modular unit. Nothing's really changed in terms of what's already on the property. It's been there since 1997 other than the fact that it was being lived in and a violation was issued. That violation is no longer in effect because staff has gone out and done an inspection on the property and it was determined that the bathroom was removed or the kitchen was removed from the structure. So now it is in compliance.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, having heard the summary I'd make the same motion I made at the meeting. That would be a motion for approval with staff conditions.

CHAIR HOLIAN: Okay, I have a motion for approval with staff conditions.

COMMISSIONER STEFANICS: I'd like to amend that, Madam Chair.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: I hope that the maker of the motion will consider this a friendly amendment. I'd like to add another condition and this would be adding on something that we might consider in the new code. The applicant shall file an affidavit in the County Clerk's Office, stating that both the house and the accessory home can only be occupied by immediate family members.

CHAIR HOLIAN: Commissioner Anaya, are you okay with that as a friendly amendment?

COMMISSIONER ANAYA: Madam Chair, I guess I have a legal question associated with that. The request was for the creation of a lot, correct? Which would be a fee simple lot. I guess, Madam Chair, Commissioner Stefanics, this sounds like some of the other amendments that we've had, but we put a limitation of time on some of those. I would accept it as a friendly amendment if you put a limitation of five years on it.

COMMISSIONER STEFANICS: That's fine.

CHAIR HOLIAN: Okay. So I have a motion and a second to approve the variance with staff conditions and including the extra amendment that only family members can occupy the second dwelling unit for a period of five years. Is that correct?

COMMISSIONER ANAYA: Madam Chair. Madam Chair, Commissioner Chavez brings up a good point. I know the applicant's here. I know on the prior conditions you accepted the staff conditions. This new condition would require a family member being in there for a period of five years. Do you accept that as well? And you understand that? Thank you. Thank you, Commissioner.

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR HOLIAN: Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. I'm versed with the case. I read the testimony that was provided in the packet but I do have a question or Mr. Ross based on what I read in the testimony. Well, Ms. Ellis-Green, you're here also. Madam Chair, Mr. Ross, based on some of the information I did read, accessory dwellings are being contemplated in the new code right now. I know this. I also read this in the testimony. I know this accessory dwelling that we're talking about is under 1,000 square feet, but on the amendment Commissioner Stefanics just brought up – so on the new code we're going to start putting these suggested uses that it has to be for an existing family member on accessory dwellings in the new code also? Is that something we're going to be looking at?

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioner Mayfield, I think that's a valid point. The reason – and this is just my opinion – the reason I think this is a little different is because this is an after the fact adjustment to a lot that in prior meetings we've tried on family transfers or splits or variances like this to make sure that they're truly utilized for the intended purpose for family, but on the accessory structure amendment that doesn't create a new lot, per se, that just affords a homeowner if we pass it in the code the opportunity to have an accessory structure. This actually creates a secondary lot. So I appreciate very much what you're saying but I think the intended purpose is different. This is a separate fee-simple lot, so I think that might be – and that's just my thoughts.

CHAIR HOLIAN: Any further discussion?

COMMISSIONER MAYFIELD: No, I think Commissioner Anaya explained it well for me. Thank you. Penny, you have something to add?

MS. ELLIS-GREEN: Madam Chair, Commissioners, just for clarification, this does not create an additional lot. This is two homes on 0.9 acres.

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CHAIR HOLIAN: Commissioner Anaya, I believe it's a density variance.

COMMISSIONER STEFANICS: Madam Chair, I just want to explain the reason that I put on this amendment was that after the discussion from the last meeting I asked the question, if we had passed the new code whether or not this would be permitted, and the answer was this would be included in the new code if we accepted the code as it's written right now. So I only added this language was because I was trying to be in keeping with maybe a code we'll adopt. Otherwise it would be another variance that was outside our code.

CHAIR HOLIAN: Thank you, Commissioner Stefanics.

COMMISSIONER MAYFIELD: I'm fine, Madam Chair. Thank you.

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

- XVII. A. 3. **CDRC CASE # V-12-5320 Jytte Lokvig Variance. Jytte Lokvig, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 10.25 Acres Into Two Lots; One Lot Consisting of 7 Acres and One Lot Consisting of 3.25 Acres. The Property is Located at 213 and 228 Ojo de la Vaca Road, within Section 24, Township 15 North, Range 10 East, Commission District 3 [Exhibit 6: Letters of Support]**

WAYNE DALTON (Building & Development Supervisor): Madam Chair, I will be presenting this case tonight. The subject lot was created in 1989 by way of family transfer and is recognized as a legal lot. There are two dwelling units and a shed on the property, one residence currently occupied by the resident and the other residence is currently being rented. The residence that is currently being rented was permitted in July 2002. At the time the permit was issued a site plan was submitted showing only the proposed structure and did not indicate any other structures located on the property. No permits have been found by staff for the other existing residence on the property.

The applicant states that when she first purchased the property, Ojo de la Vaca Road, County Road 51 was no more than a bumpy trail with minimal traffic, which didn't impede the use of the property. As population grew in the area so did the traffic. When Santa Fe County improved Ojo de la Vaca Road it included paving and widening the road to approximately twice the size. Due to the expansion of Ojo de la Vaca it has made the division of the land more pronounced and essentially split the lot into two unconnected entities.

On November 15, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the applicant's request by a 5-2 vote. The minutes are attached as Exhibit 1.

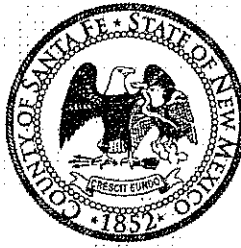
Recommendation: Staff recommends denial of a variance of Article III, Section 10, Lot Size requirements of the Land Development Code. If the decision of the BCC is to approve the applicant's request staff recommends imposition of the following conditions. Madam Chair, may I enter those into the record?

CHAIR HOLIAN: Yes, you may.

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

**Miguel M. Chavez**  
*Commissioner, District 2*

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



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

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

**Katherine Miller**  
*County Manager*

**CASE NO. V 12-5320**

**VARIANCE**

**JYTTE LOKVIG, APPLICANT**

**ORDER**

**THIS MATTER** came before the Board of County Commissioners (hereinafter referred to as "the BCC") for hearing on January 8, 2013, on the Application of Jytte Lokvig (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 Land Division of 10.25 acres into two lots; one lot consisting of 7 acres and one lot consisting of 3.25 acres. The BCC, having reviewed the Application and supplemental materials, staff reports and conducted a public hearing on the request, finds that the Application is 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 Land Division of 10.25 acres into two lots.
2. The property is located at 213 and 228 Ojo De La Vaca Rd., within Section 24, Township 15 North, Range 10 East ("Property").
3. Article III, Section 10 provides that minimum lot size in this area is 160 acres per dwelling unit. Lot size can be reduced to 40 acres per dwelling unit with signed and recorded water restrictions.



4. There are currently two dwelling units on the property.
5. The subject lot was created on June 14, 1989, by way of Family Transfer and is recognized as a legal lot of record. The Applicant stated that due to population growth and the expansion of Ojo De La Vaca Road, it has made the division of the land more pronounced. The Applicant also stated that the property could be eventually transferred to her two children.
6. In support of the Application, the Applicant stated that she is in agreement with staff's conditions.
7. The following conditions of approval were recommended:
  - A. Water use shall be restricted to 0.25 acre feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1, of each year. Water restrictions shall be recorded in the County Clerk's Office.
  - B. A Plat of Survey meeting all County Code requirements shall be submitted to the Building and Development Services Department for review and approval.
  - C. The placement of additional dwelling units or Further Division of land is prohibited on the property.
  - D. The Applicant must provide proof of permits or proof that the structures on the Property, are legal non-conforming. If the Applicant cannot provide proof that the Structures, are legal, than the Applicant must obtain an After the Fact Development Permit for each structure.
  - E. The Applicant shall comply with all Fire Prevention Division requirements

- F. The Applicant shall retain the property for a period of two years.
8. The granting of the requested variance is a minimal easing of the Code requirements to address a property physically divided by a road.
9. Granting this variance request will not nullify the purpose of the Code.

**WHEREFORE** the Board of County Commissioners of Santa Fe County hereby approves the request for a variance of Article III, Section 10 (Lot Size Requirements) of the Code to allow a Land Division of 10.25 acres into two lots subject to the conditions as stated in Paragraph 7.

**IT IS SO ORDERED**

This Order was approved by the Board of County Commissioners of Santa Fe County on this \_\_\_\_ day of February, 2013.

By: \_\_\_\_\_  
Board of County Commissioners, Chair

Attest: \_\_\_\_\_  
Geraldine Salazar, County Clerk

Approved as to form: \_\_\_\_\_  
Stephen C. Ross, County Attorney

CHAIR HOLIAN: Commissioner Anaya, I believe it's a density variance.

COMMISSIONER STEFANICS: Madam Chair, I just want to explain the reason that I put on this amendment was that after the discussion from the last meeting I asked the question, if we had passed the new code whether or not this would be permitted, and the answer was this would be included in the new code if we accepted the code as it's written right now. So I only added this language was because I was trying to be in keeping with maybe a code we'll adopt. Otherwise it would be another variance that was outside our code.

CHAIR HOLIAN: Thank you, Commissioner Stefanics.

COMMISSIONER MAYFIELD: I'm fine, Madam Chair. Thank you.

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

**XVII. A. 3. CDRC CASE # V-12-5320 Jytte Lokvig Variance. Jytte Lokvig, Applicant, Requests a Variance of Article III, Section 10 (Lot Size Requirements) of the Land Development Code to Allow a Land Division of 10.25 Acres Into Two Lots; One Lot Consisting of 7 Acres and One Lot Consisting of 3.25 Acres. The Property is Located at 213 and 228 Ojo de la Vaca Road, within Section 24, Township 15 North, Range 10 East, Commission District 3 [Exhibit 6: Letters of Support]**

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The applicant states that when she first purchased the property, Ojo de la Vaca Road, County Road 51 was no more than a bumpy trail with minimal traffic, which didn't impede the use of the property. As population grew in the area so did the traffic. When Santa Fe County improved Ojo de la Vaca Road it included paving and widening the road to approximately twice the size. Due to the expansion of Ojo de la Vaca it has made the division of the land more pronounced and essentially split the lot into two unconnected entities.

On November 15, 2012 the CDRC met and acted on this case. The decision of the CDRC was to recommend denial of the applicant's request by a 5-2 vote. The minutes are attached as Exhibit 1.

Recommendation: Staff recommends denial of a variance of Article III, Section 10, Lot Size requirements of the Land Development Code. If the decision of the BCC is to approve the applicant's request staff recommends imposition of the following conditions. Madam Chair, may I enter those into the record?

CHAIR HOLIAN: Yes, you may.

DRAFT

[The conditions are as follows:]

1. Water use shall be restricted to 0.25 acre-feet per year per lot. A water meter shall be installed for each lot. Annual water meter readings shall be submitted to the Land Use Administrator by January 1<sup>st</sup> of each year. Water restrictions shall be recorded in the County Clerk's Office. (As per Article III, Section 10.22 and Ordinance 2002-12.)
2. A plat of survey meeting a County Code requirements shall be submitted to the Building & Development Services Department for review and approval.
3. The placement of additional dwelling units or further division of land is prohibited on the property. (As per Article III, Section 10.)
4. The applicant must provide proof of permits or proof that the structure on the property is legal non-conforming. If the applicant cannot provide proof that the structure is legal, then the applicant must obtain an after-the-fact development permit. (As per Article II, Section 4.5.2b, Article II, Section 2).
5. The applicant shall comply with all Fire Prevention Division requirements. (As per 1997 Fire Code and 1997 Life Safety Code.)

CHAIR HOLIAN: Thank you, Wayne. Are there any questions of staff? Is the applicant here? Would you come forward and be sworn in please?

[Duly sworn, Jytte Lokvig testified as follows:]

JYTTE LOKVIG: I'm Jytte Lokvig.

CHAIR HOLIAN: Is there anything you'd like to add?

MS. LOKVIG: I'd like to say that this lot was changed after this was originally established and I'm asking for a variance to the code because the two sides of my property are so distinctly different and separate that they are in essence two different properties, and they both have self-contained dwellings with septic and well in place. And I have the full support of my neighbors as well.

CHAIR HOLIAN: Thank you, Ms. Lokvig. Are there any questions for the applicant?

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: So you built both structures on the properties?

MS. LOKVIG: Right. We finished up the original structure, which is the one I live in, was started, had been started, and we finished that up. Changed the design a little bit and finished it up. The other one I had a contractor and I was not aware that Land Use was not aware of the original structure. Because my house is so obscured, you can't see it from the road I was assuming that you had sent an inspector out. He wouldn't have been able to see it. And I wasn't aware of it and I trusted that my contractor would do everything that he was supposed to do.

CHAIR HOLIAN: You already had one permitted – was the first house permitted?

MS. LOKVIG: No. I found out. I later learned. At the time that I built the first house I had a partner, a live-in partner and he was supposed to take care of all that paperwork, and I know that's no excuse, but we shared responsibilities. He was supposed

DRAFT

to take care of all of that and the subcontracting and all that and I took care of all the little detail stuff.

COMMISSIONER ANAYA: So your intent is to permit the existing house?

MS. LOKVIG: Yes. I want to bring everything up.

COMMISSIONER ANAYA: And are you going to sell the other lot? Is that your intent?

MS. LOKVIG: Maybe. I want to be able to do it, because I'm actually past retirement age and it would be really nice. I want to keep the original house, the original parcel which is the smaller one. It's an extraordinary piece of land, but I have basically had no use of the other one because it is so divided by the road. I would – one of my gauges is, would I let my grandchild cross over by himself? No, I wouldn't. There's too much traffic and it's too dangerous. Physically, they're very separate pieces.

COMMISSIONER ANAYA: Madam Chair, ma'am, is your intent to subdivide it and then sell it immediately?

MS. LOKVIG: No. No.

COMMISSIONER ANAYA: Madam Chair, I'll listen to some of the other feedback.

CHAIR HOLIAN: Okay. Are there any other questions for the applicant? Okay, seeing none, this is a public hearing. Is there anybody here who would like to speak on this case, either in favor or in opposition? Okay, seeing none, what are the wishes of the Board?

COMMISSIONER STEFANICS: Madam Chair, I have another question.

CHAIR HOLIAN: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. We have two letters supporting your application. Has there been opposition that has been expressed to you?

MS. LOKVIG: Absolutely none. I only have letters from the immediate neighbors because that's what was required, but I've lived there for 20 years so many of my other neighbors are aware what's going on and they were actually surprised. They didn't realize that it was one parcel, because it doesn't look like it. It's basically saying –

COMMISSIONER STEFANICS: Okay, Madam Chair, Commissioner Anaya, is this in your district?

COMMISSIONER ANAYA: Yes.

COMMISSIONER STEFANICS: And are you familiar with that area?

COMMISSIONER ANAYA: [inaudible]

MS. LOKVIG: It's on Ojo de la Vaca. It's the last parcel before you get up to the mesa. I'm contiguous to the wilderness and –

COMMISSIONER STEFANICS: Oh, I know where it is.

MS. LOKVIG: You know where it is? Yes, the last one up the hill.

CHAIR HOLIAN: Ms. Lokvig, have you see the conditions that staff put in?

MS. LOKVIG: Yes, I have.

CHAIR HOLIAN: And are you in agreement with them?

MS. LOKVIG: Absolutely.

CHAIR HOLIAN: Okay. What are the wishes of the Board or is there more discussion or questions?

COMMISSIONER ANAYA: Madam Chair, I guess what I'm struggling with, I'll be quite candid with you is we've tried to provide opportunity for people that are in a difficult situation or predicament to go beyond the code and do a variance for use and I guess what I'm grasping for is the intent. Is the intent merely a subdivision so that you sell the lot, and if that's the case I guess, based on prior cases I'm struggling with that a little bit.

MS. LOKVIG: I can't guarantee I'll never sell the land, obviously; that's impossible. But that's not my intent. I kind of want to straighten things out and put things in order.

COMMISSIONER ANAYA: Can you see – my perspective is that we've had cases where it's a family member that needs a place to stay or for other medical reasons there's a variance that we've granted that as we have these deliberations that if people just begin to split land for the sake of getting the split and then turning it then I don't know that me as one Commissioner, we're fulfilling the intent of variance process. Which I don't think – that's what I'm contemplating.

MS. LOKVIG: I hear you. I have two sons, by the way, and one of my reasons for wanting to do this is so that I can actually pass this on to them cut so they don't have to argue when it comes down to it. Does that make any sense.

COMMISSIONER ANAYA: Yes, it does, but that wasn't part of the discussion or the application packet. Maybe the consideration might have been different in CDRC had they been aware of that if that was part of the intent. So that's what I'm grappling with and it goes back even to the prior case. We just put an amendment on our approval. Madam Chair, just based on those thoughts I would move for approval with staff conditions for a retention of a minimum of three years.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER STEFANICS: Madam Chair, I have a question.

CHAIR HOLIAN: Yes, Commissioner Stefanics.

COMMISSIONER STEFANICS: Mr. Ross, when we have put some of the conditions, not necessarily this one, but one like for example we've put five-year conditions on some of these other requests for the immediate family to live in there. Is that something that's already in the Subdivision Act?

MR. ROSS: Madam Chair, Commissioner Stefanics, no. There's a holding period required for a family transfer, that the person transferring the property have held it for five years prior to the transfer. But there's nothing that requires a holding period following the transfer. And we're trying to smooth some of that stuff over in the new code but the proposal right now is to put a restriction on for three years following the approval, and that's not required by the Subdivision Act.

COMMISSIONER STEFANICS: Okay, so Madam Chair, Mr. Ross, would you – and I can't remember. I've read the draft of the code but I can't remember this part – are we going to standardize the requirements for years for different situations? Like three years versus two years versus five years?

MR. ROSS: Madam Chair, Commissioner Stefanics, we have to be consistent with the Subdivision Act so from that standpoint that's going to be five years.

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You have to have held a piece of property for five years before you're even eligible to do a family transfer. But aside from that I don't think there's any attempt to standardize any of the remaining requirements.

COMMISSIONER STEFANICS: Okay. Thank you, Madam Chair.

CHAIR HOLIAN: Commissioner Chavez.

COMMISSIONER CHAVEZ: So on that point, Mr. Ross, how would that be recorded? Would it be recorded on a deed? Would it be part of a deed restriction or how would that be enforced, if it's three years or five years? How do you know?

MR. ROSS: Madam Chair, Commissioner Chavez, we'd put a note on the plat in this case, since we're dividing land, so it would be a notice to everyone that there's a restriction on it so they can look at the dates and make sure they're okay.

COMMISSIONER CHAVEZ: So the condition would be recorded on the individual plat and filed in the Assessor's Office, I would image. Thank you.

CHAIR HOLIAN: Thank you. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Mr. Ross, clarify what you just said relative to the Subdivision Act. Is there – if we grant the variance, am I hearing you that there's a five-year provision anyway?

MR. ROSS: No, the five-year provision pertains to family transfers. So we're doing a variance. It's not subject to that. My suggestion would be for this particular application that the applicant agree to the condition you've proposed, basically in exchanged for the successful motion on the variance.

CHAIR HOLIAN: So Mr. Ross, let me clarify. You would like that condition taken out of the motion and then just –

MR. ROSS: No. But I think we should ask the applicant whether she agrees with the proposal.

CHAIR HOLIAN: Ms. Lokvig, do you have a comment?

MS. LOKVIG: Well, the only thing I'm concerned about is I'm 74. Would you be willing to go for two years?

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: Well, Madam Chair, Ms. Lokvig, I guess what I'm confused about is you just conveyed you had an intent of passing this on. So is it that you have that intent or is your intent something else?

MS. LOKVIG: No, I do, but I feel uncomfortable locking myself into something. But I would be willing to go for the three years if that's what you require.

COMMISSIONER ANAYA: Madam Chair.

CHAIR HOLIAN: Commissioner Anaya.

COMMISSIONER ANAYA: I definitely think that this is something that we need to, as Commissioner Stefanics stated, need to analyze and need to come up with some format and criteria so we provide clarity. I would amend to two years, Madam Chair, if the seconder would accept it. But I absolutely think that it's going to be crucial that we standardize it so it's clear and the public and people understand what expectations are.

CHAIR HOLIAN: So does the seconder agree with that?

COMMISSIONER MAYFIELD: That's fine, Madam Chair.

DRAFT

CHAIR HOLIAN: Okay. So we have a motion and a second to approve the variance in the Jytte Lokvig case with an added condition that neither piece of property will be sold for two years.

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

**XCII. A. 4. BCC Case # MIS 06-5271 Tavelli Master Plan Extension.  
Michael A. Tavelli, Applicant, Requests a 24-Month Time  
Extension of the Previously Approved Tavelli Mixed-Use  
Subdivision Master Plan. The Property is Located North of  
Agua Fria Street, East of Lopez Lane, within Section 31,  
Township 17 North, Range 9 East, Commission District 2**

VICKI LUCERO (Building & Development Manager): On January 8, 2008 the BCC granted master plan approval for a 17-lot mixed-use subdivision on 5.65 acres. The subdivision included 15 residential lots, two commercial lots, and an area dedicated to the County for a park trailhead. Article V, Section 5.2.7 of the County Land Development Code states, approval of a master plan shall be considered valid for a period of five years from the date of approval by the Board. Master plan approvals may be renewed and extended for additional two-year periods by the Board at the request of the developer.

The master plan for the Tavelli mixed-use subdivision will expire – and it should say January 8, 2013, which is today. The applicant is requesting the extension in order to allow additional time for an economic recovery to take effect that would make development of the subdivision financially feasible. The applicant also states that change in the affordable housing requirements may ultimately impact the final development plan of the Tavelli Subdivision and may require further review.

This application was submitted on November 5, 2012. Growth Management staff has reviewed this application for compliance with pertinent code requirements and find the project in compliance with County criteria for this type of request.

Staff recommendation is for approval of a two-year time extension of the approved master plan for the Tavelli Mixed-Use Subdivision. Madam Chair, I stand for questions.

CHAIR HOLIAN: Are there any questions of staff? Commissioner Chavez.

COMMISSIONER CHAVEZ: Yes, thank you. I have a letter here from a concerned resident who lives in the area. They're concerned not so much about the extension but have been led to believe that with this extension the density might change from what's being proposed to up to 26 units. Is that anywhere in their proposal?

MS. LUCERO: Madam Chair, Commissioner Chavez, their proposal has not changed from what was originally approved, so it would just be for the previous approval for the 17 lots total. If they wanted to change that they would have to submit an amended master plan.

COMMISSIONER CHAVEZ: So then the only other thing that might change the density would be the affordable housing component if they brought their





## REGION III DRUG ENFORCEMENT TASK FORCE

Law Enforcement Working Together to Serve Santa Fe, Los Alamos, Rio Arriba and Taos Counties in New Mexico

P. O. Box 23118  
Santa Fe, NM 87502  
(505) 471-1715 or (800) 662-6660

### BOARD OF DIRECTORS

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Santa Fe County  
Sheriff's Department

DATE: February 12, 2013

TO: The Board of County Commissioners  
Santa Fe County, Santa Fe, New Mexico

FROM: Ralph W. Lopez, Region III *RW Lopez*  
Program Manager

VIA: Robert Garcia, Sheriff *Robert Garcia*  
Santa Fe County Sheriff's Department

RE: Equitable Sharing; Cost-Center 225 -1205

As Program Manager for the Region III Drug Task Force, I am requesting approval through the Board of County Commissioners; to budget the amount of \$9,658.40 into our Federal equitable Sharing Account, Cost-Center 225-1205 for the current fiscal year. These funds are received through the Equitable Sharing Program as the result of joint investigations with DEA or FBI where assets are seized. The local agencies involved in case investigations are awarded 80% of the forfeited amount.

Your consideration given this request will be greatly appreciated.

---

**FISCAL IMPACT****Short Term**Initial Expense: **\$9,658.40**Initial Revenue: **\$9,658.40**Fiscal Year(s): **2013**Dept./Division/Office: **County Sheriff / Region III**Line Item Description: **Overtime, In-State Travel, Vehicle Maintenance, Maintenance Contracts, Sheriff's Expense**Match Requirement: Yes No ☒

If yes, source of match:

***Prior approval from Finance is required for any grant or agreement requiring a match.***

If this is resolution, contract or grant is for a capital project please complete the following section

Will this project be phased: Yes No ☒Operating Cost in Current Fiscal Year: **\$ N/A**

Source of operating cost funding:

**Long Term**Future Expenses: **\$ 0** Is this cost recurring: Yes No Partial  
Recurring Amount (annual basis): \$Future Revenue: **\$ 0** Is this revenue recurring: Yes No Partial  
Recurring Amount(annual basis): \$

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# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2013 -

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

Whereas, the Board of County Commissioners meeting in regular session on February 26, 2013 did request the following budget adjustment:

Department / Division: Sheriff's Department / Region III

Fund Name: Equitable Sharing Account, Federal Forfeitures

Budget Adjustment Type: Budget Increase

Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

#### 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
225	1205	350	0300	Grants/Fines & Forfeitures	9,658.40	
TOTAL (if SUBTOTAL, check here )					9,658.40	

#### 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
225	1205	425	10-25	Overtime	1,600.00	
225	1205	425	30-01	Travel I/S	1,000.00	
225	1205	425	35-03	Vehicle Maintenance	1,500.00	
225	1205	425	40-02	Maintenance Contracts	3,558.40	
225	1205	425	70-42	Sheriff's Expense	2,000.00	
TOTAL (if SUBTOTAL, check here )					9,658.40	

Requesting Department Approval: [Signature]

Title: 2-12-13 Sheriff

Date: 2-12-13

Finance Department Approval: [Signature]

Date: 2/14/13

Entered by: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Updated by: \_\_\_\_\_

Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

Page 2 of 4

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Ralph Lopez, Program Manager Dept/Div: Sheriff / Region III Phone No.: 505-473-7021

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. This is a request to increase the budget for Fund 225-Cost Center 1205 in the amount of \$9,658.40 which are funds Awarded to Region III through the Equitable Sharing Program by Federal Law Enforcement Agencies; DEA and FBI. These funds are the result of joint operations where Assets are seized and the Forfeiture is processed through the US Attorney's Office.

a) Employee Actions: Overtime for agent, who works investigations through Region III and for other SFC Deputies.

Line Item	Action (Add/Delete Position, Reclass, Overtime)	Position Type (permanent, term)	Position Title
10-25	Overtime	Permanent	Agent

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 XX or for NON-RECURRING (one-time only) expense \_\_\_\_\_

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2013 - \_\_\_\_\_

*ATTACH ADDITIONAL SHEETS IF NECESSARY.*

DEPARTMENT CONTACT:

Name: Ralph Lopez, Program Manager Dept/Div: Sheriff's Dept. / Region III Phone No.: 505-473-7021

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 XX NO XX  
If YES, cite statute and attach a copy.
  - b) Does this include state or federal funds? YES XX NO XX  
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. This request is to increase the budget in the Equitable Sharing Program from Federal Law Enforcement Agencies: DEA and FBL as a result of joint investigations.
  - c) Is this request is a result of Commission action? YES XX NO XX  
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.

# SANTA FE COUNTY

Page 4 of 4

## RESOLUTION 2013 - \_\_\_\_\_

**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 26<sup>th</sup> Day of February, 2013.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Kathy Holian, Chairperson

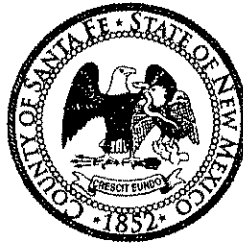
**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk

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

**Miguel Chavez**  
Commissioner, District 2

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



**Kathy Holian**  
Commissioner, District 4


**Liz Stefanics**  
Commissioner, District 5

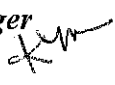
**Katherine Miller**  
County Manager

## ***MEMORANDUM***

**DATE:** *February 13, 2013*

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

**FROM:** *Adam Leigland, Public Works Department Director* 

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

**ITEM AND ISSUE:** *BCC Meeting February 26, 2013*

**RESOLUTION 2013 – A RESOLUTION REQUESTING AN INCREASE TO THE ROAD PROJECTS FUND (311) TO BUDGET A GRANT FROM THE DEPARTMENT OF TRANSPORTATION TO ACQUIRE RIGHT OF WAYS, REPLACE WATER LINES AND SEWER LINES ON COUNTY ROAD 90 IN SANTA FE COUNTY IN THE AMOUNT OF \$40,000.00 (PUBLIC WORKS/ ADAM LEIGLAND)**

---

### **BACKGROUND AND SUMMARY:**

In August of 2012, Santa Fe County entered into Right-of-Way Agreement 8000011237 with Santa Clara Pueblo for an easement 20 feet wide and comprising approximately .54 acres of Pueblo lands for the installation of a 12-inch potable water line between the Pueblo's water tank and infrastructure belonging to the Cuatro Villas MDWA. The County then entered into an agreement with the Cuatro Villas MDWA granting them a License of Easement to install the pipeline that will benefit the public. In the License of Easement Agreement, Cuatro Villas MDWA agreed to pay \$86,000 to the Pueblo of Santa Clara for the easement on behalf of the County. The County also agreed to request a grant that will reimburse Cuatro Villas for a portion of the \$86,000.

### **FISCAL IMPACT**

#### **Short Term**

Initial Expense: \$40,000  
Initial Revenue: \$40,000

Fiscal Year(s): FY2013

Dept./Division/Office: Public Works/Project Development

Line Item Description: Capital Purchases/Roadways (Bridges/Culvert)

Match Requirement: Yes

**No**

If yes, source of match:

***Prior approval from Finance is required for any grant or agreement requiring a match.***

If this is resolution, contract or grant is for a capital project please complete the following section

Will this project be phased: Yes

**No**

Operating Cost in Current Fiscal Year: \$0

Source of operating cost funding:

#### **Long Term**

Future Expenses: \$0 The Cuatro Villas MDWA will be maintaining the pipeline to be installed in the easement.

Is this cost recurring: Yes **No** Partial

Recurring Amount (annual basis): \$

Future Revenue: \$0 Is this revenue recurring: Yes **No** Partial

Recurring Amount(annual basis): \$

#### **ACTION REQUESTED:**

Staff is requesting an increase to the Road Projects Fund (311) to reimburse Cuatro Villas MDWA for the easement in the amount of \$40,000.00.



# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2013 -

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

Whereas, the Board of County Commissioners meeting in regular session on February 26, 2013, did request the following budget adjustment:

Department / Division: Public Works/Project Development

Fund Name: Road Projects Fund

Budget Adjustment Type: Budget Increase

Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

#### 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
311	6149	371	0200	State/NM State Highway	\$40,000	
TOTAL (if SUBTOTAL, check here)					\$40,000	

#### 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
311	6149	453	8010	Capital Purchases/Roadways (Bridges/Culvert)	\$40,000	
TOTAL (if SUBTOTAL, check here)					\$40,000	

Requesting Department Approval:

*[Signature]*

Title: Director, Public Works Date: 2/21/13

Finance Department Approval:

*[Signature]*

Entered by: Date:

County Manager Approval:

*[Signature]*

Updated by: Date:

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

Page 2 of 4

### ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: PW/Projects&Facilities & Open Space Phone No.: 995-6516

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.

In August of 2012 Santa Fe County received Grant 12-1523 "To plan, design, and construct improvements, including replacing water and sewer lines and acquiring rights of way, to County Road 90 in Santa Fe County" from the New Mexico Legislature through the Department of Transportation in the amount of \$40,000. The Public Works Department would like to budget the grant amount of \$40,000 for improvements to County Road 90.

#### 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
8010	The grant will be used to acquire rights of way and replace water and/or sewer line on County Road 90.	\$40,000

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

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2013 -

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

DEPARTMENT CONTACT:

Name: Agnes Leyba-Cruz

Dept/Div: PW/Projects&Facilities & Open Space

Phone No.: 995-6516

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 ☐  
If YES, cite statute and attach a copy.

"Laws of 2012, HB191, Chapter 64, Section 18, Sub Section 45, forty thousand dollars (\$40,000) to plan, design and construct improvements, including replacing water and sewer lines and acquiring rights of way, to county road 90 in Santa Fe County."

- b) Does this include state or federal funds? YES ☒ NO ☐  
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.

Grant Number: 12-1523

Award Date: January 2012

Grant Amount: \$40,000.00

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

N/A

# SANTA FE COUNTY

Page 4 of 4

## RESOLUTION 2013 - \_\_\_\_\_

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 26th Day of February, 2013.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Kathleen Holian, Chairperson

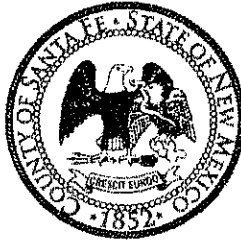
ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

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

**Miguel M. Chavez**  
*Commissioner, District 2*

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



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

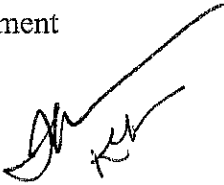
**Liz Stefanics**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

**Memorandum**

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

**Through:** Rachel O'Connor  
Santa Fe County, HHSD Department

**From:** Lupe Sanchez  
Santa Fe County DWI Program 

**Date:** February 12, 2013,

**Subject:** Request Approval Of A Resolution For a Budget Decrease to the Alcohol Programs Fund (241) For The Community DWI Grant In The Amount Of \$16,816.00

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**Issue:**

Request approval of a resolution for a budget decrease for the Community DWI Grant in the amount of \$16,816 to realign the Fiscal Year 2013 Budget with the actual grant award.

**Background:**

Community DWI (CDWI) funds are generated from a \$75.00 fee imposed on convicted drunk drivers. CDWI funding provides services and/or items to the community to reduce DWI crashes and fatalities and work with local law enforcement agencies to conduct high visibility DWI enforcement activities to increase public safety. These funds are spent on overtime for checkpoints/saturation patrols and equipment for law enforcement officers to secure goods and services for the Santa Fe Sheriff's Department, City of Santa Police Department, Edgewood Police Department and the Bureau of Indian Affairs. This resolution decreases the funding by \$16,816.00 to correspond with the actual grant amount awarded to the DWI Program for fiscal year 2013.

**Fiscal Impact:**

102 Grant Avenue · P.O. Box 276 · Santa Fe, New Mexico 87504-0276 · 505-986-6200 · FAX:  
505-995-2740 www.santafecounty.org

## Short Term

Initial Expense: \$63,340.00

Initial Revenue: \$63,340.00

Fiscal Year: 2013

Department/Division/Office: Health and Human Services/DWI Program

Line Item Description: Capital – Inventory Exempt

Match: Yes No

If yes, source of match:

**Prior approval from Finance is required for any grant or agreement requiring a match.**

If this resolution, contract or grant is for a capital project please complete the following section.

Will this project be phased: Yes No

Operating Cost in Current Fiscal Year: \$ N/A

Source of operating cost funding: N/A

## Long Term - NA

Future Expenses: \$ Is this cost recurring: Yes No Partial

Recurring Amount (annual basis): \$

Future Revenue: \$ Is this revenue recurring: Yes No Partial

Recurring Amount (annual basis):

## Staff Recommendation:

Staff recommends the approval of this resolution.

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# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2013 - \_\_\_\_\_

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

Whereas, the Board of County Commissioners meeting in regular session on 2/26/13, did request the following budget adjustment:

Department / Division: Community Services/Health and Human Services Fund Name: DWI Program/Community DWI Grant

Budget Adjustment Type: Budget Decrease Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

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
241	0405	371	0400	Community DWI Grant		16,816
TOTAL (if SUBTOTAL, check here )						16,816

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
241	0405	464	8099	Capital - Inventory Exempt		16,816
TOTAL (if SUBTOTAL, check here )						16,816

Requesting Department Approval: [Signature] Title: Division Director Date: 2/28/13

Finance Department Approval: [Signature] Date: 2/28/13

County Manager Approval: [Signature] Date: \_\_\_\_\_

Entered by: \_\_\_\_\_ Date: \_\_\_\_\_

Updated by: \_\_\_\_\_ Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Joyce Varela

Dept/Div: Community Services/Health and Human Services /DWI Program Phone No.: 992-9843

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.

This request is to decrease the DWI Program budget to align it correctly with the amount that was awarded through the Traffic Safety Bureau Community DWI funds for Fiscal Year 2013. The original budget was an estimate of the grant award and now has to be adjusted to reflect the correct amount.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclasse, 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
8009	These funds were originally budget to purchase equipment for law enforcement agencies, but the budget has to be decreased so less equipment will be purchases then what was originally planned.	-16,816

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



# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2013 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

### DEPARTMENT CONTACT:

Name: Joyce Varela Dept/Div: Community Services/Health and Human Services/DWI Program Phone No.: 992-9843

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

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
  - a) If this is a state special appropriation, YES \_\_\_ NO X  
If YES, cite statute and attach a copy.

- b) Does this include state or federal funds? YES X NO 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.

Name: Community DWI Grant Funds Amount: \$46,524.00  
Grant No. 13-CD-05-091 Start Date: August 9, 2012

- c) Is this request 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.

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

Page 4 of 4

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 26<sup>th</sup> Day of February, 2013.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Kathy Holian, Chairperson

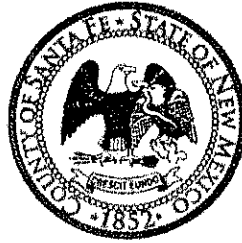
ATTEST:

\_\_\_\_\_  
Geraldine Salazar, County Clerk

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

**Miguel Chavez**  
Commissioner, District 2

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



**Kathy Holian**  
Commissioner, District 4

**Liz Stefanics**  
Commissioner, District 5

**Katherine Miller**  
County Manager

## **MEMORANDUM**

**DATE:** February 13, 2013

**TO:** Board of County Commissioners

**FROM:** Adam Leigland, Public Works Department Director *[Signature]*

**VIA:** Katherine Miller, County Manager *[Signature]*

**ITEM AND ISSUE:** BCC Meeting February 26, 2013

**RESOLUTION 2013 – A RESOLUTION REQUESTING AN INCREASE TO THE STATE SPECIAL APPROPRIATIONS FUND (318) TO BUDGET A GRANT FROM THE DEPARTMENT OF CULTURAL AFFAIRS, STATE LIBRARY DIVISION TO ACQUIRE LIBRARY BOOKS, EQUIPMENT AND LIBRARY RESOURCES FOR THE VISTA GRANDE LIBRARY IN SANTA FE COUNTY IN THE AMOUNT OF \$11,690.65. (PUBLIC WORKS/ ADAM LEIGLAND)**

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### **BACKGROUND AND SUMMARY:**

The Vista Grande Library was awarded a grant from the State of New Mexico Department of Cultural Affairs, State Library Division to acquire library books, equipment and library resources in the amount of \$11,690.65. The grant agreement was executed in November of 2012 and Santa Fe County will serve as the fiscal agent for the grant.

### **FISCAL IMPACT**

#### **Short Term**

Initial Expense: \$11,690.65  
Initial Revenue: \$11,690.65

Fiscal Year(s): FY2013, FY2014

Dept./Division/Office: Public Works/Project Development

Line Item Description: Capital Purchases/Inventory Exempt - Computer

Match Requirement: Yes

**No**

If yes, source of match:

Will this project be phased: Yes

**No**

Operating Cost in Current Fiscal Year: \$0

Source of operating cost funding:

**Long Term**

Future Expenses:      \$0                      Is this cost recurring:   Yes      ~~No~~      Partial  
Recurring Amount (annual basis):      \$

**ACTION REQUESTED:**

Staff requests that the grant funds be budgeted for the Vista Grande Library in the amount of \$11,690.65.

# SANTA FE COUNTY

Page 1 of 4

## RESOLUTION 2013 -

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

Whereas, the Board of County Commissioners meeting in regular session on February 26, 2013, did request the following budget adjustment:

Department / Division: Public Works/Project Development

Fund Name: State Special Appropriations Fund (318)

Budget Adjustment Type: Budget Increase

Fiscal Year: 2013 (July 1, 2012 - June 30, 2013)

#### 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
318	0739	371	9000	State/Other	\$11,690.65	
TOTAL (if SUBTOTAL, check here)					\$11,690.65	

#### 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
318	0739	481	8095	Capital Purchases/Inventory Exempt-Computer	\$11,690.65	
TOTAL (if SUBTOTAL, check here)					\$11,690.65	

Requesting Department Approval: \_\_\_\_\_

Title: Director, Public Works

Date: 2/11/13

Finance Department Approval: \_\_\_\_\_

Date: 2/14/13

Entered by: \_\_\_\_\_

Date: \_\_\_\_\_

County Manager Approval: \_\_\_\_\_

Date: \_\_\_\_\_

Updated by: \_\_\_\_\_

Date: \_\_\_\_\_

# SANTA FE COUNTY

## RESOLUTION 2013 - \_\_\_\_\_

Page 2 of 4

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Agnes Leyba-Cruz Dept/Div: Public Works/Project Development Phone No.: 995-6516

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.

The Vista Grande Library was awarded a grant through the State of New Mexico, Department of Cultural Affairs, State Library Division to acquire library books, equipment and library resources in the amount of \$11,690.65. Santa Fe County is designated as the fiscal agent for the funds.

### a) Employee Actions

Line Item	Action (Add/Delete Position, Reclasse, 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
8095	Computers, printers, and software for the Vista Grande Library.	\$11,690.65

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

# SANTA FE COUNTY

Page 3 of 4

## RESOLUTION 2013 - \_\_\_\_\_

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Agnes Leyba-Cruz Dept/Div: Public Works/Project Development Phone No.: 995-6516

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 X NO         
If YES, cite statute and attach a copy.

"Laws of New Mexico, 2010, 2<sup>nd</sup> Special Session, Chapter 3, Section 10(B) (1) two million dollars (\$2,000,000) to acquire library books, equipment and library resources for public libraries statewide. The Grantee's total reimbursements shall not exceed a portion of the appropriation in the amount of Eleven Thousand, Six Hundred Ninety Dollars and Sixty Five Cents (\$11,690.65) minus the allocation for Art in Public Places, if applicable (\$0.00) Zero Dollars which equals Eleven Thousand Six Hundred Ninety Dollars and Sixty-Five Cents (\$11,690.65), hereinafter referred to as Adjusted Appropriation Amount."

- b) Does this include state or federal funds? YES X NO         
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.
- 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.

Name : Vista Grande Library  
Project No.: 2010-GO-74  
Date: June 6, 2012  
Amount: \$11,690.65

NA

**SANTA FE COUNTY**

**RESOLUTION 2013 - \_\_\_\_\_**

Page 4 of 4

**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 26th Day of February, 2013.

Santa Fe Board of County Commissioners

\_\_\_\_\_  
Kathleen Holian, Chairperson

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, County Clerk