

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**PLANNING COMMISSION**

**Santa Fe, New Mexico**

**October 17, 2019**

**I.** This meeting of the Santa Fe County Planning Commission called to order by Chair Charlie Gonzales on the above-cited date at approximately 4:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**II. & III.** Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

**Members Present:**

Charlie Gonzales, Chair  
Frank Katz, Vice Chair  
J. J. Gonzales  
Leroy Lopez  
Susan Martin  
Fred Raznick

**Member(s) Excused:**

Steve Shepherd

**Staff Present:**

Jose Larrañaga, Development Review Team Leader  
Cristella Valdez, Assistant County Attorney  
Jaome Blay, Fire Marshal  
Paul Kavanaugh, Building & Development Services Supervisor  
John Lovato, Development Review Specialist

**IV. Approval of Agenda**

There were no changes to the published agenda and it was accepted by consensus.

**V. Approval of Minutes:**

**A Approval of September 19, 2019 Regular Meeting Minutes**

There were no corrections and Member Katz moved to approve. Member Martin seconded and the motion passed without opposition.

SFC CLERK RECORDED 12/20/2019

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**VI. Consent Agenda: Final Orders**

- A. Case #19-5070: Roadhouse Custom Welding Appeal. Stephen Klinksied, Appellant, Appealed the Land Use Administrator’s Decision to Approve Development Permit No. 18-4076, Roadhouse Custom Welding (Anthony Riojas), to Allow a Low Impact Home Occupation for a Mobile Welding Service. The Site is Zoned Residential Estate (Res-E). The Property is Located at 5 Reina Ct. E, Within Section 27, Township 11N, Range 7E, Commission District 3 Approved 5-1**

Commissioner Katz moved to approve and Commissioner Martin seconded.

Commenting that he was the only vote against the appeal, Commissioner Gonzales asked a series of questions that Mr. Larrañaga clarified as follows: the Land Use Administrator originally approved the home occupation and a neighbor appealed that decision. This Commission found for the appellant. The applicant can appeal that decision to the Board of County Commissioners. While it is preferable to have the applicant in attendance, it is not mandated by the Code. Land Use staff has not changed its position and will continue to defend the Administrator’s original decision.

The motion passed by unanimous voice vote.

**VI. New Business**

- A. Case #CUP 18-5191 Village at Galisteo Basin Preserve (aka “Trenza”) Conceptual Plan. Commonweal Conservancy, Applicant, Ted Harrison, Agent, request approval for an amendment of a Conceptual Plan to reduce the development under the previously approved Conceptual Plan for the Village at Galisteo Basin Preserve/Trenza Planned Development District (275 residential units, 71,000 square feet of commercial, educational and civic land uses on 2,044 acres). The request limits future uses on 22 acres to two single family dwellings, open space recreation, amphitheater, and cemetery. Development rights will be transferred from the remaining 2,022 acres which will be utilized for agricultural, open space, recreational, and memorial landscape. The site is located south of Eldorado, west of US 285, south of the railroad tracks, within T15N, R9E, Section 25,36,35,34, T15N, R10E, Section 30 &31, T14N, R9E, Section 1,12,13, T14N, R10E, Section 5,6,7,18, SDA-2 (Commission District 5)**

CHAIR GONZALES: I have been informed that there is a member of the public who would like to participate by conference in this Commission meeting. Hello, this is Chairman Gonzales of the Santa Fe County Planning Commission, can you hear me.

UNIDENTIFIED SPEAKER: Yes, hi. I just wanted to be present.

CHAIR GONZALES: Okay, thank you for participating with us. I just wanted to make sure that you could hear me.

UNIDENTIFIED SPEAKER: Thank you, yes.

CHAIR GONZALES: Okay, we can proceed with the presentation. Jose, please.

JOSE LARRAÑAGA: Thank you, Mr. Chair. Commonweal Conservancy, Applicant, Ted Harrison, Agent, request approval for an amendment of a Conceptual Plan to reduce the development under the previously approved Conceptual Plan for the Village at Galisteo Basin Preserve/Trenza Planned Development District. The request limits future uses on 22 acres to two single-family dwellings, open space/recreation, amphitheater, and cemetery. Development rights will be transferred from the remaining 2,022 acres which will be utilized for agricultural, open space, recreational, and memorial landscape. The site is located south of Eldorado, west of US 285, south of the railroad tracks, within Township 15 North, Range 9 East, Section 25,36,35,34, Township 15 North, Range 10 East, Section 30 and 31, Township 14 North, Range 9 East, Section 1,12,13, Township 14 North, Range 10 East, Section 5,6,7,18, in SDA-2, Commission District 5.

On June 12, 2007, the Village at Galisteo Basin Preserve Master Plan was approved by the Board of County Commissioners for a mixed use development consisting of 965 residential units and 150,000 square feet of commercial, educational and civic land uses within 10,316 acres. On November 10, 2015, the BCC approved an amendment to the Master Plan to reduce the density to allow 275 residential units and 71,000 square feet of commercial, educational and civic land uses within 2,044 acres.

On January 16, 2016, with the implementation of the Sustainable Land Development Code, the 2,044-acre planning envelope associated with the approved Master Plan was designated as a Planned Development District. On March 12, 2019, the BCC approved a Conceptual Plan to add communication towers as an allowed use within the PD-2 development.

The Applicant is requesting approval for an amendment of a Conceptual Plan to reduce the development under the previously approved Conceptual Plan for the Village at Galisteo Basin Preserve/Trenza Planned Development District. The request limits future uses on Lot 8 and 9 to two single family dwellings, open space, recreation, amphitheater, and cemetery. Development rights will be transferred from the remaining 2,022 acres which will be utilized for agricultural, open space, recreational, memorial landscape, and on areas A-D limited utility related and recreational related uses.

The Applicant's original request also included the use of a camping/glamping facility on Lot 8 and 9 and an equestrian facility on Lot 8. However, after meeting with the neighbors the Applicant removed these uses from their proposal.

The Applicant addressed the conceptual plan review criteria and staff has responded to each of the criteria as well. Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conceptual Plan Amendment to reduce the development under the previously approved Conceptual Plan: the proposed Conceptual Plan reduces the development substantially, therefore studies, reports and assessments (SRA's) were not required; as each use is developed, the applicant shall submit a Development Permit with a Site Development Plan, meeting the Code requirements, to be reviewed and approved administratively; the Application satisfies the submittal requirements set forth in the SLDC inclusive of criteria set forth in Section 4.9.9.

Staff has established findings to allow a Conceptual Plan Amendment to reduce the development allowed under the previously approved Conceptual Plan within the Galisteo Basin Preserve/Trenza Planned Development District. The proposal is in compliance with criteria set forth in the SLDC.

On September 12, 2019, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the request for an amendment of the Conceptual Plan with the changes agreed to by the Applicant, subject to the conditions recommended by staff.

The recommendation of the Hearing Officer and staff's recommendation is for approval of the request to amend the Conceptual Plan for the Village at Galisteo Basin Preserve/Trenza Planned Development District to reduce the development on 2,022 acres and to limit the uses on Lot 8 and 9, subject to the following conditions:

1. The Conceptual Plan showing the site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.
2. A Development Permit/Site Development Plan shall be submitted to Building and Development Services prior to any development of the uses outlined in the Amended Conceptual Plan in accordance with Section 4.8.2. to be reviewed and approved administratively.
3. The TDR Agreement shall be referenced on the TDR Plat and on the Conceptual Plan.

This report and the exhibits listed below are hereby submitted as part of the hearing record. The Santa Fe County Board of County Commission will be holding a public hearing on this matter on November 12, 2019.

Mr. Chair, I stand for any questions.

CHAIR GONZALES: Thank you, Jose. Does the Commission have any questions of Jose? Fred, go ahead.

COMMISSIONER RAZNICK: Maybe the applicant can address it. The application talks about an amphitheater and I wanted to know what that is all about; seating capacity, purposes, etc.

MR. LARRAÑAGA: Mr. Chair, Commissioner Raznick, I believe the applicant will probably be able to answer that.

CHAIR GONZALES: You might want to wait for the applicant to give the presentation and you can ask him. Any other questions? Yes, JJ.

COMMISSIONER GONZALES: Jose, I had a question on the development rights on the 2,022 acres. You mentioned that TDRs, transfer of development rights, so they have 2,000 plus acres of development rights, where are those going to? Are they going to transfer them to what area of the ranch?

MR. LARRAÑAGA: MR. CHAIR, Commissioner Gonzales, I'll try to answer that as best as best I can as well as I know about TDRs and possibly our legal department can help me out with this. They will be transferring the development rights to a bank with the County and then those, I believe, are sold. And then say somebody wants to do a project that's going to – let's say they want to reduce the density. Let's say the density is 2.5 acres but they want to do a subdivision on 1-acre lots. They could buy those

development rights and transfer it onto that property and create a subdivision with smaller lots.

COMMISSIONER GONZALES: Okay, that's the question I have. I was confused about that. So they're going to transfer them to the TDR Bank; is that correct? And then from there they can sell them or whatever they do with them to other people somewhere in the County to create more density in some other place; is that basically what it's going to be?

MR. LARRAÑAGA: That's correct.

COMMISSIONER GONZALES: Now, is that transfer bank already in place?

MR. LARRAÑAGA: I believe so, yes.

COMMISSIONER GONZALES: Okay, thank you.

CHAIR GONZALES: Okay, any other questions of staff? Okay, I have one question. Jose, in the letter it states a conceptual plan expires in five years and may be extended by the BCC for two more years at a time. Do you know if a conceptual plan can be rescinded?

MR. LARRAÑAGA: Mr. Chair, if it expires – I don't know if it can be rescinded unless they don't comply with the conditions of approval that's a possible way it could be rescinded. But it stays good for five years and then obviously if they come in for a site development plan for something on Lot 8 or 9 then that solidifies the conceptual plan.

CHAIR GONZALES: I was just kind of wondering because if there's something with their conceptual plan that they're not complying with correctly is it possible to rescind it?

MR. LARRAÑAGA: A conceptual plan is like our old master plan so it doesn't give them – like a site development plan would give them the right to build something. A conceptual plan is just that, it is conceptual; this is what we want to do. Of course, this one is a little different because they are taking away development rights from the bulk of the property. Other than water tanks and water lines and easements and road easements and so on that are going to be within the 2,022 acres, the bulk of any development is going to be on Lot 8 and 9.

CHAIR GONZALES: Okay, thank you. Okay, does the applicant want to make a presentation? Mr. Harrison.

[Duly sworn, Ted Harrison, testified as follows]

TED HARRISON: Mr. Chairman Gonzales, members of the Commission, it is good to see you all again. What a difference 17 years makes. We have traveled a long road together.

This is a proposal that really strips away the larger vision that Commonweal had presented to you back initially in 2007 where we anticipated that there would be a development of almost 1,000 homes in what is Lot 22 of the larger master plan area. That village plan was subsequently reduced to a project size of 275 homes with 71,000 square feet of commercial and public uses and now here we are today with really a proposal to move those development rights, residential development rights, into the TDR program which Commissioner Gonzales was asking about. There is in fact a TDR bank that is in place. Past Commission member Holian is the sole contributor to that bank. I think she has four credits that are in that bank currently.

We, as you may know, over the years held the project together in a very delicate way. We got caught in the recession, the 2008 recession that extended for really over 10 years and made it ultimately impossible for us to bring forward the larger vision or even the intermediate vision of this initiative. So at one point last year we were really on the cusp of defaulting and being in foreclosure and probably in bankruptcy but we were graced with an incredible gift of an investment by the Thaw Charitable Trust to purchase the debt that we had acquired over the course of those 15 years of the development process. And their purchase of the debt has allowed us then to go forward then with a process of overlaying the property with conservation easements which we've done all except for about 900 acres of the entire 6,500 acres that Commonweal owns in the Galisteo Basin. Rather than just give up or overlay the area of the Village with a conservation easement, the opportunity was presented to instead contribute those development rights into the County's TDR bank and so a year ago we made outreach to Erin and Robert in the long-range planning division and discussed with them the prospect of contributing our density into the TDR bank. That was a bit premature as we were still struggling with our debt situation. Once that was resolved then we moved forward in earnest to put together the qualification report which they did and that determined that indeed the conservation values for this property were appropriate for these development rights to be transferred and then to have the land end up in conservation use. That process of the qualification report and then the pending TDR agreement – and I'm not sure whether that comes to the Planning Commission for approval or whether that just goes to BCC. I think that just goes to BCC. When we were coming forward with the TDR draft agreement Land Use Administrator Penny Ellis-Green recommended that rather than have confusion as to our conceptual plan still being in place or still being the records where it showed the 275 residential units and 71,000 square feet of commercial, that we would actually go through a process of amending the master plan or conceptual plan once again so that the uses that would ultimately be associated with the property would have symmetry to the TDR agreement. As I said, the TDR agreement actually will only take the residential rights. There is no transferrable -- no transfer opportunity for commercial rights, at least the way the code is written right now. So this process of securing or presenting you with a conceptual plan amendment is actually taking that step to remove the commercial rights in advance.

So what is proposed as Jose shared you with you is five areas of development activity. Zone A is an area is going to be one that supports the development of a communications tower. That was already approved in an earlier conceptual plan. Also, it will give some status to water tanks that are already in place in that zone as well as water lines and roads that service that water infrastructure. That water infrastructure is actually associated with a neighborhood we call the Southern Crescent which was created through a lot line adjustment back in 2007.

Zone B is an area that is proposed for a conservation burial or green cemetery site. It also includes the right to allow for parking area, for roads to access the green cemetery. I believe it also allows for picnic tables and other trail recreation sorts of uses.

Zone C is a zone that just supports existing water wells that we developed and pump water from this area of the property up to the water tanks in Zone A. They are actually powered by solar panels and then the water lines run along the easement dash

line that is presented to you, illustrated in your packet. That's the only use associated with Zone C.

Zone D is recreation area for trailhead. The trailhead has already been developed with parking areas but this would allow us to develop a restroom facility or porta-potty. Right now, it is just a parking area with a trailhead and signage. So the allowable uses in area D are those except there may be a vertical construction proposal coming forward that would be a restroom facility. There are already trails that extend from area D into the interior of the property. At this point, we have developed over 30 miles of publicly accessible trails.

Area E is another area where we developed a water well. It's actually a very deep expensive water well when we were proving up water rights back in 2007 and Karen Torres was trying to understand whether the local hydrological capabilities of this property would be sufficient to hydrate the water needs of the larger project when it was coming forward. So we have a capped well in Area E that may ultimately be utilized for delivering water into the neighbors, the New Moon Overlook or the Southern Crescent or perhaps for irrigation uses, sort of landscaping irrigation uses that might be associated with some of the cemetery work or agricultural activities on the property.

In Lot 8 and 9 and a portion of 23B there's proposed to be a continued allowance of one residential unit. So these two lots, 8 and 9, are actually a part of an existing subdivision, Southern Crescent, which as I said earlier, is something that was created by a lot line adjustment. Those lots currently allow for residential use as do the other 20 lots that are associated with Southern Crescent. So we are retaining the rights of a residential use on 8 and 9 as well as requesting approval for – affirming approval for use of those properties for a conservation burial site or green cemetery as well as an amphitheater which had been part of an earlier conceptual plan approval and trail related uses, parking areas, trails themselves, signage and restroom facility as well as an amphitheater. The amphitheater that the Commission asked about earlier is proposed to be an 80-seat amphitheater and that's consistent with our earlier submittals and the use of the amphitheater is intended to support the green cemetery activities. So it may most likely be a place that people would go perhaps after perhaps a ceremony or memorial service in town, they would come out to the site and before the body was actually buried or the remains were buried if they were cremated, that there would be a smaller gathering actually on the property before the deceased individual was interred. The seats at the amphitheater are also available for educational uses, there may be lectures, we've had star parties out at the Preserve in the area of Lot 8. And we've set up hay bales, that's the way we've allowed people to get situated on the land out there without sitting on the ground or always bringing their own camping equipment. And so the amphitheater is intended to be a little more gracious, comfortable way for them to be a part of those lectures or get information about the night sky or there could be other kinds of celebration events. So the 80-seat amphitheater might also serve as a space, and I know it sounds a little odd to be in a close relationship to a cemetery but folks have expressed interest in using the Preserve for a site for weddings. And so we may have an opportunity for a gathering before a wedding to have people seating in the amphitheater and they would come from the amphitheater perhaps to tents that would be set up on lot 8. They would have food service, there would be music and then that would go forward in celebration of their wedding. So people questioned in some of our neighborhood

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meetings as to the appropriateness of having weddings in close proximity to a cemetery, this is actually happening in other green cemeteries around the country. It wouldn't necessarily be my first choice but we want to create that opportunity and we are not limiting right now, we don't even know the full range of uses that might be associated with the amphitheater but it is intended to be a gathering space and we think that is reinforcing of the community building values of the larger project as we put it forward.

And as we come before you today, instead of again a large village plan, we've got a very, very light set of uses that are proposed or retained in this proposal. And the cemetery I'm expecting – or rather the amphitheater I'm expecting might be a facility that gets uses between May and October. I would hesitate that folks would want to be out there in the winter months but it is possible. We're proposing to have the use of the amphitheater be informed by the restrictions and guidelines that the Randall Davey Center brings to their facility and they do quite a bit of wedding activity up there. I know they put some constraints on the volume of music, the size of groups that come out there and the length of events. So we haven't put the use parameters up yet but we're going to be presenting that in dialogue with the adjoining neighborhood of the Southern Crescent which will be the most impacted by the amphitheater.

I think that gives you a pretty good overview of what we're proposing here and otherwise I would stand for questions.

CHAIR GONZALES: Thank you, Mr. Harrison. Does the Commission have any questions of the applicant? Fred.

COMMISSIONER RAZNICK: Not of the applicant, but I realize today, that I had a business relationship with Dianna Suslo and I think she has sent information in this packet concerning her opinion and I think to protect the integrity of our decisions I should remove myself from hearing this matter.

CHAIR GONZALES: Thank you, Mr. Raznick. Any of the other Commissioners have any questions of the applicant? JJ.

COMMISSIONER GONZALES: Mr. Harrison, it is good to see you like 13, 14 years later. Any structures been built on that property? Any improvements and what are the extent of the improvements that have been made on that property in the last 15 years?

MR. HARRISON: In the larger property there have been two neighborhoods that have been developed, actually, three. The New Moon Overlook was the first neighborhood that was developed and it was separate from the master plan/conceptual plan process. But that's a collection of 20 lots that sit above the escarpment and because of the location of development envelopes they are out of view of any of the areas of trails down below. And there have been, I think five homes that have been built in the New Moon Overlook, again, separate project, separate neighborhood and they have separate covenants and all. There's two homes actually under construction in the New Moon Overlook. In the Southern Crescent there's just one home that's been built. And there's one home, Dianna Suslo is in discussions, as you know, with her architect or in planning process on a home that would be located in this location, this Southern Crescent neighborhood. So only one home in the Southern Crescent.

And then there is a home that was developed on the East Preserve, lot 1 and it's a 160 acre parcel that was developed backed in 2012. And another home is under construction and partly occupied with approval of the first structure on lot 4 of the East

Preserve and that will include barn, equestrian structures as well as guesthouse and a main house.

So it's two houses in the East Preserve, one in the Southern Crescent and then five in the New Moon Overlook with two under construction.

On the far western side of the ranch, what we call the West Basin Preserve, which is actually west of County Road 42 there's one home that was built there and that was back in 2007.

COMMISSIONER GONZALES: And those homes that are already built, that's not the subject of the discussion that we're having today with your amendment.

MR. HARRISON: That's correct.

COMMISSIONER GONZALES: Those are outside. Those are part of the development at one time?

MR. HARRISON: They're part of the larger property but they are not part of the conceptual plan planning area. There's been no development other than water lines that have extended across areas of the planning area to service the water tanks, the communications tower I think is anticipated to have a submittal fairly soon but we haven't actually got it in hand yet.

COMMISSIONER GONZALES: And the water wells that you have now and the water tanks, those are serving the residents that are already there? Or they have private wells?

MR. HARRISON: Yes. They are community wells so there's two wells in the area C that go up to two tanks that have a total capacity of 20,000 gallons and then they gravity feed back down to the Southern Crescent because there's only one home, it is just servicing the one home as well as an orchard that was developed in the interior of the Southern Crescent neighborhood.

COMMISSIONER GONZALES: But the infrastructure that you have in place already is that large enough to serve 100 homes or 30 homes or 40 homes?

MR. HARRISON: Well, actually, we will need to develop two more wells to finish our responsibilities to the Southern Crescent. There were five wells that were developed that support the New Moon Overlook so those are already in place, complete and fully sufficient to provide for those homes.

COMMISSIONER GONZALES: The other question I have is on the TDRs that you have on the 2,000 acres, how many units are you going to transfer to the TDR bank?

MR. HARRISON: So under the 275 that are currently approved with the conceptual plan, we will transferring 273. So all but two and those two will remain on Lot 8 and 9. Part of the dialogue with the neighborhood was, "well, are you going to be doing a green cemetery and houses and an amphitheater?" The truth is that we're creating an opportunity to have any of those uses but if it turns out that there's really not enough market for the green cemetery, we may end up having Lot 9 just be a residential site. So it's not likely, although this theoretically would give us the opportunity to develop all of those different things, it is really our plan that only one of the mix of possible uses or the trail, or the amphitheater, a cemetery would be used – and restroom facilities, would be developed in the Lot 8 area and Lot 9 would just be the cemetery, trail, perhaps parking or it could be a residential use.

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COMMISSIONER GONZALES: And I have one more question. Many years ago I asked about your green cemetery. Do you have any clients signed up for that presently or have you had any clients? Are you utilizing that facility yet?

MR. HARRISON: Not yet.

COMMISSIONER GONZALES: Not yet.

MR. HARRISON: No, but we don't have anyone using the facility but we do have quite a number of folks that are on a list. Frankly, that list started five years ago and we don't know whether some of those folks are still alive.

COMMISSIONER GONZALES: You have a waiting list, is that it?

MR. HARRISON: We have a waiting list, yes.

COMMISSIONER GONZALES: That's my last question. Thank you very much.

COMMISSIONER GONZALES: Good luck on your project.

MR. HARRISON: Thank you.

CHAIR GONZALES: Thank you, JJ. Any other questions from the Commission? I have a couple. I think I saw somewhere that no centralized wastewater treatment plant will be constructed. Did you have something proposed at one time?

MR. HARRISON: We did. We actually had a permit from the State from the Environment Department that was in anticipation of the first phase of the development of the Village and that permit has subsequently expired.

CHAIR GONZALES: So now you're proposing to go to conventional septic systems; is that right?

MR. HARRISON: The approval of the existing neighborhoods, the Southern Crescent and the New Moon was such that they were all going to be on septic and that's the way they're all being developed. So it was only the Village that was going to be on a centralized wastewater treatment facility. So as that's gone away, so has the facility.

CHAIR GONZALES: Okay, thank you. Also, I don't know if it's a dumb question or not, but what is glamping?

MR. HARRISON: It's glamorous camping.

CHAIR GONZALES: Glamorous camping? Is that in an RV or something?

MR. HARRISON: No, it's really intended to be – I believe the first practice of glamping was in Australia where people would use safari tents and they would put real beds and furniture like you would have in a hotel room except it would be located in an outback wildland area. So it's becoming quite a thing. The National Parks provide for glamping facilities here in the US and there's actually some glamping operators that do it on state facilities or on private lands. But we're going with the community not to go forward with that.

CHAIR GONZALES: So, I probably did it without realizing it.

MR. HARRISON: If you brought your queen size bed out to your tent, yes.

CHAIR GONZALES: Yeah, to La Vado Lake. Also, I have questions about solid waste contract for removal of solid waste; how does that work?

MR. HARRISON: Right now for the neighborhoods of Southern Crescent and New Moon Overlooks contract with Waste Management privately and then they

swing through the neighborhoods and collect solid waste and bring them off to the transfer station.

CHAIR GONZALES: So that means the waste is in enclosed septic?

MR. HARRISON: Oh, I thought you were talking about like garbage. So for septic systems, each of the lots is either developed or would be developed with septic systems, tanks and leach fields. But the garbage waste would be hauled off by either a contract with Waste Management or they privately deliver it to the transfer station.

CHAIR GONZALES: And you just put that out to bid, the contractors –

MR. HARRISON: Each of the individual homeowners secures those contracts. So Commonweal communities which is the for profit arm of our organizations oversees the neighborhoods in terms of road maintenance, water system maintenance but we don't oversee the waste, either liquid or solid waste.

CHAIR GONZALES: Thank you. Any other questions? Okay, this is a public hearing; is there anybody out there that would like to speak on behalf or against this project? I don't see anything going on out there? Does the individual that is participating on the conference call, do you have any comments or questions?

UNIDENTIFIED INDIVIDUAL: I'm really just here to listen. But thanks for asking.

CHAIR GONZALES: Thank you. Okay, with that said do we have any discussion or motions from the Commission? Oh, sorry, I need to close the public hearing. I close the public hearing.

Now do we have any discussion or questions from the Commission? Frank.

COMMISSIONER KATZ: Seeing none, I would like first to thank Ted for trying to do something magnificent and I'm only sorry that it couldn't become a reality. I would move to follow the recommendation of staff and approve the request to amend the conceptual plan as submitted with the conditions listed.

COMMISSIONER MARTIN: Second.

The motion passed by unanimous voice vote. Commissioner Raznick recused himself. [See page 8]

- B Case No. 19-5140 Samuel Peters Conditional Use Permit and Variance. Samuel Peters, Applicant, Catherine Fletcher-Leriché, Agent, request a Conditional Use Permit to allow for an accessory dwelling in accordance with Chapter 9.5.5.1.1 (Accessory Dwelling Units) of the Tesuque Community Overlay District, and a variance of Chapter 10.4.2.2, (Size) to allow an Accessory Dwelling to be greater than 1,400 square feet. The property is within the Residential Fringe Zoning District within the Tesuque Community District Overlay. The property is 6.39 acres and located at 12A and 12B Arroyo Ancho within, Section 25, Township 18 North, Range 9 East, (Commission District 1). SDA-2 [Exhibit 1: Applicant photos and site plan]**

[Staff read the case caption and provided the report as follows:]

JOHN LOVATO (Case Manager): Thank you, Mr. Chair., Commission members. On June 7, 2019, the Applicant submitted the application for a Conditional Use Permit to allow for a 1,728 square foot accessory dwelling and a variance to allow the accessory dwelling to be greater than 1,400 square feet.

Currently there is an existing 840 square foot accessory dwelling, a 660 square foot accessory structure, a 660 square foot accessory structure/garage, and an existing 2,807 square foot house. The Applicant proposes reducing the size of the existing main house from 2,807 square feet to 1,728 square feet and utilizing it as an accessory dwelling. The Applicant is removing two bedrooms, two bathrooms, a laundry room, some closet space, and a portal for a total of 1,079 square feet.

The Applicant proposes removing the existing 840 square foot accessory dwelling and removing the 660 square foot garage. The 660 square foot carport will remain, and the Applicant proposes a new 4,500 square foot one story main residence.

On September 12, 2019, this case was heard by the Hearing Officer. At the public hearing, the Applicant's Agent stated it would be costly to demolish one of the living rooms but did not address converting the living room into storage. The Hearing Officer recommended approval of the Application for the Conditional Use Permit and denial of the Application for the variance.

The Hearing Officer found that County staff's proposal to demolish one of the living rooms or convert the space of one of the living rooms to storage space provided a reasonable alternative to reduce the square footage of the proposed accessory dwelling to meet the requirements of the SLDC.

Review: County Building and Development Services reviewed the application for compliance with the following requirements of the SLDC: A, Chapter 7, Sustainable Design Standards; B, Conditional Use Permit and C, Conditional Use Permits Review Criteria. The SLDC, Section 4.9.6.5, Approval Criteria, establishes the approval criteria for a Conditional Use Permits. Staff has determined that the Applicant's proposed use satisfies these criteria because it will not:

1. Be detrimental to the health, safety and general welfare of the area.
2. Tend to create congestion in roads
3. Create a potential hazard for fire, panic, or other danger
4. Tend to overcrowd the land and cause undue concentration of population
5. Interfere with adequate provisions for schools, parks, water, sewerage, transportation other public requirements, conveniences or improvements
6. Interfere with adequate light and air
7. Be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit of the Sustainable Land Development Code and Sustainable Growth Management Plan

In D, following variances, the Applicant has addressed the variance criteria and staff has also provided a response as contained in the memo.

Recommendation: Variance Request. Staff's Recommendation: The variance request does not meet the requirements. Therefore, staff recommends denial of the variance request as proposed. The Applicant has the ability to demolish one of the two living rooms or close one off from the rest of the house and convert it to a storage space that is only accessible from outside. This would bring the area of the accessory dwelling unit

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down to a maximum of 1,421 square feet which could be considered a minimal easing of the Code requirements and can be supported by staff.

If the decision of the Planning Commission is to approve the variance, Staff recommends the following condition be imposed:

1. The Applicant shall demolish one of the two living rooms or close one off from the rest of the house and convert it to a storage space that is only accessible from outside. This would bring the area of the accessory dwelling unit down to a maximum of 1,421 square feet.

Hearing Officer: On September 12, 2019, the Hearing Officer heard this case. The Hearing Officer recommended approval of the Application for the Conditional Use Permit and denial of the Application for the Variance. The Hearing Officer found that County staff's proposal to demolish one of the living rooms or convert the space of one of the living rooms to storage space provided a reasonable alternative to reduce the square footage of the proposed accessory dwelling to meet the requirements of the SLDC.

Conditional Use Permit, Staff's recommendation and the recommendation of the Hearing Officer is to recommend approval of the Conditional Use Permit. If the decision of the Planning Commission is to approve the variance, staff recommends the following conditions be imposed. And, Mr. Chair, may I enter those conditions into the record?

CHAIR GONZALES: Yes, you may.

Conditions:

1. The Applicant shall demolish one of the two living rooms or close one off from the rest of the house and convert it to a storage space that is only accessible from outside. This would bring the area of the accessory dwelling unit down to a maximum of 1,421 square feet.
2. The Applicant shall meet the requirements of Chapter 7, Sustainable Design Standards of the SLDC.
3. The Applicant shall meet the requirements of Chapter 10.4.2.3 and Chapter 10.4.2.4. of the SLDC.
4. The Applicant must install a meter on the well and submit proof at time of development permit application.
5. The main dwelling and the accessory dwelling shall be restricted to 0.25 acre feet per year per dwelling.
6. The development must comply with Fire Prevention requirements and conditions

MR. LOVATO: Thank you, Mr. Chair. I stand for any questions.

CHAIR GONZALES: Thank you, John. Does the Commission have any questions of John? Okay. Yes, John, does the current County Code have a limit number of accessory structures allowed or is it regulated by lot coverage?

MR. LOVATO: Mr. Chair, committee members, it does not but there is a – I believe there is a provision in the Code that is lot coverage within the Tesuque community overlay district.

COMMISSIONER RAZNICK: At what please?

MR. LOVATO: Mr. Chair, Commissioner Raznick, it has a lot coverage within the community district overlay.

CHAIR GONZALES: Okay. That's good for now. Is the applicant here to make a presentation? Please step forward and be sworn in.

[Duly sworn, Catherine Fletcher-Leriche, testified as follows]

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CATHERINE FLETCHER-LERICHE: My name is Cate Leriche. My address is 814 Camino Acoma, Santa Fe, New Mexico, 87505.

Hello, thank you very much for hearing this today and I appreciate all the work John has put into and staff. I know it has been a lengthy process but hopefully it will come to good end. Does everyone have the handouts that I gave out. [Exhibit 1] I do have a couple more pictures that didn't make it into the handout. I'll pass them to John. They are just pretty pictures of this living room in question that is important for consideration.

We're asking for a minimal easing of the standards in reference to the variance. The variance request is for 328 square feet over the allowable 1,400 square feet. And, yes, I realize that this could be the size of a bedroom. But in the spirit we are trying to respect the spirit of the Code and in particular in response to comments from our neighborhood meeting. We are cleaning up the site going from four structures down to three. I found it very interesting Commissioner Gonzales, that you raised the question of how many structures can you have on a site of this size because there might want to be some type of limitation in the future. Maybe I shouldn't say anything like that but it was a comment when we had the neighborhood people there and the people with the Tesuque Valley Community Association. Their concern – one of the things that they said was is there a way to clean up the site because presently there is an existing house. We have a carport and a haphazard garage and this sort of caretaker's quarters or an accessory dwelling unit. It is not at all cohesive. They just don't relate to each other. There's been a lot of erosion happening on the north and south side of the property that runs behind the house. So we are going to be – along with the proposal for the new main house and cutting out square footage and turning the existing house into the accessory dwelling unit we are going to be doing some arroyo stabilization because those drainages at the north property line and the south property line have become very deep. And I don't think the topographic survey from the City's GIS map is accurate. I don't know how many years old but it is going to be surveyed and we are working with a civil engineer to get that corrected.

So you see the site plan in the packet, so we're moving substantial square footage from the existing house. We're moving the existing garage and the existing accessory dwelling unit. We also in response to our neighborhood meeting is when we went to the meeting we presented a one story option and a two story option. And we sort of had the one-story option in our back pocket because the owner wanted the two-story house. However, it was very poorly received with the members of the community that came. So it was okay, maybe we do this one story design. And the owners – it was very nice to see them be so flexible. We put drawings together for both, a two story structure and a one story structure. Anyway, in our packet what we're proposing is a one story structure.

Just a couple of comments in response to staff's proposal of – well, it seems that the main point of the Hearing Officer's report and also staff is that potentially one – the living room is really one space but it is multi-leveled. Turning the existing lower section of the living room into an exterior storage space accessible from the exterior is – if you can see the pretty pictures, it is the prettiest room in the house. This is the living room was expanded in 1968. Ted Luna was the architect. It has a very beautiful fireplace. It has a very unique round front façade. It's architecturally important when you arrive to the house. The part of the house to the west that is being removed, it's interesting to see

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in the photo, you can see how many times that back of the house, the west side, it originally had a pitched roof garage. Then they put some flat section on it and it's very – it probably has quite a few issues. That living room area even though it is two floors it works as one space and I think it would be – I mean, it's got beautiful light, high ceilings, character-defining curved wall with full height glass, and we don't have any historic rules in this area but it does have sentimental quality for the owners, time and money and you know to put that on the house.

If we turn that lower section of the living room into a storage space it would end up greatly impacting the natural light to the space and that's the direction of the view. So that's one of the things. I don't want to – the consideration of looking at the upper section of the living room being turned into storage is the lesser of the two evils – is more of the two evils in terms of that it would severely impact the layout of the house. I think you can see in the plan that it's very simple to remove that two bedroom, two bath, hall, laundry room wing without compromising the original house. So that is what we'd really like to do and hold onto the beautiful features of that two level living room.

I do have concerns that too many changes at the existing house and that's another reason focusing on just the removal of that obvious hodgepodge of remodel addition, renovation, conversation that happens on the west. I'd like to – and the other issue is that corner of the house is very close to the arroyo so that's going to help removing that because that upper northwest corner of the area being demolished is right at the top lip of the arroyo. So once we remove that we'll be able to control and stabilize the drainage on that property. I'm concerned about additional removal on the eastside of the house. Is it going to open up some other complications for us. I spoke with our structural engineer and his biggest concern is that the bond beam at the perimeter of the room would have to be completed. So if we remove that round structure we need to complete our bond beam at the top of the walls of the living room. He also spoke about the roof diaphragm and how the sheathing and nailing pattern would have to be corrected for any type of uplift or lateral bracing of the structure.

We really don't want to put too much money into this existing house. We want to do the minimum that we need to maintain it as an accessory dwelling unit and focus the clients' budget up at the new main house. And I think that's it.

Oh, one more thing is – just two additional things. I don't think is setting any type of precedent for the neighbors and that's not our intention. But if you look at the GIS map and see the sizes of the adjacent lots to this property. Six out of the eight are approximately 3 acres or less. So there's eight neighbors around this 6.something acre lot and the six of them are 3.9, 3.003, 3.92, 1,008, 1.6, less than 3 acres and then there's only two other lots, two other adjacent neighbors that are larger than Sam's property at 12.5 and 26.8. Both of those properties have a big frontage area on 285, so probably not developable or desirable. I think that's it.

CHAIR GONZALES: Thank you. Thank you very much. I do have one comment. I used to work of the City and you're correct, the topo that you get on the computer don't match up. Whenever I used to use it and then I'd go measure up in the fields to make sure it matched. Thank you, does the Commission have any questions of the applicant? JJ.

COMMISSIONER GONZALES: You know, I have the photos – you passed out these photos. Can you kind of identify what they are?

MS. FLETCHER-LERICHE: That is what you see when you arrive at the house. The first photo is coming up the drive. And so that's looking at the lower part of the living room. That's that round façade with the beautiful corner fireplace. So basically the photos are sequential so you're seeing that east elevation that you see when you approach the house. The second photo is the side, you drive right by it to get to the parking which is above the house. The third photo might be showing the drainage issues that we're having in the arroyo and then the last – the third photo of the house is looking east. So I'm standing on the west side of the house trying to capture the hodgepodge of original garage that was converted to bedrooms, to a portal, etc.

COMMISSIONER GONZALES: Is that the third photo?

MS. FLETCHER-LERICHE: It might be, yes. Let me see that one. That's the side of the house – oh, no, no, no, I'm sorry you're right, you're right. There you go, thanks.  
[Which photos were being identified and whether they were available in the binder was discussed.]

COMMISSIONER GONZALES: What about the fourth and fifth photo; what does that show?

MS. FLETCHER-LERICHE: That is the beautiful view that we get when we look towards the mountain. But you're seeing on the left the area that we are going to be demolishing, the two story tower is what remains there. Anything forward of the two story tower gets removed and that's that bedroom wing with the portal and laundry room.

COMMISSIONER GONZALES: Okay, the other question that I have is the addition you're going to be demolishing, that was built in 1968; is that what you said? That was the two bedroom and bathrooms?

MS. FLETCHER-LERICHE: I do not know when that addition –

COMMISSIONER GONZALES: That was an addition?

MS. FLETCHER-LERICHE: Yeah, that was – the lower section of the living room was renovated in 1968 by Ted Luna. That's the pretty first picture in the packet.

COMMISSIONER GONZALES: Yeah, I have my plan here and this one shows the highlighted area, the dotted line, that is to be demolished?

MS. FLETCHER-LERICHE: Correct.

COMMISSIONER GONZALES: And this is 1,000 and some square feet.

MS. FLETCHER-LERICHE: Correct.

COMMISSIONER GONZALES: Okay. And I assume that as added on at some later date or was that originally part of the house?

MS. FLETCHER-LERICHE: Definitely not original. Not just various additions and remodels and conversions over the years.

COMMISSIONER GONZALES: And the original part of the house, according to these photos, looks like it's been around for awhile; how old is the structure, the main house?

MS. FLETCHER-LERICHE: 1936 or 1938.

COMMISSIONER GONZALES: And you mention that you don't want to spend a lot of money on this 1936 house.

MS. FLETCHER-LERICHE: Because it's expensive.

COMMISSIONER GONZALES: You know, things age, and the house is 80 years old, 90 years old, whatever, that's going to require a lot of remodeling.

MS. FLETCHER-LERICHE: It will. It will.

COMMISSIONER GONZALES: So it's expensive to remodel an older house. I assume it's made out of adobe.

MS. FLETCHER-LERICHE: It is.

COMMISSIONER GONZALES: And it's old plumbing, old electrical –

MS. FLETCHER-LERICHE: Exactly.

COMMISSIONER GONZALES: And to bring it up to any standards – once you start demolishing you have to bring everything up to certain standards.

MS. FLETCHER-LERICHE: Exactly.

COMMISSIONER GONZALES: It's not going to be easy to just demolish and just walk away from it and say you have an accessory structure that's livable. And once you tamper with it, then you open a can of worms, you have to fix everything up. I've had a little bit of experience with that.

But I just wonder, according to this floor plan, what other parts can you remove? If you don't remove part of the living room, close off the living room, what other parts can you scale down and then add a bedroom somewhere in that building? That's what I'm looking at. You don't want to interfere with the living room but what are the alternatives? You know, the County gave you some good alternatives, that's what I'd like to see.

MS. FLETCHER-LERICHE: Well, basically, we have an entry, you could lose the entry. That's 140 square feet.

COMMISSIONER GONZALES: The entry portal?

MS. FLETCHER-LERICHE: But that's the two story tower, so you want to hold onto that. The bedroom that is located here is part of the original and then the left hand side of that was actually an exterior portal. We have an entry, bedroom, kitchen, dining, breakfast and living room.

COMMISSIONER GONZALES: I think if you planned a little better, I think you could find 300 square feet in that 1,700 square foot area that you can scale down and keep the living room. That seems to be a point of contention. You want to keep the living room, that's a special place but in order to meet the County requirements you have to find 328 square feet to reduce and come into compliance with the SLDC. I think that the County gave you some good recommendations and I think this committee might not really agree with granting your variance. I think if you try a little harder to scale it to be in compliance with the County regulations.

MS. FLETCHER-LERICHE: Well, I am looking at the plan and we don't want to lose the bedroom and bathroom. The obvious thing is the lower section of the living room but unfortunately that is the most beautiful thing in the house.

COMMISSIONER GONZALES: Well, I would keep that. Do something else.

MS. FLETCHER-LERICHE: I know.

COMMISSIONER GONZALES: You seem to want to keep that so there's alternatives. You need to find 300 square feet to reduce it. There is a minimal easing of the code, 3280 square feet probably is not a minimal easing. That's more than a

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minimal easing and that's what the Code says. If you were 100 feet over or 50 feet over, I think that would be considered, you know, a minimal easing and that is the whole key and that also sets a precedent for the community. You know, If so and so did it; why can't I do it. And that is something that comes before this committee several times. And we don't want to set a bad precedent and then have other people follow your example. So that's just my opinion and 4,500 square foot house, that's a very large home. I mean if somebody can build a very large home in this day and age, I think they can probably figure out a way to reduce the accessory structure to the proper size. It can be done, I believe. But those are my comments.

CHAIR GONZALES: Thank you, JJ. Any other comments or questions from the Commission? Leroy.

COMMISSIONER LOPEZ: Just to touch a little bit on your electrical. Is that cloth wired – 1938. Is it cloth wiring, the aluminum wiring?

MS. FLETCHER-LERICHE: Oh, I do not know. Everything would have to be brought up to code.

COMMISSIONER LOPEZ: And the plumbing how is the plumbing situation there?

MS. FLETCHER-LERICHE: We have the person who –

COMMISSIONER RAZNICK: The question is about aluminum wiring; what's the answer? Do you know?

MS. FLETCHER-LERICHE: I do not know what the wiring in the house is right now.

COMMISSIONER LOPEZ: It's old.

COMMISSIONER RAZNICK: I just wondered if along the way it had been updated.

COMMISSIONER LOPEZ: It definitely needs updating.

MS. FLETCHER-LERICHE: Yeah.

CHAIR GONZALES: Okay, Leroy, anything else? I have another question here. I'm looking at the site plan. Are you going to put more base course on the top of an existing driveway or are you going to put a new driveway?

MS. FLETCHER-LERICHE: The existing driveway has base course all the way up to the point where I say new base course and then there's an arrow that goes to the edge of the shading. So that would be additional base course to get up to the garage of the house.

CHAIR GONZALES: So is the road already built?

MS. FLETCHER-LERICHE: The road is built up to – see it says, "existing base course driveway" and that whole area – the only part that isn't built is the stuff that is shaded.

CHAIR GONZALES: So where it says new base course that's all going to be a new road going up?

MS. FLETCHER-LERICHE: No, no, that's the proposed new road up to the main house.

CHAIR GONZALES: The proposed road?

MS. FLETCHER-LERICHE: Yes, yes.

CHAIR GONZALES: Okay, thank you. Frank. All right, this is a public hearing does anyone out there want to speak in favor or against this project? Please come forward.

[Duly sworn, Melora Mennesson, testified as follows:]

MELORA MENNESSON: My name is Melora Mennesson. My temporary address here in Santa Fe is 12A Arroyo Ancho in Tesuque. So, Commissioners, I am Sam Peters' sister. And I grew up in the house and I don't have anything new to state but I just wanted to reiterate that it is true removing the cinderblock parts of the existing footprint of the house make absolute sense. I do think that the electrical was upgraded in 1968 when we moved in but that's not very comforting. Yes, a lot of work does need to be done for the house but it has been four generations of family gatherings. It is not ever going to be a dwelling where anybody permanently. I am just there temporarily helping out. But it's a gathering place for all of the family and truly that one big living room is the heart of the house. So I think that's all I have to say.

CHAIR GONZALES: Okay, thank you.

COMMISSIONER RAZNICK: Mr. Chair, I do have a question of the applicant.

CHAIR GONZALES: Sure.

COMMISSIONER RAZNICK: Has renovations been done to the house since 1968?

MS. FLETCHER-LERICHE: I sincerely doubt it.

COMMISSIONER RAZNICK: You made a comment about X number of dollars and this is obviously going to be an expensive project. And I'm sure that you've consulted with your architect, have you consulted with a contractor?

MS. FLETCHER-LERICHE: Yes.

COMMISSIONER RAZNICK: Has the contractor discussed with you the electrical?

MS. FLETCHER-LERICHE: No, not yet. Not until we get the go ahead to go further.

COMMISSIONER RAZNICK: Has he or she looked at the electrical?

MS. FLETCHER-LERICHE: Yes, they have walked through the house.

COMMISSIONER RAZNICK: And what has the contractor had to say about the electrical?

MS. FLETCHER-LERICHE: It all has to be brought up to code.

COMMISSIONER RAZNICK: So in your estimate of doing this project, that is included?

MS. FLETCHER-LERICHE: It will have to with any work done on that house.

COMMISSIONER RAZNICK: Because you realize that the minute that a permit is pulled other building inspection issues –

MS. FLETCHER-LERICHE: Absolutely. They'll all be over it and out there.

CHAIR GONZALES: Frank.

COMMISSIONER KATZ: Yeah, the breakfast room; could that go?

MS. FLETCHER-LERICHE: The breakfast room is only 115 square feet.

COMMISSIONER KATZ: I understand.

MS. FLETCHER-LERICHE: Sorry?

COMMISSIONER KATZ: I understand but it might be a help.

MS. FLETCHER-LERICHE: I'm not sure if you can see that in the elevation. It is – that wasn't done by Ted Luna. It again has that round wall to it.

COMMISSIONER KATZ: Well, if I were sitting in that dining room I'd sure like to have a whole bunch of windows along that wall rather than a breakfast room but that's – thank you.

CHAIR GONZALES: Thank you, Frank. Okay, JJ, I think you have another question.

COMMISSIONER GONZALES: I have one more question. Is anybody residing in that residence today?

MS. MENNESSON: I am.

COMMISSIONER GONZALES: You are.

MS. MENNESSON: Yes, I am. [Speaking away from the microphone, she indicates she will be there until June 2020]

COMMISSIONER GONZALES: Okay, that's all the questions that I have.

CHAIR GONZALES: Okay, at this point in time I'm going to close the public hearing. Do we have any discussion, motions from the Commission? Frank.

COMMISSIONER KATZ: I was pretty convinced having read the materials and before I came that we should affirm what the Hearing Officer did and what the recommendation of staff is and reduce the size of the current house further. I have been persuaded otherwise by the testimony. I've been persuaded by a couple of things. One, how integral that living room is to the house and how much a part of the family that house is. And I think that does make a difference. One of the things that we like about our city and our county is the history that we have with it and the family histories that we have with it. The fact that the neighbors property are half the size, several of them are half the size of this property, so you could have 6 acres with two 4,000 square foot houses, if you will, makes the 1,700 seem less of a violation. So it's really – I think those are the two basis for which I would find that there is reason to allow the exception and have the larger house.

I would make as a condition though and it's maybe as a sop or something that the breakfast room would go because that would reduce the extent of the excess space as someone might look at by, what 117 square feet or something like that.

But those are my thoughts on it and I would be curious to hear how other people feel.

COMMISSIONER RAZNICK: Mr. Chair, may I ask a question of staff?

CHAIR GONZALES: You bet.

COMMISSIONER RAZNICK: Notices were sent out to all parties concerned; what has been the response to those notices?

MR. LOVATO: Mr. Chair, Commissioner Raznick, there's two parts to this. For the TAC, the technical meeting they had on site, the neighborhood meeting, and the association meeting actually is what it is called. They were in full support with it, with the structure and the conditional use but left it up to the Planning Commission staff to determine whether that would be your choice to make that decision.

COMMISSIONER RAZNICK: To staff on the variance request?

MR. LOVATO: Mr. Chair, Mr. Raznick, that is correct. But along with that for the Hearing Officer there was one person in favor and one that just had concerns with the water and no other reasons. Letters were sent out, full posting and noticing was done accurately, so that's all I have.

CHAIR GONZALES: Thank you, John. Any other comments? Sure.

COMMISSIONER RAZNICK: I am sorry. This is a rather involved application and I'm just trying to put it all together. May I ask the applicant a question?

CHAIR GONZALES: Sure, please come forward again.

COMMISSIONER RAZNICK: How integral is this breakfast room of 100 and some odd square feet important to the overall project and integrity of this home, in your opinion? And while you're pondering that, may I throw this out, just as a thought, we don't have to take action on this tonight. Is it possible if the applicant needs to rethink the application after hearing some of the questions and thoughts that have been raised, could it not be tabled? And then she could come back with the same plan or possibly with a modified plan.

CHAIR GONZALES: I think you are correct and I'd like to defer that to staff as far as a tabling.

CRISTELLA VALDEZ (Assistant County Attorney): Mr. Chair, I think the appropriate action would be a continuance because the hearing has already gone through and it is just the decision making. So I think a continuance rather than tabling.

COMMISSIONER RAZNICK: A continuance?

MS. VALDEZ: Yes.

MS. FLETCHER-LERICHE: What does the continuance mean?

MS. VALDEZ: It means that if it is the pleasure of the Planning Commission that they could have a limited amount of information come in at a later point in time to continue the hearing because the hearing has already, for the most part, gone through the process. They would just take some limited evidence at a later point and then make their decision if that's the pleasure of the Commission.

COMMISSIONER RAZNICK: Mr. Chair and counsel, the way I think in lay terms it would give you a chance to rethink the application and perhaps make an additional modification before the Planning Commission took action not only the conditional use but the variance. It is obvious to me that the variance is presenting an issue and a suggestion has been thrown out but there may be other suggestions or other thoughts you may have. It doesn't mean you can't come back and say, Look I've gone through it and this is the way it is. Take the action that you want or I can alter it this way.

CHAIR GONZALES: I guess the question that I would have is that if we were to do a continuance would it make the submittal deadlines to be on the next meeting or what meeting would it be on?

MS. VALDEZ: Mr. Chair, I think you could either set a date certain or you could just give a certain period of time for the applicant to come up with an alternative plan and provide additional evidence.

MS. FLETCHER-LERICHE: I am leaning towards having your decision tonight. I am leaning towards having this completed this afternoon just so we don't have more delays and that kind of stuff.

CHAIR GONZALES: Okay, I think JJ had something to say.

COMMISSIONER GONZALES: I was going to make comments on Fred's recommendation. I think that if they come back with a modification and it meets the requirements of the SLDC they won't have to come back to this committee. That was the thing about a continuance that would give them more time to find a way to reduce the size of the accessory building if they do that they won't have to come back here, Land Use will approve it because they have already approved the conditional permit. It is just the variance that has been the problem. And I think they have alternatives that they can reduce the size of the accessory structure. They want to keep the living room but I think Frank came up with a point. I came up with a point and I think the applicant wants a decision tonight. That is what they want. So at that point I'm almost ready to make a motion if that is the wishes of the committee.

COMMISSIONER RAZNICK: I understand and I'm just trying to explore all the issues. Thank you.

CHAIR GONZALES: Thank you. Okay, so where are we at? Frank.

COMMISSIONER KATZ: I would like to make a motion. And I would like to move to grant the conditional use and grant the variance to the extent of adding the removal of the breakfast room so that it would be then 1,500+ square feet, I think, I don't know, do you have a number – as a condition of approving the variance.

COMMISSIONER RAZNICK: I second.

COMMISSIONER GONZALES: Can I make a friendly amendment and reduce the entry portal by 100 square feet with Frank's recommendation of 115 square feet and reduce the entry or entry portal by another 140 or 100 square feet and that would give you like 1,500 square feet which is 100 feet above the 1,400 which is the threshold for the SLDC.

COMMISSIONER KATZ: I don't accept that as a friendly amendment. I think the entry is – I mean that's the way you get into the living room and that's how you get from the bedroom into the rest of the house. I think that does too much violence. Is the entry portal part of the square footage that is figured in?

MS. FLETCHER-LERICHE: No, it is not.

COMMISSIONER KATZ: So I don't think we gain anything by getting rid of that either.

COMMISSIONER RAZNICK: Mr. Chair, as the seconder of the motion, I don't accept the amendment to the motion.

COMMISSIONER GONZALES: I withdraw the amendment.

MS. FLETCHER-LERICHE: Can I ask something. I just want to be able to go back to Sam and give him at least a couple of options for when we go for permit. So if it's possible to amend your motion to either reduce the size – grant the variance with what Mr. Katz said about adding the removal of the breakfast room or somewhere else. I am just afraid if the owner is stuck with the breakfast room I want to tell him that, Okay, well then we're going to change – be able to turn the lower section of the living room into storage or an outdoor portal. I would just like some options when we go for permit.

CHAIR GONZALES: Okay, we have a motion on the floor. What does the Commission want to do?

COMMISSIONER RAZNICK: Are we still in discussion?

CHAIR GONZALES: Yes.

COMMISSIONER RAZNICK: That's why I brought up the concept of a continuance, especially since the applicant is hearing how we are struggling with the application. I think speaking for myself are in favor for the conditional use permit. We are struggling with the variance question. We are seeing this as a committee for the first time and we're trying to figure out a way to accommodate the best we can. So it may be in the best interest to go back to the drawing board and come back to us with a more feasible plan which could be done even next month; could it not?

MS. FLETCHER-LERICHE: I am just curious about the process of asking for a variance is asking for this minimal easing. Isn't it correct that we can get the conditional use approved and the variance denied that it would have to be the 1,400 square feet and then we could have time to figure out whether we remove the breakfast room or the closet or change one of these spaces into storage before it goes to permit? I mean if you just deny the variance, we can still submit for permit if we get this house down to 1,400 square feet.

CHAIR GONZALES: Yeah, but you would need to come back to us. If we denied the variance you could appeal it to the Board of County Commissioners.

COMMISSIONER KATZ: I will then, therefore, move to withdraw my motion. Do I have to move to withdraw it or just withdraw it?

MS. VALDEZ: Mr. Chair, Commissioner Katz, I think you can just withdraw your motion.

COMMISSIONER KATZ: I would withdraw my motion and substitute a new motion which is to grant the conditional use and deny the variance and let them figure out how they want to do it.

MS. VALDEZ: Commission member Katz can you please clarify whether the conditional use permit will have the conditions recommended by staff.

COMMISSIONER KATZ: Yes, with the conditions recommended by staff, thank you.

COMMISSIONER RAZNICK: What happens if I don't agree as the seconder of the motion? No, I seconded the motion. He wants to withdraw what happens to my position. What happens if I don't agree under Robert's Rules of Order. I think I have to agree.

But that being said, if I understand the motion it is to approve the conditional use permit, deny the variance, correct?

COMMISSIONER KATZ: Yes.

COMMISSIONER RAZNICK: Which would then have the applicant go to the Board of County Commissioners to deal with the variance question?

COMMISSIONER KATZ: No, I think they would have the option of just figuring out how to cut out about 200 or so 250 square feet. I don't know how they would do that which is why I had made the motion I had made before to at least give them their living room.

COMMISSIONER RAZNICK: I will consent to the withdrawal of the original motion.

CHAIR GONZALES: We have a new motion on the floor. Do we have a second?

COMMISSIONER MARTIN: Second.

The motion passed by unanimous voice vote.

CHAIR GONZALES: Okay, and I would just like to clarify that the approval is with the conditions as well.

COMMISSIONER KATZ: Yes.

**VII. Petitions from the Floor**

None were offered.

**VIII. Communications from the Commission Members**

None were offered.

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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PAGES: 35

**IX. Communications from the Attorney**

I Hereby Certify That This Instrument Was Filed for Record On The 20TH Day Of December, 2019 at 02:35:11 PM And Was Duly Recorded as Instrument # 1904990 Of The Records Of Santa Fe County

None were presented.

**X. Matters from Land Use Staff**

Witness My Hand And Seal Of Office Deputy Estrella Martinez County Clerk, Santa Fe, NM Geraldine Salazar

None were presented.

**XI. Next Planning Commission Meeting: November 21, 2019 – 100 Catron Street**

**XII. Adjournment**

Having completed the agenda and with no further business to come before this Commission, Chair Gonzales declared this meeting adjourned at approximately 5:30 p.m.

Approved by:

Charlie Gonzales  
Charlie Gonzales, Chair  
Planning Commission



PREPARED BY:  
Geraldine Salazar  
GERALDINE SALAZAR  
SANTA FE COUNTY CLERK

Respectfully submitted by:

Karen Farrell  
Karen Farrell, Wordswork

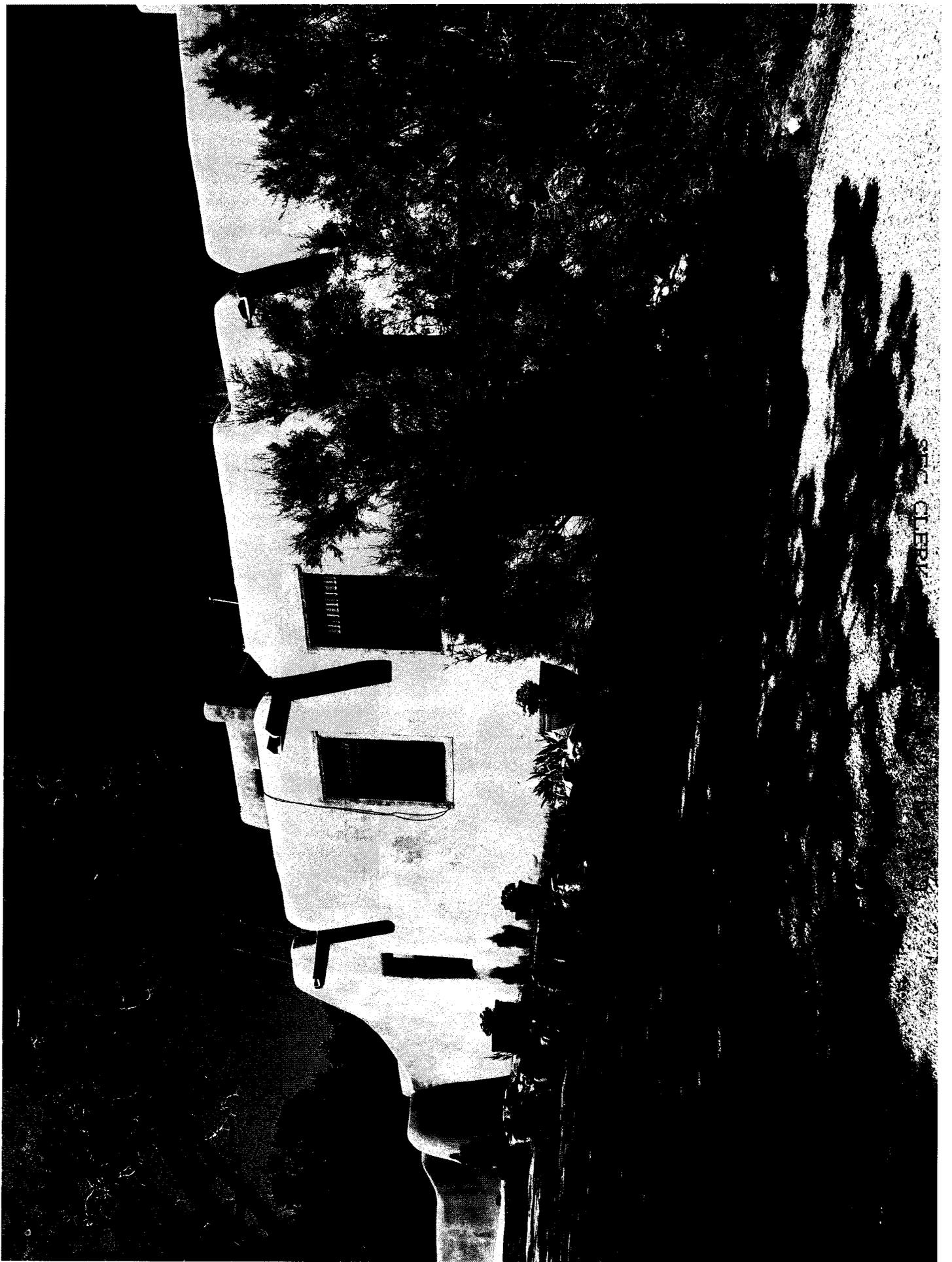
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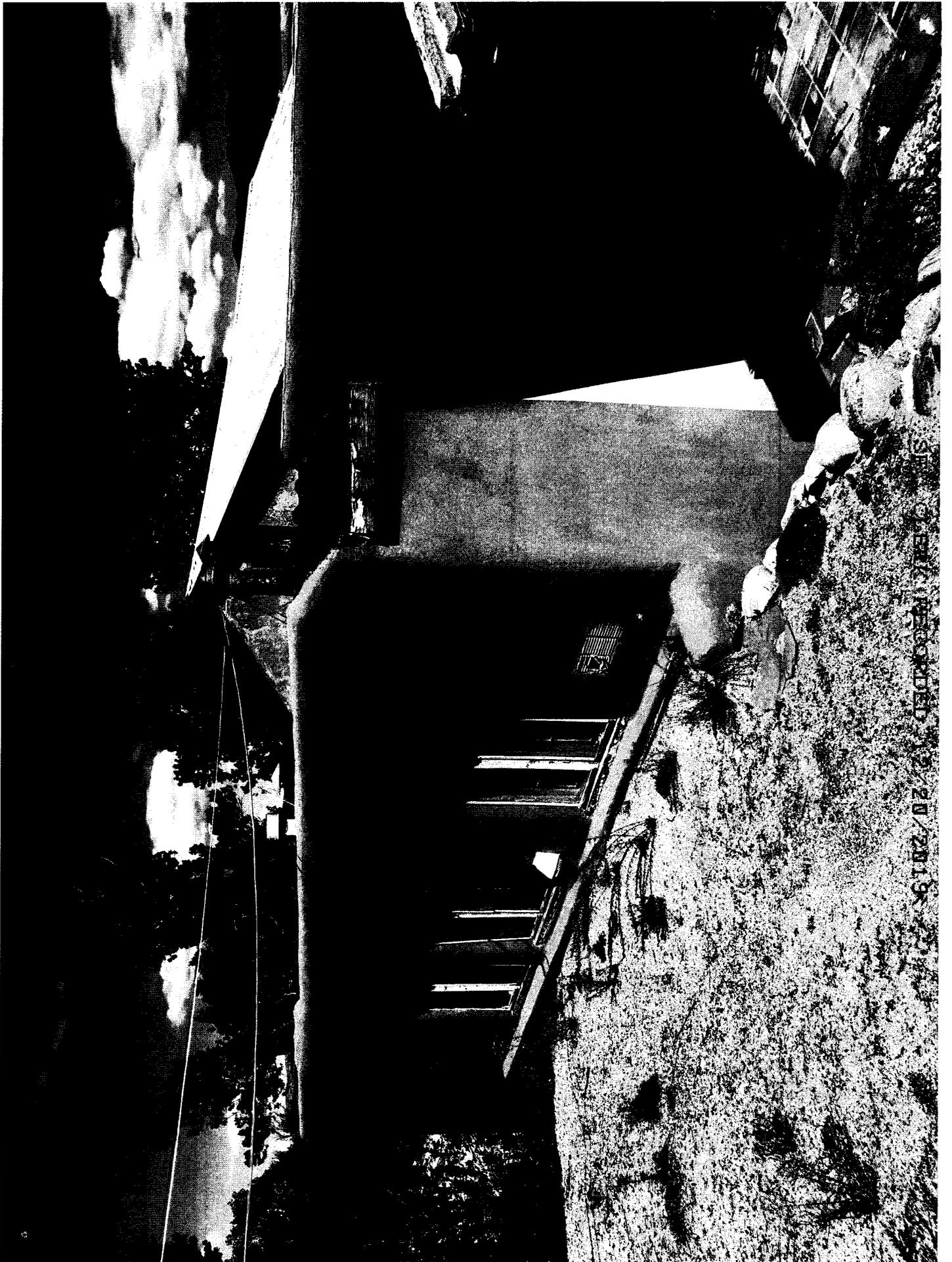
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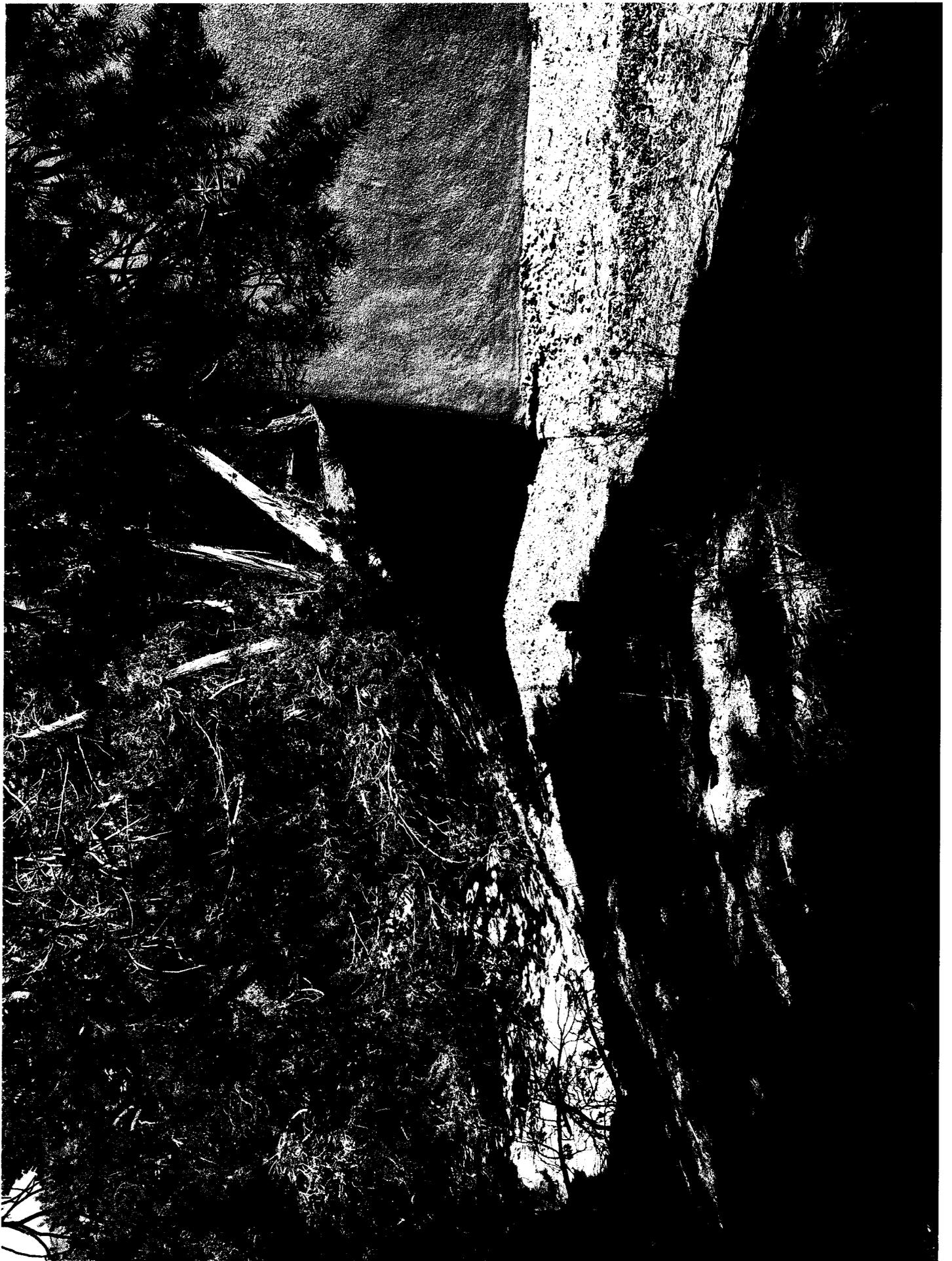




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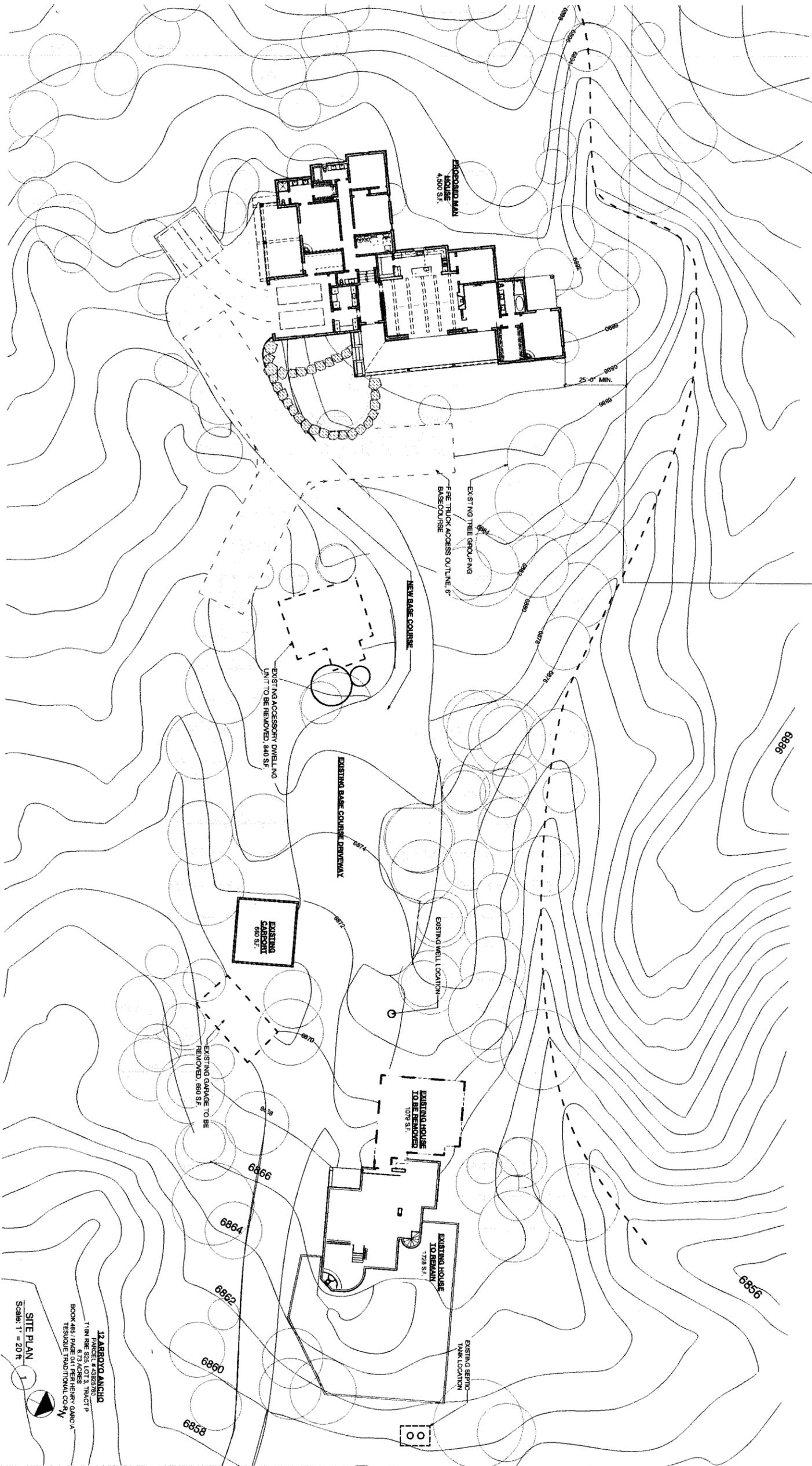
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BOOK 465 / PAGE 041 PER HENRY GARCIA  
RESOLUCION TRADICIONAL CO. # 14

**SITE PLAN**  
Scale: 1" = 20'

# 12 ARROYO ANCHO

**NEW RESIDENCE**  
SAM PETERS AND SUZANNE HURST  
12 ARROYO ANCHO  
SANTA FE, NEW MEXICO 87594

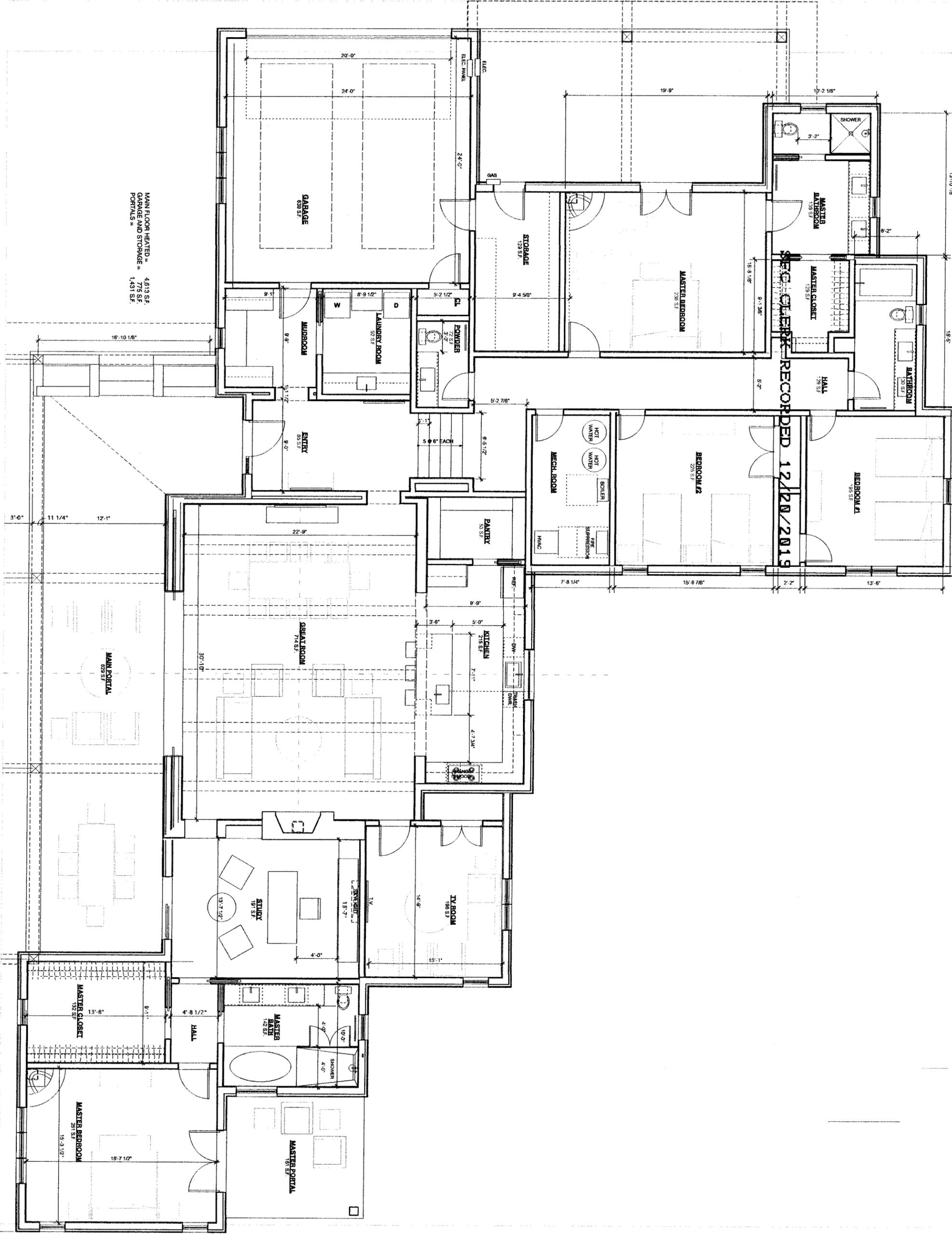
ARCHITECT  
CATHERINE  
FLETCHER-LERICHE, N.A.  
814 CALVARIO, ADOXA,  
SANTA FE, NEW MEXICO 87505  
(505) 899-4417

DATE  
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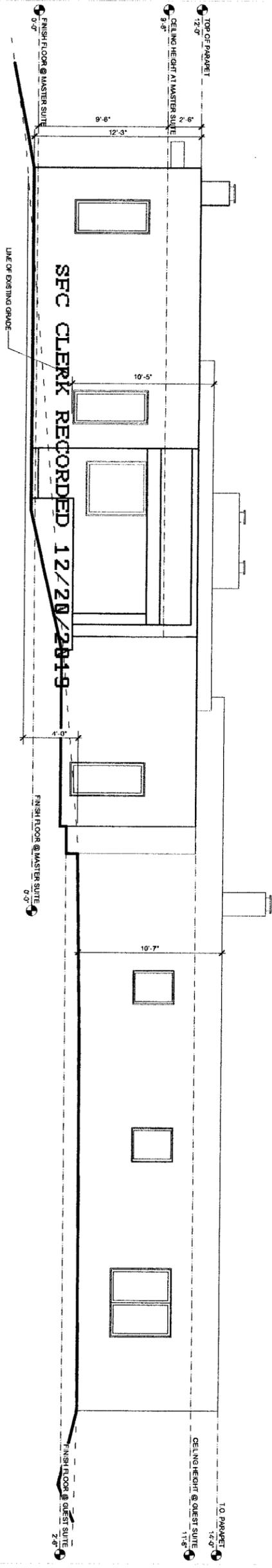
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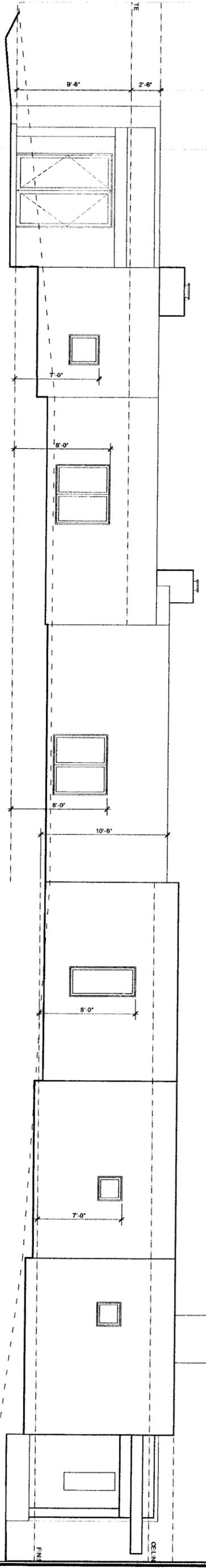
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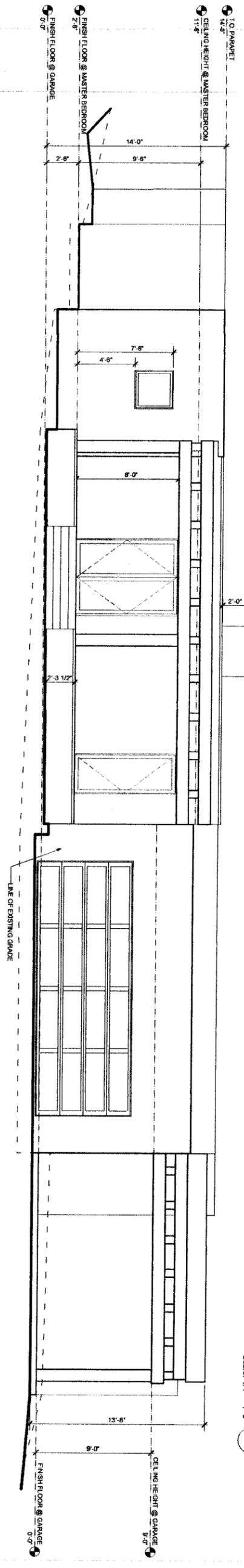
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NEW RESIDENCE	
SAM PETERS AND SUZANNE HURST	
12 ARROYO ANCHO	
SANTA FE, NEW MEXICO 87594	
ARCHITECT	CATHERINE FLETCHER-LERICHE, AIA
	814 CAMINO AZOONA
	SANTA FE, NEW MEXICO 87595
	(505) 999-4417
DATE	12/10/18
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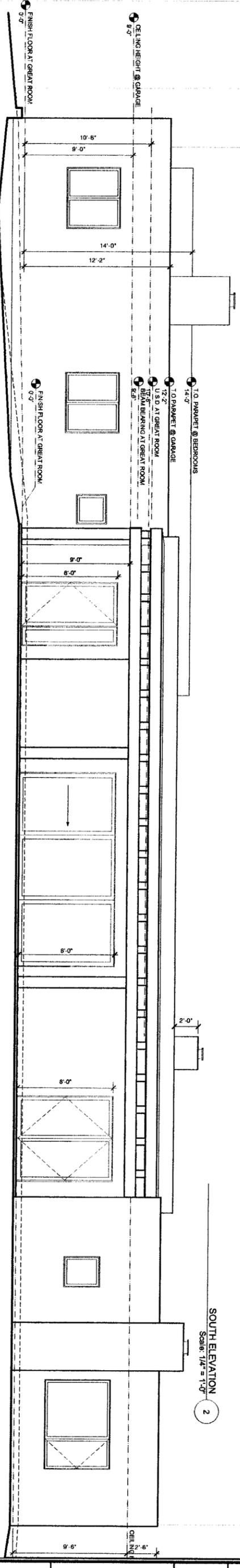
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EAST ELEVATION  
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12 ARROYO ANCHO  
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FLETCHER-LENICHE, AIA  
814 CAMINO ACQUA  
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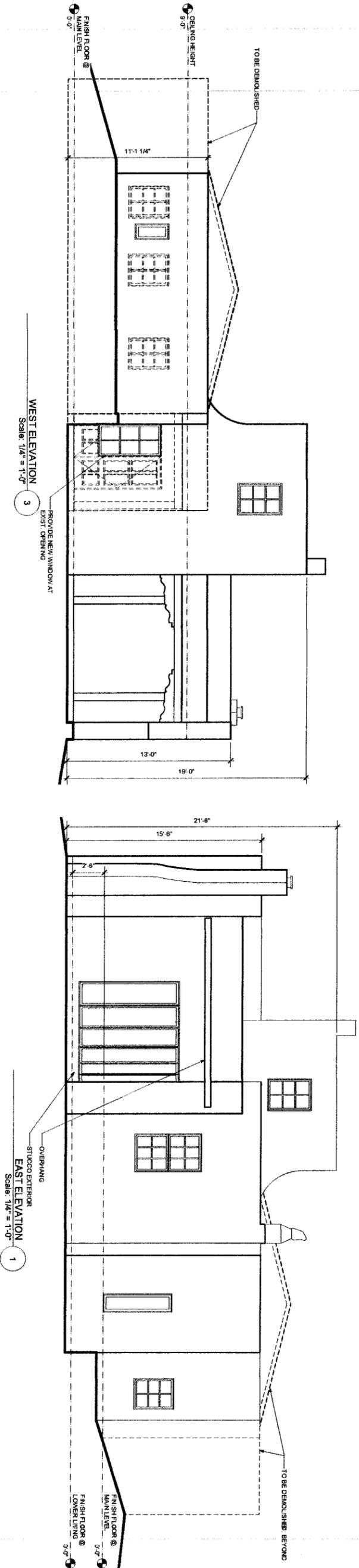
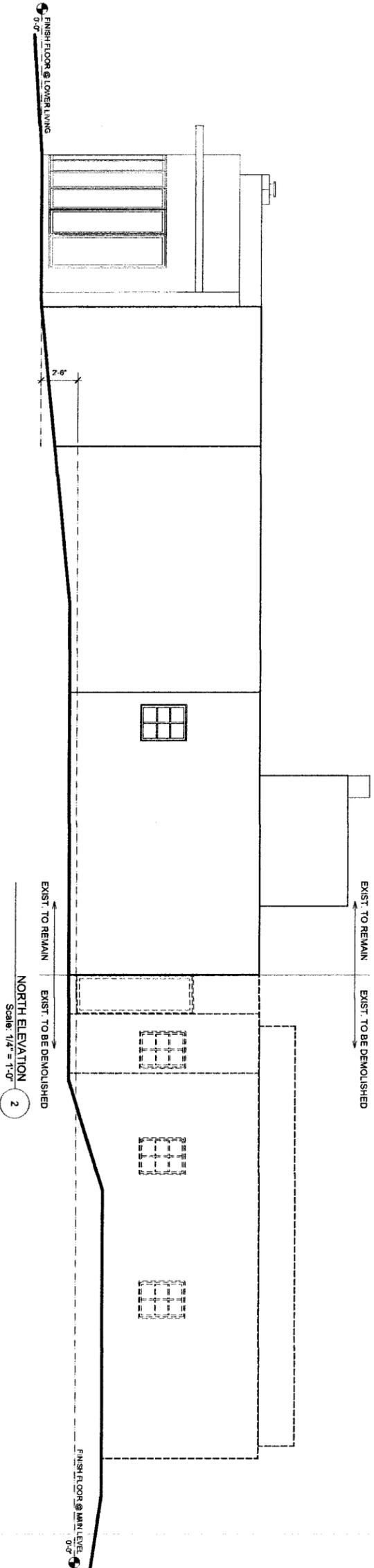
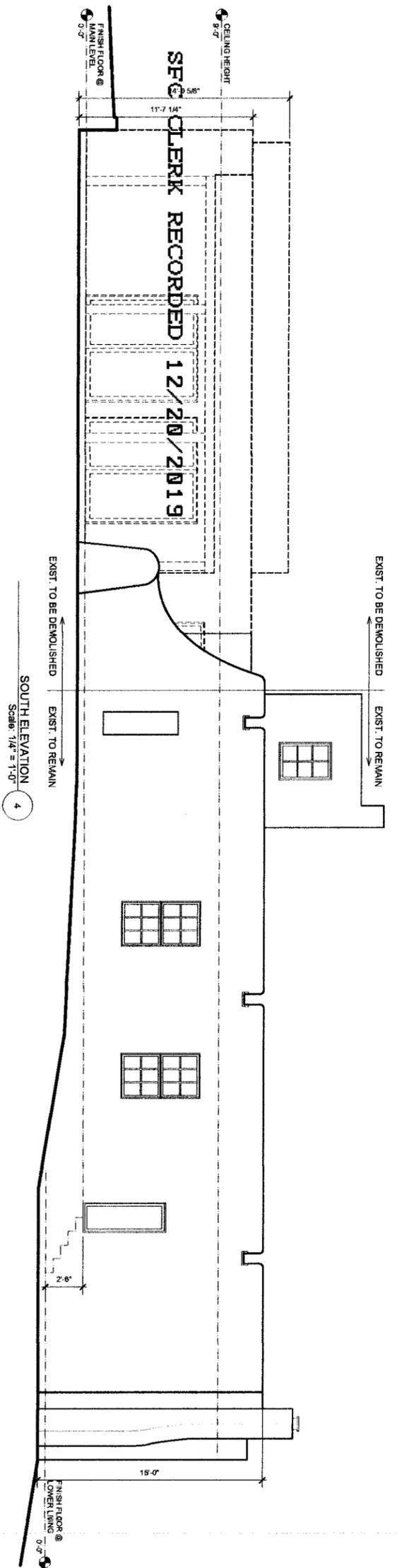
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# 12 ARROYO ANCHO

**EXISTING RESIDENCE**  
 SAM PETERS AND SUZANNE HURST  
 12 ARROYO ANCHO  
 SANTA FE, NEW MEXICO 87594

ARCHITECT  
 CATHERINE  
 FLETCHER LERIGHE, AIA  
 814 CAMINO ACOANA  
 SANTA FE, NEW MEXICO 87505  
 (505) 999-4417

DATE  
 12/18/18  
 REVIEW

SHEET TITLE

ELEVATIONS

SHEET NUMBER

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