

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

December 21, 2023

1. 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.

A. & B. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

Charlie Gonzales, Chair
J. J. Gonzales, Vice Chair
Erik Aaboe
Wendy Pierard
Rhea Serna

Member(s) Excused:

Steve Krenz
Carl Trujillo

Staff Present:

Jose Larrañaga, Building & Development Services Supervisor
Estevan Sanchez, Assistant County Attorney
John Lovato, Building & Development Supervisor
Manual R. Olivas, Case Manager

2. **Approval of Agenda**

Member Aaboe moved to amend the agenda deferring the approval of the November 16, 2023 meeting minutes due to a posting error until January. Member J.J. Gonzales seconded and the motion passed without opposition.

4. **Consent Agenda** – No items.

5. **New Business**

A. **Case # 23-5180 Todd and Elizabeth Sample Variances Todd and Elizabeth Sample, Applicants, Karl Sommer, Agent, request a variance of Chapter 7.17.9.3 (Height), to allow a residence to be greater than 18 feet in**

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height, and a variance of Chapter 7.17.10.7.8, (Screening requirements/ retaining walls) to allow retaining walls to be greater than 5 feet in height. The property is within the Residential Community Zoning District within the South Summit VIII Subdivision and located at 1118 South Summit Ridge within, Section 17, Township 17 North, Range 10 East, (Commission District 4). SDA-2. Manuel R. Olivas, Case Manager [Exhibit 1: Applicant submitted photos of retaining walls]

[County staff members John Lovato, Jose Larrañaga and Manuel “Ryan” Olivas were duly sworn.]

RYAN OLIVAS: Thank you, Mr. Chair. Ryan Olivas, Development Review Specialist Senior with the Growth Management Division.

Todd and Elizabeth Sample, Applicants, Karl Sommer, Agent, request a variance of the Sustainable Land Development Code, Section 7.17.03 to allow a residence to be greater than 18 feet in height, and a variance of Chapter 7.17.10.7.8, to allow retaining walls to be greater than 5 feet in height.

The property is within the Residential Community Zoning District within the South Summit VIII Subdivision. The 2.02-acre site is located at 1118 South Summit Ridge in Section 17, Township 17 North, Range 10 East, Commission District 4, SDA-2.

On February 26, 2021 the Applicant submitted for a Development Permit for construction of single-family dwelling on the property. The property is at an elevation of more than 7,400 feet which subjects the property to the requirements of Section 7.17.10 of the SLDC. Construction on the property is also subject to a maximum height limitation of 18 feet. The plans that were submitted and approved by staff met the requirements of the SLDC.

The Applicants retained a contractor to construct the dwelling pursuant to the approved plans. After the building site was excavated and the finished-floor elevation was set and the drywall was framed and the house was completely enclosed and roofed, Applicants state that only then was it discovered that the elevation of the house was approximately 3 to 5 feet above the maximum permitted height and that the retaining walls near the lower end of the dwelling are 3 feet above the maximum allowed height.

Applicants are requesting these two variances so that the construction of the dwelling can be completed without remediating the noncompliant features. Although the Applicants have not obtained a cost estimate for bringing the residence and retaining wall into compliance, such measures would undoubtedly be very expensive. The Applicants propose to mitigate the effect of the nonconforming height by adding retaining walls and plantings to screen the parts of the home that appear to be the tallest, none of which are visible from a public right-of-way.

The Applicant has addressed the variance criteria and staff has responded.

On November 9, 2023, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a Recommended Order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the two variances from the requirements of the SLDC to allow a residence to be greater than 18 feet in height and retaining walls to be greater than five feet in height, The subject 2.02-acre real property is

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located in the South Summit Subdivision within Section 17, Township 17 North, Range 10 East in Commission District 4. The written order and the minutes of the November 9, 2023, hearing are attached as Exhibits.

Staff recommends denial of the requested variance of Section 7.17.9.3, to allow a residence to be greater than 18 feet in height, and also recommends denial of the requested variance of Section 7.17.10.7.8, to allow retaining walls to be greater than 5 feet in height.

If the Planning Commission finds that the variances requested are a minimal easing and/or finds that the variance request has met the variance criteria, staff recommends the following condition be imposed:

1. The Applicants shall resubmit plans illustrating the existing elevations of the dwelling and retaining walls. The plans shall include engineering plans for retaining walls stamped by New Mexico Professional Engineer.

This Report and the exhibits listed below are hereby submitted as part of the hearing record. Thank you and I stand for any questions.

CHAIR GONZALES: Thank you. Does the Commission have any questions of staff? J.J.

MEMBER J.J. GONZALES: Yes, Mr. Chair. I'm going to ask staff, Ryan, did they ever submit any stamped plans for the retaining walls? I think that was something that was requested. Has that been done? I saw a letter from the engineer saying that he thought everything was fine but any stamped plans?

MR. OLIVAS: Mr. Chair, Commissioner that was the original building permit/construction permit on February 26, 2021. And also I received a letter from a professional engineer that was also submitted to the agenda.

MEMBER J.J. GONZALES: And then when was this permit issued? Or when was the house started to be built? Was that in 2021; are you familiar with that?

MR. OLIVAS: The original permit was in 2021 and that's why we're submitting for the variance.

MEMBER J.J. GONZALES: When was construction begun? Do you know when construction was begun?

JOSE LARRAÑAGA (Building and Development Services Supervisor): Mr. Chair, Commissioner Gonzales, we don't know exactly when construction started. With the development permits, they have a year to start and two years to finish.

MEMBER J.J. GONZALES: I'll ask that question to the applicant. And the violation was donated by whom; who noted the violated in April?

MR. LARRAÑAGA: Mr. Chair, Commissioner Gonzales, the HOA has a private architect in that area to approve the plans prior to being submitted for permit. And I believe there was somebody who called from the HOA – and said that the walls were up higher than they should be and the architect went out to look at the construction and then contacted County staff and we went out there.

MEMBER J.J. GONZALES: Did anybody come up with a cost estimate of what is required to correct the problems with the height and the retaining walls? I noticed that they said it very expensive to remediate that; any idea?

JOHN LOVATO (Building and Development Supervisor): Mr. Chair, County Commission members, John Lovato, Building and Development Services Supervisor. The actual structure was already almost complete. It was just the outside

shell that was already up and the interior needed to be finished, plaster and whatnot, to be done. So at that point, staff determined that the next level for them would be for them to either submit for a variance or bring the project into compliance and seeing that was impractical, nothing was asked for at that point but given the option of the variance.

MEMBER J.J. GONZALES: The other question I had that I should have asked earlier, did we ever hear this case for a variance back in 2020 or 2021? I recall something like that in the Summit area. They didn't come for a variance at that time?

MR. LOVATO: Mr. Chair, Commissioner Gonzales, that's correct – nobody actually applied for any variances prior to. So this is just one of those things that just occurred.

MEMBER J.J. GONZALES: The plans were submitted to the County. The County reviewed the plans. They approved the plans as submitted with conditions or whatever it was and then it went to the contractor and that's how it got started. So it seems to me that they started construction way before 2023 because in 2023 they found the violation and the house was mostly built. So I was wondering when they started construction and also when they could have determined the height was out of compliance and those are the only questions I have.

MR. LOVATO: Mr. Chair, Commission member Gonzales, yes, I think you're right. They probably began shortly right after 2021 as the permit was approved. And that's probably a question you would ask the owners. But the violation was not found until later when the walls were constructed.

MEMBER J.J. GONZALES: And that's when the County first went out there in April 2023? Is that when you people found out about it?

MR. LOVATO: Mr. Chair, Commissioner Gonzales that is correct.

MEMBER J.J. GONZALES: Okay, thank you.

CHAIR GONZALES: Was there a Notice of Violation issued?

MR. LOVATO: Mr. Chair, Commission members, no there was not because they brought the property into compliance. We gave them a verbal warning and next would be the follow-up of the violation and they were quickly in the offices.

CHAIR GONZALES: Thank you.

MR. LARRAÑAGA: Mr. Chair, just to clarify. The plans that were submitted to the Santa Fe County did meet the code requirements and that's why they were approved.

CHAIR GONZALES: Okay. Eric.

MEMBER AABOE: Okay, Ryan, it appears that because the contractor did not excavate to the required depth the plans that were submitted – the house was not built to the plans that were submitted and approved because the grade of the finished floor needed to be three to five feet lower and so it was because it was hard to dig or for whatever reason – he can't read a transit – he was unable to bring it to proper grade so the house was basically just too high on the site but it was built according to the plans it was just built three to five feet higher than it should have been to meet the code; is that a good summation of what the problem is?

MR. LOVATO: To clarify, are you asking if they did build out to the plans that were submitted or –

MEMBER AABOE: I'm asking – so the house on the site looks like the plans, it is just higher in the air than it should be because the excavation was not done according to those plans; is that about correct?

MR. LOVATO: Mr. Chair, Commission member Aaboe, that is correct. Staff's theory is that they didn't want to have to deal with the rock and that's probably the reason why this occurred and probably the reason why the contractor is no longer working on this project.

MEMBER AABOE: Got it. Thank you.

CHAIR GONZALES: I didn't hear what you said earlier. So in 2021, a variance was granted to build on 30 percent slopes?

MR. LOVATO: Mr. Chair, Commission members, that is incorrect. The actual site is within the buildable, designated buildable area, and was not on 30 percent slope at that point by the slope analysis presented.

CHAIR GONZALES: Okay, thank you. Any other questions of staff?
Wendy.

MEMBER PIERARD: I have a question. So the report said that these structures aren't visible from the public right-of-way; is that correct?

MR. LOVATO: Mr. Chair, Commissioner that is correct. Those photos are provided in the exhibits as well.

MEMBER PIERARD: But someone from the surrounding property noticed that these structures were in violation of the code.

MR. LOVATO: That is correct.

CHAIR GONZALES: Rhea.

MEMBER SERNA: Thank you, Mr. Chair. I have a question for staff. What is the approximate elevation of the site? It says above 7,400 feet.

MR. LOVATO: Mr. Chair, Commission member that is correct. It is about 7,600 feet, 7,700, somewhere in between that area. It could be closer to 7,800 – it just differs because the hillsides are rolling in that area.

MEMBER SERNA: Okay and then a follow-up question regarding to that. So if development takes place on a site that is less than 7,400 feet in elevation what is the maximum height?

MR. LOVATO: Mr. Chair, Commission member, there is no difference between the two elevation points. The only difference would be screening/buffering the site and landscaping, so on and so forth. The height still remains the same as it would for a ridgetop of a 14 flat, 18 pitch. In this case because it steps down, it's 18 per each elevation and no more than 30 overall.

MEMBER SERNA: Thank you.

CHAIR GONZALES: Any other questions of staff?

MEMBER SERNA: Mr. Chair, I have another question.

CHAIR GONZALES: Sure.

MEMBER SERNA: The subdivision is South Summit VIII Subdivision, do you approximately how many vacant lots are in that subdivision?

MR. LOVATO: Mr. Chair, Commission member, that's probably I would say a good 50 still standing in that subdivision.

MEMBER SERNA: Okay.

MR. LOVATO: Because they did a couple of lot-line adjustments and then for a time it went into the City and they did some adjustments and also created some stuff so it's back with the County and that's an approximation.

MEMBER SERNA: Okay, great, thank you.

CHAIR GONZALES: Okay, any other questions of staff. The applicant is present and please come forward. Mr. Sommer, please get yourself sworn in.

[Duly sworn, Karl Sommer, testified as follows:]

KARL SOMMER: My name is Karl Sommer. My address is Post Office Box 2476, Santa Fe, New Mexico here in Santa Fe.

Good afternoon members of the Commission. I'm here with Elizabeth and Todd Sample who are having to go through this because of exactly what Commissioner Aaboe said. This house was permitted and met the code. They went through a rigorous process and you hit it on the head: the contractor did not dig deep enough. Otherwise, the house is built exactly to plan. It just sits higher on the site. The effect of that has been met in that the along the lowest part of the house it goes up above 18 feet. So the highest part of the house is not out of compliance with the code, it is the lowest part of the house that is out of compliance with the code.

What I'd like to do is to go through just how we got here and I'd like to answer Commissioner Gonzales' questions specifically. Construction was begun in April of 2021. Let me get all of your questions answered. You asked, was a cost submitted to determine what would it take to bring it down to 18 feet in those locations. The answer was no. A cost was not determined because it couldn't be done by that point. There is not enough room – you'd have to take the whole roof off, rebuild the walls and then you'd have rooms that had 8-foot ceilings. I don't even know what they'd be really. It would be complete ripping the whole thing down and that's why we didn't go through that exercise. I wanted to answer that question very specifically.

The question was asked by Commissioner Serna how many unbuilt lots are there in the subdivision. The subdivision rambles around the hillside. In this portion of the subdivision there's approximately, I counted up, 10 lots out of 30 that are not built on and around the other side, there are lots of vacate lot that face towards the ski basin and that sort of thing. The lots that are not built on are scattered around. One of the lots that is not built on is the neighbor to the east. He's directly across the road. His lot is higher and I brought a picture so if you're standing on his lot, if you look out here you can see that he looks over this house. So I wanted to answer that question.

Let me go back to how this all started. Todd and Elizabeth went through a rigorous design process. The High Summit Homeowners Association has their set of covenants. The County has its set of covenants. They hired professionals to comply with the code. Commissioner Gonzales/Chairman Gonzales will recall that Santa Fe Summit, this portion of Santa Fe Summit is the portion that is on the west side of the slope. It's down lower. You drive down to get to it. And the lots are fairly steep almost everywhere. They have building envelopes within which the County when the subdivision was approved, approved variances for disturbances of 30 percent that were within the building envelope. So just wanted to --- I think that is what you were referring back to is that these building envelopes have portions of them that have patches of 30 percent because of the terrain. It is a legacy subdivision so if you build within the building envelope

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you're okay. That's the interpretation and the application of the code as it was. I wanted to clarify that.

So this is a lot that is steep. It steps down the hill. So the roadway is above the building site. The building site steps down the side of the hill within the building envelope and it sits kind of on a little round rolling ridge that – not a ridge, but it runs down the side of the hill. And they hired a contractor. They said building the house. It got approved from the HOA, from the County, please build the house. It started in April.

How this all arose was the contractor is suppose to provide surveys as you go along to the HOA. One of the surveys to be provided is siting – making sure that the excavation and the footings and the stem walls have gone is within the building envelope. That was done. What was missing from that which Todd and Elizabeth did not know, was you're supposed to do an elevation survey as well, did not do it. At that time the walls were up. So the HOA later, much later, a year later, came back and said, we need your elevation surveys. An elevation survey was done. It was submitted and that's how this whole thing came up. At that point it was determined and I remember distinctly when this whole elevation thing came up at the HOA and then subsequently at the County, Elizabeth went out to the site and she's on the lowest part of the house walking down, there was a set of steps down to the natural ground and there's only supposed to be six steps. Well, there's six steps but they don't get you to the ground and she raised, Elizabeth said, there's more steps here than are shown on the plans. That speaks to exactly what it is. On the lowest part of the house he did not go down an additional three feet. Todd and Elizabeth did not know this. It gained nothing for them. It has jeopardized their financing. It has jeopardized their relationship with their neighbors. It has jeopardized their relationship with the County. It has done nothing but produce problems. So the question that that answers is, this is clearly not somebody gaming the system.

I brought some photographs that I want to show that shows that the three feet that is too tall on the downside of the house doesn't do anything to their view. You're looking at the same thing you would otherwise look at. I want to make that clear because so often you hear from people who have just simply said, you know, the rules don't apply to me. I'm going to ask for forgiveness later. This is not one of those cases.

CHAIR GONZALES: Karl, I have a question.

MR. SOMMER: Sure.

CHAIR GONZALES: It kind of reminded me of what you're talking about. So these days, the County, the City whenever you're building a house, these days they require, usually soils require over-excavation by four to five feet. So is that not going on up there or did this just get out of whack?

MR. SOMMER: It's not going on up there, Mr. Chairman, because as you'll recall this is bedrock when you get down there they're having to either blast or jackhammer their footings in. So when you get your footing in and you take off the top soil and there's nothing but solid rock and you're cutting trenches into solid rock for the footings. And, unfortunately, he should have gone down another three feet in most cases. At the lowest point of the house, he should have gone down another three feet.

I brought some photographs [*Exhibit 1*] that will show you exactly, that demonstrate exactly what the problem was. May I approach you all?

CHAIR GONZALES: Sure.

MR. SOMMER: These photographs taken by Elizabeth and they show you how – this is the bottom part of the house and these are the retaining walls. And these retaining walls, everything above the redline, less five feet it would be incompliance; right? Everything below is the distance in those locations that he should have gone down deeper in that location.

I wanted to show you these because they demonstrate exactly what the problem was created by this with respect to the retaining walls.

CHAIR GONZALES: Karl, do you remember Mel's house back at the City years ago?

MR. SOMMER: Yes, I do.

CHAIR GONZALES: This reminds me of – the line reminds me of the opposite.

MR. SOMMER: For all of you that remember, somebody climbed on his roof and did an inked line across and painted somebody with a saw saying, when? You're dating yourself and me. In that particular case, and the reason I raise that is I represented Mel in front of the City and it was clear at the hearing that Mel just didn't care about the rules and that's why people were so upset.

CHAIR GONZALES: Right, it's a whole different situation.

MR. SOMMER: Different situation here. When they discovered this, we immediately applied for these variances because practically speaking, there was only thing that can be done and that is to try and mitigate or rip the house down. We are hoping that you will not think that ripping the house down is the correct solution.

What has been the solution? We met with the homeowners association, of course, they were upset. They went into negotiations and after a very intense back and forth, we came up with a remediation plan that negates all of the affects of what the lowest part of the house would be visible from the neighboring properties. And that settlement agreement is part of your packet and so is the landscaping remediation plan. What it does is it has the effect of one, planting trees in locations on the house so that when you're looking at the house you would see normally what you would otherwise see and this mitigation plan also tiers the planting so that it plants in one location, another location so that it screens the retaining walls and screens the house all the way around the house on all sides. As you might imagine, this is going to be expensive to do but it will have the effect of mitigating to the degree that one can mitigate. And it will also resolve the issues with respect to the neighbors and their concerns about the violation with the code and the covenants and, again, this is not something that any owner would want to do to themselves. Yes, ma'am.

MEMBER PIERARD: What has the contractor --

MR. SOMMER: What is the contractor's name; I don't know. He's not with us anymore. We haven't dealt with that. When I first got into it, I did an exhaustive analysis to determine was the topographic stuff wrong. And it just comes clear that that's what happened.

MEMBER PIERARD: So he wasn't contacted and asked, what happened here.

MR. SOMMER: Oh yeah, he was contacted. He's not working for the Samples anymore. I wouldn't be able to give an adequate explanation as to how it happened. It became absolutely clear what happened.

MEMBER PIERARD: Okay, thank you.

CHAIR GONZALES: Is he a local contractor?

MR. SOMMER: Yes, yes, he is.

CHAIR GONZALES: I hope he's not doing any work in the escarpment out there.

MR. SOMMER: I wanted to show you some photographs so – if you're on Hyde Park Road, does that come up on your screens there? If you're on Hyde Park Road going towards 10,000 Waves, at this point on the road you've past on the left the parking lot for the trailhead there, and if you look up there this is what you'll see and as you can see, the house is invisible from there. So this is not an issue where someone is going to come in from Albuquerque and say, what the hell is that on the side of the hill? As close as you are here, this is what you see. You don't see the house. And I want to be absolutely open with you all; I took photographs from across the way at the parking lot. You can see the house there and then I'll talk to you about why the mitigation that we're talking about will work. That's the house taken from the Dale Ball parking lot and this is much higher than the roads there but I wanted you to see that because, in point of fact, you can see this house like you can see all the other houses. You can see that three feet from the lowest part of the house will not lower its profile but those retaining walls might be visible. And the mitigation plan is to take all of the sides that you see there and cover them with trees so that you're looking at like any other house you see up there. I wanted you to see that and I didn't have to bring you this shot but all of us in this room have been up there and looked across there and that's what it looks like and the remediation plan will help that.

This is from the neighbor to the east side that I told Ms. Serna that if you're looking from the east across this is the building site of this person's property. He looks right over the top of this house. So this house hasn't been built in a way that blocks the neighbors view to take advantage of a view and I wanted you to see that from here. You can see the house through the trees there and beyond that is that Sierra [inaudible] I think that is where that comes from.

So this is the house looking from the south. This building site came before you all not too long ago to build on a ridgetop. This is that person's view at the house and the remediation plan, if you look at it, has trees planted all along this side. This portion of the house that you're looking at is not out of compliance with the code. But we're still screening it. I wanted you to see it from their point of view.

This is if you're on the road, you're recall that I told you the road is above the house, this is what the house looks like from the road so it's not like something that sticks up and is towering and that sort of thing. This is below the road you look over this from the road. This side of the house gets planting as well. So that people who are driving by there's trees here. This is just another view of that same thing. This portion of the house is not out of compliance in the sense that it is too high. It meets the code requirements. It is the lower portion of the house.

I wanted to show you this view. This is a view that I took standing at the bottom of the retaining walls on the natural ground. So this is what you look across at the view. So you see that view. And I wanted to show you that this is the view from inside the house. You can see that this is the exact same view. You don't gain anything by lifting the house at this location three feet. Again, I want to emphasize, the mistake is most

unfortunate, costly, distressing all of the things that it has been to the neighborhood, to the Samples, and the amount of time that staff has had to put in is most unfortunate. We are here to ask to the degree that it is reasonably possible to correct this with the remediation plan. That brings me to the final point I'd like to make. You guys go through variances every month, month after month, and you know the criteria and I'm not going to run through each one of them. But I wanted to talk about one that is important and that is, is what we're asking for contrary to the public interest. The public interest in these height limitations is to lower the profile of houses in sensitive areas. That's the public interest. What we're talking about here is that the highest part of this house, the part that is out of compliance, is the lowest part and the remediation plan screens this completely. What we're trying to achieve through the remediation plan is to uphold the public interest which is to mitigate the impacts of development in sensitive areas/mountainous areas. I say that to you because that is really what's behind our request, how do we best fix this without causing a huge and catastrophic impact on the Samples. We're not here because they tried to do something wrong. They are a bit of – they're not a bit of, they are victim as much as the neighbors and everybody else. They are doing their best to mitigate that harm and to bring this into compliance.

I'd like to one, thank staff for the amount of time they put into this and when we first started this they were short staff and it has been – it's a task to handle these cases and they have devoted a lot of time and we have appreciated that.

And the last thing I'd like to say, I think this is your last meeting, Chair Gonzales, and thank you for your service over the many, many, many years. I think it has been at least four years that you've been doing this stuff.

CHAIR GONZALES: No, it's closer to six.

MR. SOMMER: Anyway, thank you. We stand for any questions and Todd or Elizabeth might have a word to say to you all but if you have any questions about how this happened, what happened, what the affects are we'd be glad to answer them.

CHAIR GONZALES: Any questions? Eric.

MEMBER AABOE: Thanks. Karl, I wonder if you would tell me, it appears that the homeowners association has removed any opposition to this so long as the remediation plan is put into effect. If I remember correctly there is also a by the end of 2023 requirement in there. Do you anticipate any problem with the homeowners association if, you can't put a tree in the ground this time of year and –

MR. SOMMER: The settlement agreement covers that and there is a hefty fine for not completing. We have done our best to try and make it but you are correct, we are not going to make that deadline and we will deal with it. I think that the association has been watching and we'll deal with that as we can. But that's the best solution that we could do. They wanted to make sure it gets done because everybody knows you don't want to have to enforce this later. There's a penalty in there.

CHAIR GONZALES: Did you get a decent contractor to finish it?

MR. SOMMER: Yes, we have found somebody who is entirely reliable and has 50 years of experience in this town.

CHAIR GONZALES: Sounds good.

MEMBER J.J. GONZALES: Mr. Chair. I just wanted to say that, Karl, you gave a very compelling explanation of how we got to this situation and you clarified a lot of the questions that I had. So it's very good, thank you.

MR. SOMMER: Thank you. There was one that I wanted to clarify. Jorge Gonzalez who was the structural guy you stamped the original plans. Elizabeth and Todd got him out there to do the inspection of the as-built and that's why his letter is there. He's liable on the original plans and now he is liable on the – when I say liable, he put his stamp on there saying that these are structurally safe. I wanted to let you know.

MEMBER J.J. GONZALES: I didn't see the stamp on the letter. But if you say there's a stamp on that.

MR. SOMMER: Yes, he signed the letter, stamped and dated it. And his stamp is on the original plans.

MEMBER J.J. GONZALES: Thank you.

CHAIR GONZALES: Okay, this is a public hearing does anyone want to come speak on behalf of this project? Please come forward. Okay, I don't see anybody. I'm going to close the public hearing. What's the pleasure of the Commission? Questions, discussion.

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: J.J.

MEMBER J.J. GONZALES: I move to approve case number 23-5180 with staff conditions.

CHAIR GONZALES: Okay, I have a motion for approval. Can I get a second? I'll second it.

MR. SOMMER: Just to clarify, I am sorry to interrupt. That includes the remediation plan because I want to make sure the association is –

MEMBER J.J. GONZALES: Yes, staff conditions and the remediation plan, yes.

CHAIR GONZALES: That's staff condition as well, that one condition.

MEMBER AABOE: Mr. Chair, it might be that staff's condition is already met. Correct me if I am wrong but it says to provide things that it sounds like have been provided, engineering; is that correct?

MR. OLIVAS: Mr. Chair, Commissioner that is correct. That is the one condition we put on the report.

The motion passed by unanimous voice vote.

CHAIR GONZALES: Motion carries. Good luck. Merry Christmas.

6. **Petitions from the Floor** - None were offered.

7. **Communications from the Commission Members**

CHAIR GONZALES: I am going to say thank you all for dealing with me and my fast talking for the last five or six years. I'd also like to leave staff with a consideration/ recommendation for how to address something like this. So maybe you can stop it from happening in the future. At the City when dealing with the escarpment

when we approve something for the heights, we require as a condition of approval an interim inspection at framing stage. That way you can go and do an interim inspection at framing stage – if I’m going to make somebody cut something down, I’d rather do it at framing stage when it’s all rough. So I would say – I know CID would help you guys. Maybe you can talk to the Land Use Administrator and Commissioners and get some sort of policy in there that we can require inspection at framing stage. That makes it easier for us too. So if they ever come back and, well, they didn’t call for a framing inspection. CID will help you and so I would just recommend that you please consider that.

MR. LARRAÑAGA: Thank you, Mr. Chair. We’ll take that into consideration.

CHAIR GONZALES: Thank you.

MEMBER J.J. GONZALES: Mr. Chair. Just one last comment. Thank you. It’s been a pleasure serving with you on this board. I have known you for a long time. Thank you for your service.

CHAIR GONZALES: I also remember that we also served on the EZC together before it became the Planning Commission.

8. **Communications from the Attorney** - None were presented.

9. **Matters from Land Use Staff**

MR. LARRAÑAGA: At this time we would like to take this opportunity to say thank you to Chair Gonzales and Commission Steven Krenz for serving on the Planning Commission. I would like to read this letter of appreciation for your service.

“To Chair Gonzales: Thank you for serving the Santa Fe County Planning Commission for the past several years. Please accept this Certificate of Appreciation on our behalf as a token of our gratitude for your service to Santa Fe County. Thank you,”

And it was signed by the County Manager, Commissioner Hansen the Chair of the BCC.

CHAIR GONZALES: Thank you very much.

10. **Next Planning Commission Meeting: January 18, 2024**

MR. LARRAÑAGA: At the next meeting, January 18th, the Commission will elect a chair and vice chair so start thinking about who you want to elect at that meeting and vice chair Gonzales will start the meeting.

11. **Adjournment**

Best wishes for a Merry Christmas and Happy New Year were expressed by all.

Upon motion by Member J.J. Gonzales and second by Member Aaboe Chair Gonzales declared this meeting adjourned at approximately 4:45 p.m.

Approved by:

Approved by:

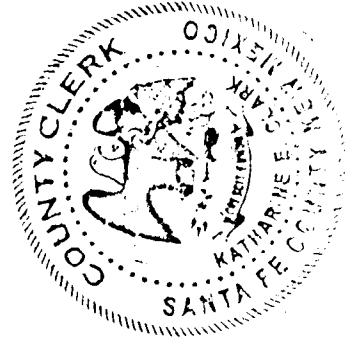
J.J. Gonzales

J.J. Gonzales

Planning Commission

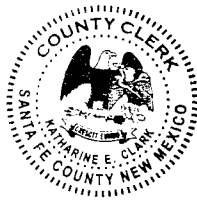
ATTEST TO:

Katharine Clark
KATHARINE CLARK
SANTA FE COUNTY CLERK



Respectfully submitted by:

Karen Farrell
Karen Farrell, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MEETING
PAGES: 15

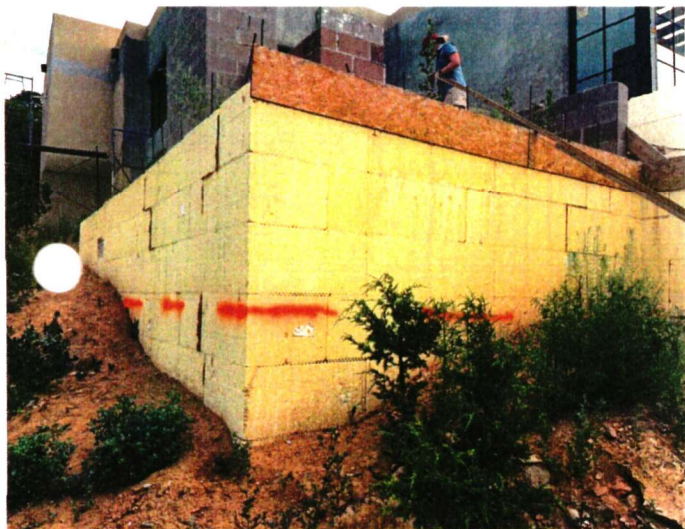
I Hereby Certify That This Instrument Was Filed for
Record On The 23RD Day Of February, 2024 at 08:42:51 AM
And Was Duly Recorded as Instrument # 2028756
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Deputy *Miguel S. Gull* Katharine E. Clark
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 02/23/2024

Back side of house. This is the west side showing 5' mark

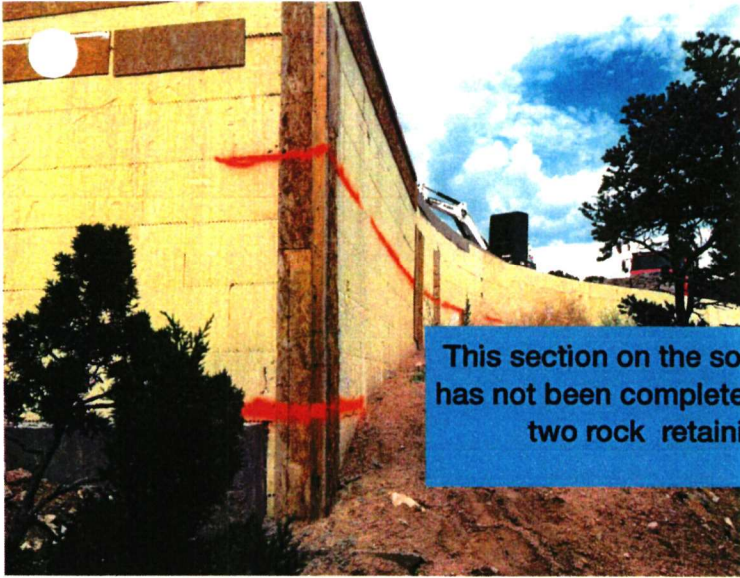
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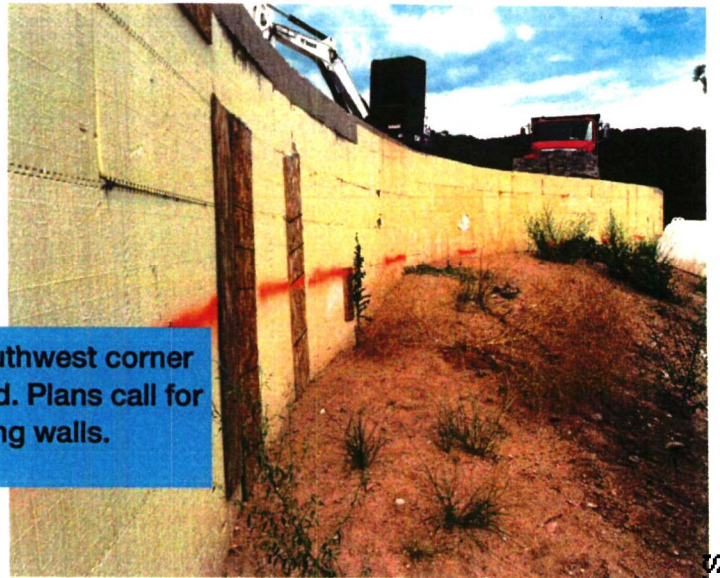
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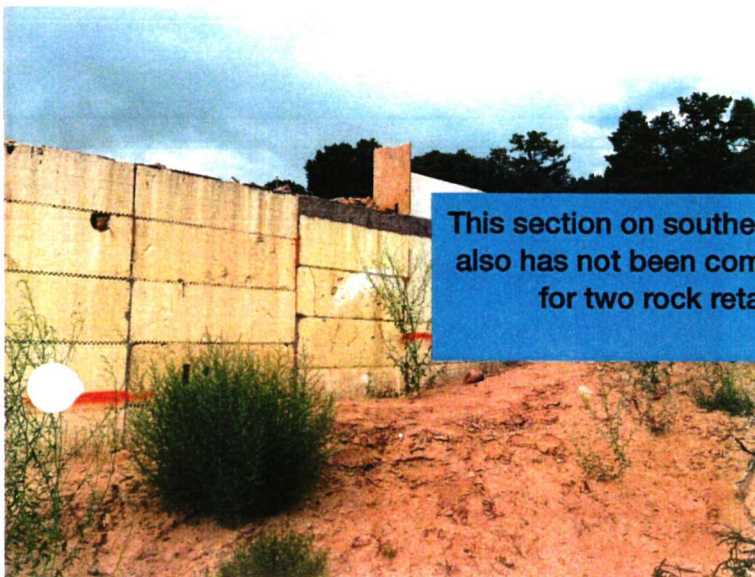
South side of house along drive. Lines show 5' mark.



This section on the southwest corner has not been completed. Plans call for two rock retaining walls.



SFC CLERK RECORDED 02/23/2024



This section on southeast corner of drive also has not been completed. Plans call for two rock retaining walls.