

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

**Santa Fe, New Mexico**

**May 15, 2025**

1. A. This meeting of the Santa Fe County Planning Commission was called to order by Chair Erik Aaboe the above-cited date at approximately 4:30 p.m.

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

**Members Present:**

Erik Aaboe, Chair  
Steve Brugger  
Wendy Pierard  
Jose La Cruz Crawford  
Dan Pava  
Carl Trujillo

**Member(s) Excused:**

Jeremy Mier

**Staff Present:**

Alexandra Ladd, Growth Management Director  
John Lovato, Building & Development Supervisor  
Roger Prucino, Assistant County Attorney  
Dominic Sisneros, Building & Development Supervisor  
David Ruiz, Building & Development Review Specialist

**D. Approval of Agenda**

No changes were offered and Member Brugger moved to approve. His motion was seconded by Member Pierard and passed by unanimous [5-0] voice vote. [Member Trujillo was not present for this action.]

SEC CLERK RECORDED 06/25/2025

2. **Approval of Minutes**  
A. **April 17, 2025 – Meeting Minutes**

Upon motion by Member Pierard and second by Member La Cruz Crawford, the April 17, 2025 minutes were unanimous [5-0] approved. . [Member Trujillo was not present for this action and arrived thereafter.]

3. **Consent Agenda** – No items were presented.

4. **New Business**

**A. CASE #25-5090 David Anchondo, Variance, David Anchondo, Applicant requests a variance of Chapter 9, Table 9.11.2: Dimensional Standards TAP RES-E (Residential Estate) to allow a maximum height of 23 feet. The 3.466-acre site is zoned Residential Estate (RES-E) within the Tres Arroyos Del Poniente Community District Overlay which allows for a maximum height of 18 feet. The site is located at 818 A NM 599 Frontage Rd within Township 17N Range 9E Section 29, (Commission District 2), SDA-2. Parcel ID #99305719. David Ruiz, Case Manager.**

[Case Manager Ruiz read the case caption.]

DAVID RUIZ (Case Manager): Thank you, Mr. Chair. Good afternoon.

The Applicant has obtained a development permit, permit # 24-383, to construct a 5,500 square foot residence. In the process of building a home for his family, Santa Fe County Code Enforcement received a complaint that the height of the residence was not in compliance with the height requirement within the TAP overlay district. Therefore, the applicant received a stop work order from Santa Fe County Code Enforcement.

Santa Fe had had reviewed the approved permit and identified that the permit had been issued in error as the maximum height in base zoning districts is 24 feet in height. The maximum allowable height in the TAP overlay district is 18 feet in height. Staff met with the Applicant to inform the Applicant about the review error and the Applicant agreed to apply for the variance.

The Applicant states, I did all I had in my hands for this to go the smoothest way possible. My permit had been signed and approved a while back, now I'm forced to stop and look for alternatives. There's no way I had inflicted this upon myself since the permit was reviewed with two different departments. The building now is sitting at 23 feet and the code says it should be no higher than 18 feet.

The Applicant has addressed the variance criteria and staff has responded as contained in the memo.

Building and Development Services staff has determined that this application is not in complete compliance with the SLDC, but it seems to be in line with the criteria necessary for granting a variance.

Due to staff oversight, the Applicant has met the variance criteria where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. This causes peculiar and exceptional practical difficulties or exceptional and undue hardship on the Applicant/Owner.

The Hearing Officer Heard this case on April 10, 2025. At the hearing no people spoke for the case and four people spoke against the case. The objections to the case are related to the height of the residence blocking the skyline views from neighboring residences. On April 10, 2025, 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 recommendations of the Hearing Officer, based on the evidence presented, is for denial of the request to allow a variance of height

However, Staff recommends approval to allow the residence at the existing height of 23 feet in height. Staff ensures more thorough reviews of zoning districts and overlay districts to prevent oversights of this nature. Staff would like to impose two conditions to be read as follows:

1. The proposed residence shall be in compliance with all other pertinent requirements of Chapter 9, Section 9.11 Tres Arroyos de Poniente Community Overlay District.
2. Upon completion of the approved development permit the Applicant shall receive a final inspection from Santa Fe Code Enforcement and obtain and certificate of completion.

Mr. Chair, may I enter these conditions into the record.

CHAIR AABOE: Yes, please.

MR. RUIZ: This report and the exhibits listed below, I hereby submit as part of the hearing record. Mr. Chair, at this time I stand for any questions.

CHAIR AABOE: Thank you very much, Mr. Ruiz. Commissioners, do you have any questions of staff at this time? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Chair. Mr. Ruiz, for the record, I didn't notice in the packet that there was a letter from TAC nor the development permit; usually, that's included in the agenda packet.

MR. RUIZ: For the TAC meeting?

MEMBER BRUGGER: Yes.

MR. RUIZ: It was a County staff oversight. So we helped them apply for the application.

MEMBER BRUGGER: Okay another question, when was the development permit issued?

MR. RUIZ: I believe it was in July last year.

MEMBER BRUGGER: And then when was the stop work order issued?

MR. RUIZ: Let's see it was a NOV –

CHAIR AABOE: Mr. Ruiz, I believe I'm looking at the NOV that's dated January 14<sup>th</sup>; is that when the stop work order was issued?

MR. RUIZ: That's correct.

CHAIR AABOE: Of 24?

MEMBER BRUGGER: Maybe 25.

CHAIR AABOE: It says 24.

MEMBER BRUGGER: I'll take 25, thank you.

CHAIR AABOE: Commissioner.

MEMBER PIERARD: I noticed that there was a pre-application neighborhood meeting, but was there a pre-application meeting with staff before a permit was issued?

MR. RUIZ: There was yes, no ---

MR. LOVATO: Hearing Officer just for clarification -- I meant, Mr. Chair, there was a technical advisory committee meeting and there was also a neighborhood meeting.

CHAIR AABOE: Any other questions of staff from any of the Commission?

MEMBER LA CRUZ CRAWFORD: I have a question to follow up on the stop orders. So the stop order that was issued on January 14<sup>th</sup> and I was looking here at the Hearing Officer meeting minutes and it looks like some of the -- a couple of the people that that came to this in opposition had mentioned that the applicant had continued doing work. When staff was there were any pictures taken and where was the status of the construction at the time the stop order was placed and do we know whether construction did continue or not?

MR. RUIZ: I believe they were issued as stop work but since the house was on sheeting they were allowed to protect the materials so that's the only construction that continued after that just to protect the materials.

MEMBER LA CRUZ CRAWFORD: So the trusses and etc. were already in place roof sheeting was already in place at the time?

MR. RUIZ: Correct.

CHAIR AABOE: And just to follow up on that. So the protection it appears to be there's Tyvek or whatever the roof membrane is before you put the actual roof on. That's what I understood the additional work was it wasn't adding new sheeting or continuing the work it was basically just putting that -- we used to use tarpaper in my day but now it's some kind of submembrane for the roof; is that correct?

MR. RUIZ: That's correct.

CHAIR AABOE: And there was as I read in the record, there was some communication with staff to allow that to be applied.

MR. RUIZ: That's correct. On the last hearing, we allowed them to do to finish the protection of the material protection.

CHAIR AABOE: Protection of the material, thanks. And so if I were go to the site right now it would look like the photos where the OSB is exposed and there's white plastic on the roof?

MR. RUIZ: That's correct.

CHAIR AABOE: Thank you.

MEMBER LA CRUZ CRAWFORD: Furthermore, I guess I just have a question with the staff as far as, like because I know, going in for permitting one of the first things you know staff generally does is just look at the zoning map. The SLDC interactive map, you can just pull it up on an address and it comes up with the information as far as what the overlay zone is etc. So I'm just curious you know how often this kind of potential error happens by staff and if what is there that staff and County can do to make sure they improve moving forward because that is one of the simplest things that should be the first thing staff does.

MR. RUIZ: Right, so I don't have an exact number on permits on that area but we have average about 30 permits a year on Tres Arroyos del Poniente, in there's different variables depending on the zoning of the residence. It was again an oversight.

MR. LOVATO: Mr. Chair, Commission members, just for clarity on that as well we rarely make this type of error. We do have a new map link which we were utilizing and did not pull over overlays. It could have been the possibility that when the permit was reviewed they utilized that map link instead of our GIS mapping which does break down the zoning district. So it's a good possibility that occurred and went through the process. But these are very minimum. We see maybe one every seven to 10 years that happen.

CHAIR AABOE: Any further questions from Commissioners.  
Commissioner Pava.

MEMBER PAVA: Thank you. For Mr. Ruiz. In this area within the boundaries of the Tres Arroyos del Poniente plans, would staff happen to know how many other structures exceed the 18 foot height limit and if there are any other exceptions?

MR. RUIZ: I have not looked into that sir.

MR. LOVATO: Mr. Chair, Commission members, there are approximately four to six pre-code structures that exceed the height limitations. But there's one directly north and east to that structure that is also a two-story. This is not a two-story. This is a single story but the residence is a two story.'

MEMBER PAVA: Whether it's a one or a two story, it would still under Tres Arroyos Overlay it would still be 18 feet.

MR. LOVATO: Mr. Chair, Commission Member Pava, that is correct.

MEMBER PAVA: And have other variances to height been granted to our knowledge in Tres Arroyos?

MR. LOVATO: Mr. Chair, Commissioner Pava, I believe there has not been.

MEMBER PAVA: Okay, thank you.

MR. LOVATO: Mr. Chair, Commissioner Pava, just for clarity, there is an individual that lives next door to this property which was granted a deviation of about a foot and a half above the 18 height max limitation due to drainage concerns rolling into her into her garage so she needed a level area so that way one portion of the residence exceeded that 18 height and went 1 foot 8 inches above that.

MEMBER PAVA: Was that done administratively?

MR. LOVATO: Mr. Chair, Commission Member Pava, that was done administratively.

MEMBER PAVA: The reason I asked these questions is when I looked at the aerial of the surrounding area provided in the in the staff packet for us, there's not a huge number of homes anywhere in the vicinity, the one you mentioned perhaps. It's still a sparsely developed area at least from the view that was provided to us.

MR. LOVATO: Mr. Chair. Commission Member Pava, that is correct and also I just want to note for just for the Board for geographical reasons just north of this is what is I believe the -- what is the care facility; I can't think of it. But it's a the --

CHAIR AABOE: The senior care facility?

MR. LOVATO: The senior care facility which is a three story unit.

MEMBER PAVA: The Legacy development near Aldea. I'm familiar with that. My daughter worked there for a while. And then you have on the City side you have some fairly high apartments. It's the city, different jurisdiction, different zoning I get all that and this does have a the Tres Arroyos overlay which is specifically designed by people a few decades ago to keep certain aesthetic in mind, so I get that.

MR. LOVATO: Mr. Chair, for a better lack [inaudible] we do have portions that are in the Agua Fria overlay across the street from 599, the interior portion, the other side is Tres Arroyos. So there's some mix and match. You do have two story units on the right hand side. You have this one unit along with several others that are there on the left hand side which is County jurisdiction. The intent was so that you didn't have this huge corridor with double – two story structures; just for clarity and so you guys understand the logistics of the area.

MEMBER PAVA: On final follow up, would staff happen to know and I know there are some state land parcels out there and those state land parcels are being advertised by the Land Commissioner as being available for development along the 599 corridor; are these parcels very close to Tres Arroyos or are they further away? Anybody can answer that.

MR. LOVATO: Mr. Chair, Commission Member Pava, there are several state land offices as well as city properties that are fairly close to Tres Arroyos and not quite implemented because they have their own jurisdiction. But once they become I would think that the County would amend their ordinance to include those properties as they'll be under County jurisdiction.

MEMBER PAVA: Yeah, thank you. It kind of reminds me, long ago I was a planner in Albuquerque and we did a plan for Coors corridor and I'm talking about 40 years ago so that dates me. But um there were places like Tres Arroyos. There's a place called Alban Hills that when you drive by it today, there are minimum 5- acre lots and there are development requirements. It has not changed while everything else around it certainly has changed as things have evolved. So it seems to be kind of a natural factor with growth and development.

CHAIR AABOE: Any other questions of staff from the Commission?

MEMBER LA CRUZ CRAWFORD: Just one kind of follow up on that to just clarify. So only four to five structures prior to the SLDC that are higher than 18?

MR. LOVATO: Mr. Chair, Commission Member Crawford, that is correct. That's to staff's knowledge, there may be some more tucked back in the back.

MEMBER LA CRUZ CRAWFORD: And is staff aware whether and I know that sometimes these overlay districts get revisited. I know they're doing that like up in the Tesuque area, etc. So just kind of curious is there any anticipated yeah, just that, you know, that the zoning district is being revisited by the community to potentially adjust any of their regulations?

MR. LOVATO: Mr. Chair, Commission Member Crawford, the County typically the Planning Department usually updates plans every 10 years, 8 to 10 years, sometimes sooner. I believe this one's very much up for update and this is something that could affect surrounding properties and that they could change the logistics of this area.

CHAIR AABOE: Thank you, Commissioners; any further questions?  
Thank you very much, Mr. Ruiz.

MR. RUIZ: Thank you, Mr. Chair.

CHAIR AABOE: Is the applicant or is the applicant here?

[Duly sworn, David Anchondo, testified as follows:]

DAVID ANCHONDO: David Anchondo, 4300 Paseo de la Acequia. So like David stated, I applied for the permit. I tried it was a pretty long process but I tried to have everything in line. Everything seemed that was in my favor until I actually was like a year after. Starting this year the building I guess was too high, obviously, it was too tall and it seems like it upset some neighbors. So I mean I understand it's somewhat in between views or something but I feel like it's just a matter of you know community growing as well you know. I think if this would have been done I mean if I would have been known that, Hey you can't build a house this tall I would have taken it everything back but right now I'm in a really tight situation because I mean where are the funds going to come from to reslope the house, bring it down. I'm not talking about just cutting the roof. We need to buy new trusses. We need to redeck the house. I mean all the sheeting you know up on the roof. I'm all for being compliant but which is why I'm here applying for the variance, obviously, but like I said I was trying to do this the smoothest and easiest way to not have you know neighbors upset, you know, anything like that and just to do it the best to just as a community as well because I'm going to be living there so I wouldn't want to be on any neighbor's bad side either.

That's pretty much it. I think the introduction was pretty self-explanatory. I applied for the permit, it was signed and provided for me and to me that was done the right way. Everything out of that after that is just out of my hands and I think that's pretty much all for me.

CHAIR AABOE: Thanks, thanks very much. So I think I read in the materials that we had that this house was actually designed for a different site but acquisition of that property fell through -- can you describe what happened there?

MR. ANCHONDO: Yes. So basically I had purchase, I mean having a set of plans is not cheap and I'm pretty sure you guys understand, so I had the plans for a couple years already which was designed for another lot but it just fell through. So I came across this property back in 2020 so when I purchased it that's when I intended to do.

CHAIR AABOE: And so, just to follow up, so then did the same person who designed the house for the other property prepare a site plan and do that kind of stuff to make it appropriate for this property or did you just have the plans and then someone else did that for you?

MR. ANCHONDO: Well, I basically just provided the plans and we fitted them onto the, you know, the scale or I don't know what it's called really but you know where it the actual lot.

CHAIR AABOE: Yes, so usually the first sheet shows the site plan where is this --

MR. ANCHONDO: Yes, like the elevations and stuff all that.

CHAIR AABOE: So you had the designer prepare the plans for a different location and then when that purchase fell through you used those plans for this but you didn't have that designer still -- you didn't still have him on board with you.

MR. ANCHONDO: No.

CHAIR AABOE: Okay, thanks very much. Commissioners do you have other questions for the applicant? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Mr. Anchondo, who is the architect of record who did these plans?

MR. ANCHONDO: I would have to go back in my file because I don't have the name off the top of my head. I know his name is Mark but I don't know how his business is named.

MEMBER BRUGGER: Okay. Did you get a building permit from CID for this?

MR. ANCHONDO: Yes.

MEMBER BRUGGER: You do.

MR. ANCHONDO: That's why I stated that it was reviewed by two different buildings you know -- offices basically with the County and CID.

MEMBER BRUGGER: Have you done any worst case projections as far as what the cost would be to comply?

MR. ANCHONDO: No, I have not.

MEMBER BRUGGER: I assume it's a lot.

MR. ANCHONDO: Yeah. I mean, I would not even want to get into it because I mean it's just out of my budget and it's not something I'm willing to do.

MEMBER BRUGGER: Thank you.

MR. SISNEROS: Mr. Chair, Commission Members, I just wanted to bring up I think it was Commissioner Crawford that had asked about items in place to kind of assure that this doesn't happen in the future. I can let you know that I am part of the staff that's building the online permitting system for residential permits and I have implemented a second workflow so that way more eyes can see these projects after the initial review. So we are implementing some practices to help us with this in the future to make sure this doesn't happen again.

CHAIR AABOE: Thanks very much. Any other questions from any of the Commissioners for the applicant? Commissioner Trujillo.

MEMBER TRUJILLO: Thank you, Mr. Chair. I'm looking at the photos here and to cut this, and in my opinion, I do building as well. but the idea is to cut this building by 5 foot; is that Correct, that that's what I understanding this to be?

MR. ANCHONDO: What I was thinking was that the County officers had told me it was about 3 feet and a couple, because it's sitting at 23 they said that I have like a foot, and I don't know, I'm bad with the names, but I guess I mean we just need about 3 feet and a half that was for the variance but to cut it's going to be at least 4 feet.

CHAIR AABOE: Commissioner Trujillo, I believe there's a 10 percent variance that staff can administratively apply. So that gets the 18 1.8 yeah so just to clear that up.

MEMBER TRUJILLO: So I apologize for being in here late, I really do. And so as I understand this case is that this was approved by the County and permits were obtained by the County and CID; construction started and you had called CID for all the different steps from foundation to plumbing inspections slab inspection, everything up to this point.

MR. ANCHONDO: Yes, so the house, like I said it's just framed right now. There's no extensive construction other than the slab, the foundation, and the



framing of the house. I [inaudible] in the roof which was the extra work that the, you know, neighbors had said that I was doing. But like I said, no, there's no -- I mean to answer your question there's really, I mean, I don't even know what to how to put it but I totally like can you just repeat the question again? What was it again?

MEMBER TRUJILLO: Well, so up to this point, you've as you've built you've obtained all the proper inspections by CID to get you to this point?

MR. ANCHONDO: Oh yeah, everything has been done the proper way, yes.

MEMBER TRUJILLO: Okay. And as I look at this structure I see the slope of the lower roof and whatever that slope is a 512 or 612, 412 that's the same contiguous slope that you have on that higher pitch and so it's that's what adds the attraction to the home. I mean in order to lower this it's going to change this whole dynamic and really look awkward for something that you've been spent a lot of money and time and investment for. I'm assuming it's for you and your family.

MR. ANCHONDO: Correct.

MEMBER TRUJILLO: And so I look at this and I realize how much work's gone into this and so I have a deep appreciation for this. Looking at it feasibly to try and cut this down whatever the number is 3.5 feet will certainly be a lot of work and it's really not that easy so from that perspective I'm just looking at this and trying to understand the whole thing but I appreciate your testimony today.

MR. ANCHONDO: Thank you/

CHAIR AABOE: Any other questions from Commissioners for the applicant? Commissioner Crawford.

MEMBER LA CRUZ CRAWFORD: Yeah. So thank you for answering some of the questions because I was trying to also figure out the architect scenario on this because obviously this is a pretty large house, you know, 5,500 square feet and stuff. It's obviously going to be a very expensive house to build. So you've got I know a lot of money invested in this so I and looking like I said just like Commissioner Trujillo mentioned there is definitely a lot of time effort put into this. And I think you're kind of stuck in a really difficult situation with this. But I'm trying to look at it and wondering, you know, so you had some set of plans my understanding you had some set of plans that were developed by an architect for a previous sit. So I guess you did not acquire a local architect or another architect at the time for the permitting of this structure correct?

MR. ANCHONDO: It was the same guy -- the same guy that made the plans back in 2019 he did make them -- basically I took them back to him so that I didn't have to pay the whole amount for the set of plans. I just had him basically switch the location to --

MEMBER LA CRUZ CRAWFORD: Okay got you. So I'm looking at the plans too and I don't see a stamp on there. So was this a licensed architect that you hired or just an architectural drafter or designer --

MR. ANCHONDO: He is should be, I mean, I think it is a an actual architect. Like I said I mean I can provide the name but I don't have it off the top of my head right now. I would have to look into my email.

MEMBER LA CRUZ CRAWFORD: And that's where I'm, I mean, this is where I have kind of a potential issue on my end is that, yeah if you've got an architect involved that is the first thing -- I'm an architect -- so that's the first thing we do, right, is

we look at dimensional standards and that's basic stuff, you know, when we're looking, you know, we're going to build building in a particular area if you've got a professional involved that professional should have definitely done their job. You as a homeowner, obviously you have some leniency there as a layman. You're not a professional so you may not necessarily know development codes. But even so I, think the onus is towards if you're going to build something, even if you don't have an architect involved, I think you should make sure you know and do your due diligence to find out what should be done what's allowed uh in your particular area. In particular when you're dealing with like a large residence like this. And I'm looking at these plants too and I'm like, yeah, it's hard because there's the 10 percent deviation so deviations you're dealing with maybe 3 foot 2 three inches or whatever that you might have to drop down if you get the 10 percent deviation, maybe you could shore up the whole entire roof line and then cut it down but you're dealing with having to get rid of your small clerestory window, there is that one large window or that set of three large windows on the front so I guess another question to you is have you already ordered your window package?

MR. ANCHONDO: I do have my windows.

MEMBER LA CRUZ CRAWFORD: All right. Mr. Trujillo might have a comment or something to mention.

MEMBER TRUJILLO: I do have a comment. My comment is that under New Mexico law you do not have to be a licensed architect to design and build and submit for a single family residence. And so for this individual he could have done these plans himself for all given purposes and so if anybody goes to submit plans as an individual and the County stamps them, in my opinion and they've reviewed them. then he's passed the muster, so to speak, then they move on to the next phase. And now Construction Industry looks at these plans and in most cases Construction Industry that's why we have inspectors because they go out there and they look at the physical presence as the structure is built. So whether an architect stamped these plans or not because it's a single-family residence he's met what's required by code and by law. And so for that reason, I think he's done what his due diligence in this whole process is my feeling.

CHAIR AABOE: Commissioner.

MEMBER PIERARD: Yes, I agree. I don't think it matters who the architect was. When they came to the County to get the permit um that's when it should have been caught; right? I mean they're the experts. You know, a lot of people, we say you should you read the land use plan read the code. A lot of people don't. They should because there's a lot of really good information in it. But you're relying on the people you hired and you're relying on the County staff. You did everything right. You got your permits. This is just a mistake that doesn't happen very often but it happened in this time.

MEMBER TRUJILLO: If I may, Mr. Chairman. Even to today, an individual can still draw their own plans in this state for a single-family residence. Now I'm not talking about commercial. I'm not talking about multi-family, but they can. This gentleman could have drawn these plans and submitted it to the County and gone through the whole process whether it was him or somebody else that's actually doesn't matter. He's following proper procedure at that point. And so I just want to state that, thank you.

CHAIR AABOE: Thank you. It's interesting having a builder and an architect on the Commission and this particular conversation. Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. And we don't need to debate this but in any event whoever does the plans, as Commissioner Crawford said, whoever does it whether it's an individual or whether it's an architect they have or you have the responsibility to know the codes and the plans under which you operate. That's it. Yeah, there's human error but you have that responsibility as well. So we don't need to debate it, but I did want to add that.

CHAIR AABOE: Sure, any other questions for the applicant from the Commission? Okay, thank you very, sir. This is a public hearing and anybody interested in speaking either in support of or in opposition to this application? If so please come forward to the microphone be sworn in, thank you.

MR. SISNEROS: Mr. Chair, Commission members, I do just want to address members online that if you are willing to speak on this matter please remain muted until you're called upon and use your virtual hand to indicate that you wish to speak on this matter.

[Duly sworn, Louisa Spraul, testified as follows:]

LOUISA SPRAUL: Luisa Spraul, 8 Camino del Prado, Santa Fe 87507. I had a question regarding this last couple of things said. My husband is a building and he's built about 130 homes in Santa Fe in the City and the County both. We live in Puesta del Sol which is right next to the house they're building. My husband is a designer and a builder but he is not an architect. He has to have his plan signed by either an engineer, an engineer who has a current stamp/current dated stamp or an architect. But he has to have the engineer stamp. And the engineer does know the ordinances and he does know the law regarding height restrictions etc. So I was wondering does this is there an engineer stamp on these plans.

CHAIR AABOE: Thank you, ma'am. Please provide your comments -- I think the question you're asking is where the trusses properly engineered --

MS. SPRAUL: No, no, I'm asking --

CHAIR AABOE: -- is outside the scope --

MS. SPRAUL: No, I'm asking about the slab, everything, all of the house has to have engineering on the entire house not just, you know, to hold up the roof, etc. It has nothing to do with what you're what you were suggesting. So it has to be stamped as you submit.

MEMBER LA CRUZ CRAWFORD: I can answer to a little bit to that and staff can probably answer as well. Mr. Trujillo is actually correct with respect to New Mexico code. So you don't need to have a licensed architect involved for residential design up to two stories or unless you're actually using some sort of alternative material. Once you're using alternative material or after a certain -- sorry after, yeah, after three stories, then you're required to have a registered licensed professional to do it whether that's an architect or an engineer. I think what you're getting at is that foundation systems, for instance, tend to be engineered by a licensed structural engineer but as far as the actual set of plans, Commissioner Trujillo is correct that any homeowner can come and submit a set of plans essentially without it.

MS. SPRAUL: Without an engineering stamp.

MEMBER LA CRUZ CRAWFORD: Without a license.

MS. SPRAUL: But what about grading and drainage plans; those have to be done by a civil engineer.

CHAIR AABOE: Ma'am, could you please provide your comments rather than start a back –

MS. SPRAUL: Oh, I'm sorry, I feel that that engineers also have to be held responsible for the plans too.

CHAIR AABOE: I'm sorry, that was your comment? My apologies.

MS. SPRAUL: Yeah, that was my comment.

CHAIR AABOE: Okay, thank you very much. Is anyone else interested in speaking either for or against this application?

[Duly sworn, Ann Noble, testified as follows:]

ANN NOBLE: Ann Noble, 40 Calle Verada, Santa Fe, New Mexico.

Mr. Chair, Commissioners, I have lived in the Tres Arroyos neighborhood for the past 27 years. I spent many hours and met with many of my neighbors working on the TAP plan which set forth the 18 foot height ordinance so many years ago. During the ensuing years many, many homes have been built in the area. They all abided by the 18-foot ordinance leading to a visually low impact rural area.

I think that Mr. Anchondo's home should do the same. I realize that something went wrong when the County mistakenly approved his building permit and I feel for Mr. Anchondo. However, I think that he should have reviewed the County building codes for the area he was building in before he submitted his plans to the County in the first place. I think that that is what every other builder does and I cannot understand how he was so remiss in not doing that before any plans were submitted for review.

It's a terrible situation but it does not preclude the fact that this house should not go against the County ordinances and guidelines and I feel that he should not be allowed to proceed. I hope he can work with the County to remediate the problem but not by giving him a variance that would ultimately probably set precedents for builders to ignore the height restrictions in the future.

Thank you.

CHAIR AABOE: Thank you, ma'am. Is anyone else in the room interested in speaking either in support of or in opposition to this application?

[Duly sworn, Carey McBride, testified as follows:]

CAREY MCBRIDE: Carey McBride, 35 Camino Espejo, Santa Fe, 87507.

Members of the Board and Mr. Anchondo, just want to say as a neighbor that this is a really unfortunate situation and we all really feel for Mr. Anchondo. We met in February on the street, a whole group of neighbors, and some of the information today is a little bit new for me. I recall Mr. Anchondo sharing that the architect didn't pay attention to the code and that wasn't his fault and now I've learned that it was actually a design for a different plot of land that then was just applied to the current existing land. But nonetheless the discussion was held around the architect's responsibility to know the height restrict restrictions. And also I may be confused but I thought Mr. Anchondo is the builder, he mentioned that. And so we had discussion that day that as a builder we need to know the code as well. And so it was unfortunate um that he did not know that there was the height restrictions.

So nonetheless this is a very unfortunate situation. It's a terrible mistake. A grievous mistake made by the County staff and I would urge you all to uphold the

recommendation of the Hearing Officer who's saying to deny the variance. Thank you so much.

CHAIR AABOE: Thank you, ma'am. Anyone else in the room interested in speaking either for or against this application? How about online do we have any folks interested in speaking?

MR. SISNEROS: Yes, Mr. Chair, Commission Members, we have Tom Terwilliger on line. Tom, please unmute yourself

[Duly sworn, Tom Terwilliger, testified as follows:]

TOM TERWILLIGER: Thomas C Terwilliger, 68 Camino Espejo. Santa Fe 87507.

I was the leader of the Tres Arroyos del Poniente planning group. And this planning group met for about a decade. Had members from around the TAP area with some coming from as far as south southern New Mexico. The planning group operated by consensus so everyone had to agree on all aspects of the plan and anyone could participate. A key vision of the plan is to preserve the rural character of the community. The 18-foot height limit was agreed upon and was part of that plan. The plan was presented to the entire community at public meetings that were announced to all property owners in the TAP area and in news releases in June 24<sup>th</sup> and 30<sup>th</sup> of 2015. It was approved by the County and is a County code as 2015. The proposed variance is a 5 foot increase in height above that 18 foot limit and the house as it's been built illustrates that 18 foot was actually a very good limit. Viewed from 599, the big highway, the part that's over 18 foot sticks up above the skyline. The house towers over all the neighbors even dominating the neighboring pre-code house that is a little over 18 feet. It's quite far from the senior center and not visible at the same time from 599. It is clearly inconsistent with the vision and the code of the TAP plan.

The applicant did hold a public meeting, as we heard earlier on, in February he stated, as he did again today, that if he had known of the 18-foot limit he would have been fine with it. After the variance meeting in April, the applicant told several of us that he first had the house designed and then decided afterwards where to put it this is what we just heard again he added then that he had not researched the building codes for the site when he where he decided to build the house. So if the variance is approved I believe it would be cause permanent harm to the community by changing the character of the area not just this house but the many variances that will surely follow using this one as a precedent. People won't remember that this one was an exception for a special, special reason. A variance is clearly contrary to the public interest county staff argues as they made a mistake in permitting a variance should be approved, however, the fundamental mistake was that the house was built out of compliance with County code. The clerical error on the part of County staff only delayed the County becoming aware of this violation.

I feel very sorry for the applicant as others have stated as well. But he made a serious error but the County staff did not notice it and that's very unfortunate. It's not reasonable to ask the TAP community to suffer just because the County staff inadvertently allowed the applicant to start building when they should have denied the permit. I encourage you to decline this variance, thank you.

CHAIR AABOE: Thank you, sir. Is there anyone else online who wishes to speak either for in support of or opposition to this application?

MR. SISNEROS: Yes, Mr. Chair, Commissioners, there is Toby G; Toby G, please unmute yourself

[Duly sworn, Toby Gass, testified as follows:]

TOBY GASS: Toby Gass, 68 Camino Espejo. I am here digitally as a 30-plus year resident of the area covered by the TAP plan and I support the Hearing Officer's Recommendation. The TAP plan was many years in the making with considerable investment by many community residents and county staff. The staff report in the packet for this meeting says that the four speakers at the earlier hearing were concerned about the views from the neighboring properties and does not mention any other concerns voiced by the speakers. I encourage you to revisit the Hearing Officer's summary and the transcripts of the meeting where you will see that the views were mentioned but were not the major issue. The major issue was honoring the TAP plan and its objectives.

One of my main concerns is for the precedent that granting this variance could set. The Anchondo home is not only 23-feet high it is also on a high point in the landscape. The closer pre-code house that also exceeds the 18-foot height limit is on a low point in the landscape making one extremely visible from the surrounding area and the other barely visible at all.

Granting this variance in violation of the TAP plan requirements would create a very visible non-conforming structure that would encourage others to build something similar. Last year a request for a 10 percent administrative variance for a nearby property was denied when the property owner saw the roof line for the Anchondo structure she came back to the County to complain and her 10 percent variance was granted that is the neighboring variance that Mr. Ruiz mentioned. So that variance has only been granted in specific response already to the Anchondo house. It is the first step of a likely domino effect that would pressure the County to consider more and more variance requests within the TAP boundaries.

Fundamentally, we have to ask why we are talking about a variance in this case which we all understand is very unfortunate for Mr. Anchondo, the County made a mistake by issuing a permit for a structure that violates County code which is an administrative error. Another error was likely made when Mr. Anchondo was allowed to do additional work to quote unquote protect his investment when a tarp or a tent might have done the job. Where the code talks about variances for exceptional circumstances or hardship I don't think it is referring to situations resulting from administrative error. I believe it is referring to unusual construction needs perhaps for accessibility for a disabled individual or something related to the site conditions or historic preservation. It seems to me that the question of the variance should be considered as if that permit had never been issued. Suppose the building were not now under construction and Mr. Anchondo were requesting a variance for this 23-foot high building to accommodate the dormer windows; does this building meet the criteria for issuing a variance? As far as I can tell it does not. The purpose of the variance process is to address particular construction situations not to remedy administrative error. This situation likely should have been handled very differently and sent through different channels from the time the permitting error was discovered and it should be sent through those channels now.

For these reasons and those presented by others today I support the Hearing Officer's recommendation and request that the variance be denied. Thank you.

CHAIR AABOE: Thank you, ma'am.

MR. SISNEROS: Mr. Chair, Planning Commission Members, we have an additional uh member online who wishes to speak on this matter. All there is is initials E and R. If you will please unmute your mic.

[Duly sworn, Edward Rivera, testified as follows:]

EDWARD RIVERA: Edward Rivera. I live at 10 Calle Carla. I'm sorry to say that I think the variance should be denied. I keep hearing that this is the fault of the County. But I also believe that due diligence due diligence was not completely followed through. It is the responsibility of the owner, the builder, the architect and the County so I'm sorry to say but I think this variance should be denied.

CHAIR AABOE: Thank you, sir. [There were no other speakers on this case.] We'll now close the public hearing. Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair, for recognizing me. I have a couple questions for staff now that we've heard staff presentation and that of the applicant and those comments from the public. I'm looking at Exhibit C page A1 which does show me a representation, it's the plat. And this lot is about a more or less a 1,000 feet long and 135 feet wide. It's not atypical in Santa Fe we have situations like this from former land uses and how land was divided and all of that. So my question is when you look at the elevation gradient the differences this lot ranges from 6,726 feet to if I've got this right 6,748 there's a 22 foot difference in elevation on this lot from south to north. And I, one want to know what the code definition of defining the mean elevation to determine the variance would be, because even if it was the mean and there's a 22 foot difference you may have an 11 feet to play with. I know that the house has been built on the highest spot. I'm wondering because of this if we interpret the code strictly is there the possibility that this structure need not have a variance at all based on the mean elevation of the lot or are we strictly talking about no matter from where it's actually located which pretty much is the highest elevation on the lot, and you're measuring it only from that spot because this lot varies greatly in its elevations.

MR. LOVATO: Mr. Chair, and Planning Commission Members, and Commission Member Pava, there's a couple of features on this lot that prohibits buildable area. One is to the back end of it which is open space and that's a low-end point where it starts to drop off. While this house does sit on the highest point it does not it is not prohibited to put that house where it is unless it's was labeled as a ridgetop. So, yes, it's the highest point.

I do understand your question about the height standards and so the way height is taken is from any elevation of the uppermost point of that structure to the lowest most point of that structure is the height of that elevation. Should that elevation exceed the limit requirements then they need to address that. But any house whether it been a mobile home or a single-family residence that was 5,000 square feet and sprawled out on this property rather than upward or you know for the clear height ceilings would have required would have been allowed on this lot no matter where you placed it if they met all the right code requirements.

MEMBER PAVA: Thank you for the clarification. It's just a very unusual lot with a lot of elevation difference and other codes and other times I've seen different interpretations personally that I've made so I wanted the clarification as specific to this case in Santa Fe County.

MR. LOVATO: Mr. Chair, Commission members, there are many lots that are long and narrow on this stretch here and that was due to when 599 came through a lot of these lots got spread separated and they were already long contiguous lots that created all the way into Agua Fria's area.

CHAIR AABOE: Thank you, Commissioner Pava. Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Question for legal on this one, some of the public testimony that had been raised was mentioned that if a variance was approved in this situation, even if it's an extraordinary situation, it could set a precedent that others could use um to build in excess of 18 feet. Is there a way to guard against that or if this variance is approved for whatever reason then the precedent has been set. It seems to me it's two issues: one, what happens in this situation which is just flat-out difficult for everybody; and the second thing is what happens in the future if others say Mr. Anchondo did, it I can do it. Is there any way to guard against that?

ROGER PRUCINO (Asst. County Attorney): Generally speaking, Mr. Chair, Commissioner Brugger, you know precedent is based on the facts and circumstances of any individual case. So for a future property owner to successfully rely on this as precedent if you were to approve this application the circumstances would need to be identical or very similar. And obviously the most important factual aspect of this situation is the mistake by the County. So long as a decision if it were to grant the variance if the decision were to make it clear that your motivation for that decision is in fact the error by the County and the reliance of the applicant on the approval, the permit, that was granted other parties would not be able to rely on that as precedent to simply say we should be allowed to go to 23 feet under any normal circumstances. Does that answer your question?

MEMBER TRUJILLO: So, Mr. Chair, can I follow up on that? So, Roger you guys have the code that you're following and there's other HOAs all over Santa Fe County that have their specific HOA rules. So now is -- shouldn't an HOA be responsible for looking over the plans before they bring them to you or give some sort of approval because now at this point you're not only responsible for the SLDC code you're responsible for every other HOA code across the whole county. And it seems -- could seem kind of unreasonable for your staff to be responsible for all of that. It seems like some of the ownership should be on the HOA that has to go through some sort of approval process and say yes this does not meet these requirements.

MR. PRUCINO: If I understand your question I think you're absolutely right, Commissioner Trujillo. The County as a general broad practice does not enforce private covenants against individual land owners. The County only enforces the SLDC with respect to those types of covenants. And just as a matter of common sense and personal knowledge it's my impression that most active homeowner associations do have a procedure and a process in place by which a landowner hoping to or intending to build a residence on the parcel is expected to take the plans before the HOA or an architectural review committee of the HOA, and get approval of those plans in advance. If an owner is required to do that and doesn't do it and again that's not a County enforcement issue that's privately enforced as between the homeowners association and the land owner but

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the County's obligation is solely to enforce the dimensional standards set forth in the SLDC.

MEMBER TRUJILLO: That's where I've had a little outage here because we kept saying the County's fault, the County's fault and I don't purely look at this as the County's fault.

Let me ask you just one quick question in the in the Hearing Officer's report on number 9, it says staff I testified there were several structures in the vicinity of the property that also exceed 18 feet in height is that within this own HOA area?

CHAIR AABOE: I want to get something straight. My understanding is this is not an HOA. My understanding is that the neighbors got together and created an overlay district to be apply applied as part of County zoning. So it's a little different just want to get that clear thanks.

Cy: So then let me just ask you question number 9; staff testified there are other several other structures in the vicinity of the property that exceed 18 feet in height; is that correct?

MR. LOVATO: Mr. Chair, Commissioner Trujillo, can you repeat that question.

MEMBER TRUJILLO: In the Hearing Officer's recommendation number 9, says staff testified there are several other structures in the vicinity of the property that also exceed 18 feet in height.

MR. LOVATO: Mr. Chair, Commissioner Trujillo, there is two other structures that are located adjacent to this parcel and about a good 12 that are opposite side of 599 which are within the Agua Fria zoning district.

CHAIR AABOE: And those are pre-overlay district. Those were constructed pre-overlay district as I read the materials.

MR. LOVATO: Mr. Chair, just for clarity, the ones on the Tres Arroyos side are pre but the others on the Agua Fria side are –

CHAIR AABOE: But they're outside the district, got it. Thank you. Sorry, Commissioner.

MEMBER TRUJILLO: No problem, Mr. Chair. If we're ready I'm ready to –

CHAIR AABOE: Commissioner anything further.

MEMBER BRUGGER: Thank you, Mr. Chair. I wasn't quite ready. Just a comment, thank you, Mr. Chair for stating that community district overlay is part of the code and if I understand correctly that that was created as part of a community plan that was done that people participated in. And it's -- this a difficult situation because if we want people to participate in community planning efforts that result in something like this it's important that some of the restrictions are acknowledged. This is an unusual situation but still it's a it's a real issue. That's my comment.

CHAIR AABOE: Thank you, Commissioner.

MEMBER PIERARD: I would agree with you if they came in with plans to have a 23-foot house but they said, Oh no you have to do 18. And then they okay then they can you know revise their plans to accordingly. But this happened after they received a permit and the house is built. To me that is totally different. I've reviewed a lot of projects and sometimes they come in and they're not correct. You catch those before someone actually builds a structure and then will cost him a lot of money to take down. I

understand about the community overlay and about precedent setting but if someone wants to come in they'd have to come in again and they'd have to apply for variance and have to go through all of this discussion that we're having with this. I just think this is an unusual situation that isn't fair on any level.

CHAIR AABOE: Thank you, I have a question for I have a question for Roger, if I could. One of the online commenters indicated that extraordinary and exceptional situations or conditions of the property really only relate to conditions of the property. But the way I read that sentence is where due to extraordinary and exceptional situations stop, or conditions of the property stop. I see those as two distinct elements to apply and I disagree with the commenter's interpretation that it's all about the property or access or something like that. I just want your, off the cuff admittedly, but your opinion on how you read that phrase in the code.

MR. PRUCINO: Certainly, Mr. Chair, I do think there can be different interpretations given to whether the phrase extraordinary and exceptional is used to modify situations only or does it also modify conditions of the property. As you read it and you for emphasis inserted a comma after situations which is not an unreasonable reading in fact.

CHAIR AABOE: That's all I'm asking really: is that one reasonable way to interpret that? That an extraordinary and exceptional situation might be this administrative situation rather than it must be tied to the property that's at issue. I'm just trying to understand whoever wrote this what were they -- am I reading this properly?

MR. PRUCINO: I think your reading is certainly reasonable.

CHAIR AABOE: Okay, thank you, thank you very much. Commissioner Pava.

MEMBER PAVA: My final and last comment I promise. Thank you, Mr. Chair. For Mr. Prucino, this is a quasi-judicial hearing that's appealable to the County Commission; right?

MR. PRUCINO: Yes, that is correct.

MEMBER PAVA: So whether we vote to deny or whether we vote for approve those affected parties can then make an appeal to Commission.

MR. PRUCINO: Presumably, that's accurate.

MEMBER PAVA: Thank you.

MEMBER LA CRUZ CRAWFORD: I've got some things to say I guess. On a general comment, Mr. Trujillo you bring up an interesting point this is more again like a planning and zoning department scenario but we do have these overlay zones which are not HOAs right, but they are essentially have been established by the community to determine these regulations that everybody in the community has decided to enact. It's interesting though with your comment as far as like whether there is a venue for these overlay zone districts to have their own quasi agency to be able to review stuff that's coming through that's being done in their particular district so that all the onus of review is not strictly on the staff. Which I think is kind of an interesting thing to just bring up as something that maybe planning and zoning should consider for future. That's one comment.

The other comment that I have is with respect to precedence some of the people that have been against this has mentioned that this is setting the precedence with respect

to the height and I don't me personally I don't think that's necessarily my concern is not the precedence for this particular height in this particular overlay district. But for me I'm worried about setting the precedence of the fact that we as a board would essentially or could approve something just based on a staff error that means that anybody in the future could submit something incorrectly because like the commissioner mentioned, people don't look at the code, they don't review it. I've got -- I'm hearing people say, Hey it's not necessarily the onus of the individuals to necessarily review it. Which means that this could happen often if we are not putting the onus on individuals to submit something and look at it themselves whether they have a professional or they're submitting it themselves. Then that means that we're putting the onus on staff to essentially review that and either make an error or not. And that's a precedence that I don't necessarily agree. And a legal question I guess is how protected I guess is the County with respect to like the Tort Claims Act, that's a question for you, Roger, if this were to be denied, because obviously there is some legal ramifications to any one of these decisions that we make potentially.

MR. PRUCINO: Well, I will not hold myself out as a litigation expert or an expert in the Tort Claims Act, but yes you're right it is out there um it does provide broad protection to the County for assertions of damages. The other potential claim or cause of action could be something for not damages necessarily but a claim of estoppels or reliance. And whether that would succeed or not obviously I'm not in position to opine on and I don't think it would be appropriate to opine on that in public. But those types of claims are not prohibited against governmental entities necessarily. That is something that's out there to be aware of.

MEMBER LA CRUZ CRAWFORD: Okay, and yes so that's really, I guess, my concern partially is the precedence with respect to, you know, error on staff should not necessarily mean that there would be an approval of a project right. That's something that shouldn't necessarily be a fact. I mean the regulations are in place so that people should actually meet this and I'm standing here -- I'm a rookie here right this is my second meeting here. But I kind of am looking at this as a community member right. It's like this is a community scenario we are looking at the public interest. I have to look at this as an individual case because I totally I mean I feel like the applicant here is in a in a really difficult situation you know but if I look at this as a community we've got an overlay zone. we've got several people who have come against this particular variance and I think one of the key things and one of the people, Toby, she mentioned something about the fact would the variance have been approved if it was not under construction already right that's something that I thought was kind of interesting and should a variance be approved based on staff error. Those are a couple things that I'm just trying to think about because this is a difficult situation but I do think that there's, yeah, there's definitely some -- the applicant I think is going to be in a really bad shape if we deny it obviously and I'm hearing some approvals towards approval too. But those are a couple of the comments that I just wanted to mention on my behalf.

CHAIR AABOE: Thank you, Commissioner. Yes, Commissioner Trujillo.

MEMBER TRUJILLO: Mr. Chair, I make a motion that we approve variance case 25-5090 with staff recommendations, of case number one, for do pass.

MEMBER PIERARD: I will second.

CHAIR AABOE: We have a motion and a second. Can we get a roll call vote, please.

MR. LOVATO: Mr. Chair, before we got further, was that with both staff conditions?

CHAIR AABOE: I believe he indicated that it was with staff conditions.

MR. LOVATO: Thank you, Mr. Chair.

**The motion passed by majority [4-2] roll call vote as follows:**

Carl Trujillo	Yes
Dan Pava	Yes
Steve Brugger	No
Wendy Pierard	Yes
Jose La Cruz Crawford	No
Erik Aaboe, Chair	Yes

CHAIR AABOE: Thank you very much. That concludes this case, thank you.

**B. Case #25-5040, Ridgeline Manufacturing, Conditional Use Permit (CUP), Matias Roybal, Applicant, is requesting approval of a Conditional Use Permit (CUP) to operate a manufacturing business from their 67.10-acre parcel. The property is zoned Residential Estate (RES-E) in the Rural Commercial Overlay Zone (O-RC). Chapter 8.11.2.4, states that a manufacturing business is a CUP within the Rural Commercial Overlay. The subject property is located at 3236 NM 41 (Commission District 3)**

MR. SISNEROS: Good evening, Dominic J. Sisneros Building & Development Supervisor with the Growth Management Department. [Mr. Sisneros read the case caption]

The applicant proposes to construct a 2,800 foot accessory structure/garage on this property to operate a manufacturing business and utilize the second floor as his office. The applicant is requesting approval of a conditional use permit for a manufacturing business to manufacture parts for Sandia and Los Alamos Laboratories.

The use of the structure will be for operating CNC machines, materials, metals and plastic composites and small tool storage. There will be one non-resident employee and the operating hours will be Monday through Friday 7:00 a.m. to 6:00 p.m. There will be approximately four visits per month from clients as all deliveries will be coming through the partial deliveries such as USPS, FedEx and UPS.

The existing residence on the property was built prior to 1980 and will not require permitting. The stables as well were built prior to 1980. No permits were found for the existing carport as well as the existing garage. During a scheduled site visit by staff on March 4 2025, it was identified that the applicant had started grading without a development permit.

The subject property is zoned residential estate in the rural commercial overlay zone. Chapter 8.11.2.4 this zoning allows for manufacturing business as a CUP within the rural commercial overlay zone as per residential estates there can be one

dwelling per 2.5 acres base density.

The applicant addressed and staff reviewed the applicable design standards as per Chapter 7, sustainable design standards of the SLDC. Building and development services staff has reviewed this project for compliance with the pertinent SLDC requirements and any relevant ordinances and has found that the facts presented support the request for a conditional use permit to allow a manufacturing business. The use is compatible with the current development within the affected zoning districts. The use will not impact adjacent land uses and the applicant satisfies the submittal requirements set forth in the SLDC inclusive of the conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from staff, County Fire and review from County staff have established findings that the application is approved to allow a manufacturing business is in compliance with the state requirements and SLDC including the pertinent design standards.

The Hearing Officer heard this case on April 10 2025. At the hearing no people spoke in support of the case and no people spoke against the case. The Hearing Officer memorialized findings of facts and conclusion of law and in a recommended order on this request.

The recommendation of the Hearing Officer and staff's recommendation is for approval of a conditional use permit to allow the use of a manufacturing business subject to the following conditions. Chair, may I enter these conditions into the record?

CHAIR AABOE: Yes, please do.

Conditions:

1. The Applicant shall obtain a Santa Fe County Business License.
2. The Applicant shall have approval from the State Engineers office for a Commercial Well
3. The dumpster will need to be screened as per Chapter 7, Section 7.20.2.3
4. The Applicant will be required to provide engineering calculations of the required retention pond as well as a required cistern for roof catchment as per Chapter 7, Section 7.17 per the SLDC.
5. All lights on the proposed building shall be down light and shielded.
6. All parking requirements set forth in Chapter 7, Section 7.10 in the SLDC shall be followed.
7. The Applicant shall adhere to all Federal, State and Local Government regulations for Noise and Air quality.
8. After The Fact Permitting will be required for the existing Garage and Carport, as well as for the Grading that has been started on the property.

MR. SISNEROS: The report and exhibits listed below are hereby submitted as part of the hearing record. I stand for any questions.

CHAIR AABOE: Commissioners, do you have any questions for staff? Commissioner Crawford.

MEMBER LA CRUZ CRAWFORD: Just a quick clarification, because I was looking at this and it's like as far as the wells are concerned and I know this is not a planning and zoning jurisdiction for us but I'm just curious because there was some

discrepancy there. So my understanding when I was reading is that there's two wells, two current existing wells; is that correct? And that one of them is being used as a shared well between the residences and then there's also some comment about a commercial well that would be, I guess, requested by the by the applicant. I'm just trying to clarify is it is there just one well, two wells, three wells?

MR. SISNEROS: Mr. Chair, commission Member Crawford, that is correct there are two wells on the property.

MEMBER LA CRUZ CRAWFORD: So are they applying for a separate commercial well.

MR. SISNEROS: That is correct they will be applying for a separate commercial well.

MEMBER LA CRUZ CRAWFORD: Or a third well?

MR. SISNEROS: No, no that's using one of the wells to convert one of the existing domestic wells to a commercial well.

MEMBER PIERARD: Was one of the wells used for irrigation like pivot irrigation?

MR. SISNEROS: I believe so. The applicant is not present but they are online. They may be able to answer those questions.

CHAIR AABOE: We'll get to you in a second, applicant, if you can hold on. Thank you. Do Commissioners have any other questions of staff? I understand the applicant is with us virtually and so if you could please unmute and be sworn in.

[Duly sworn, Matt Roybal testified as follows:]

MATT ROYBAL: 3236 New Mexico 41, Stanley, New Mexico 87056.

So, in regards to the questions on the well. I don't believe that is in your guys' jurisdiction but with the State Office of the Engineer which we've already made provisions with. But just to clarify for you guys, yes -- hold on one sec -- so there are no commercial wells on the property to be defined commercial per the State Office of the Engineer. The well that's on there is an agriculture well. It's a high producing well for agricultural purposes it runs two irrigation pivots on the well. There's a separate well that was so the current -- so in the process of this application we actually had to redrill the residential well because of lack of water so we had to redrill it deeper. Obviously, that was all permitted through the State Office of the Engineer, and it was permitted in such a way that allowed the use of this property and that's all been confirmed with the SOE. Does that answer your questions in regards to the wells?

MEMBER LA CRUZ CRAWFORD: Yes, thank you.

CHAIR AABOE: Do any Commissioners have question? Applicant, are you interested in making a statement or would you just like to respond to questions?

MR. ROYBAL: I'd be happy to respond to questions. I don't think there's any other statements that are necessary unless you guys have specific questions.

CHAIR AABOE: I am just wondering so you're going to be running CNC machines and um making components that you will sell to Sandia and whatever and so all the materials you're using are not at all things that need special containment or anything?

MR. ROYBAL: No, they're not. So we are a what we would I guess define as a light manufacturing facility we do CNC manufacturing as well as additive advanced manufacturing. We offer engineering services and manufacturing and we serve industries like the defense and energy industries that are local here in New Mexico as

well as the medical device industries. We manufacture components so we take blocks of aluminum steels and plastics even and we'll machine them down very tight tolerance stuff that is in support -- a lot of the work we do is in support of the national labs. So we do small quantity production, high tolerance type stuff. Essentially what we're doing is we have a facility that is located about 30 minutes from our current location. The current location is property is also my residence we are a small business. And so we're looking to kind of consolidate so that way we're able to just not nothing to do with you guys -- but just to manage our time a little bit better between the farm and our manufacturing businesses is why we're looking to move this facility to our current property. Our current property is in an area where we're able -- the facility we're building is going to look no different than the barns that are all over around not on my property but everybody else's property as well. There's no impact to the outside surroundings area. Everything is housed inside the building and we're machining things like aluminums and steels like I said. Nothing reactive there's no environmental impacts to our business really at all.

CHAIR AABOE: And your millings are all contained and recycled or you know addressed, right?

MR. ROYBAL: Absolutely. Yeah, we recycle 100 percent of our our millings.

CHAIR AABOE: Thank you. Commissioners, anyone else have questions of the applicant? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Mr. Roybal, if this is approved will you be applying to Construction Industries Division for a permit for construction for the garage?

MR. ROYBAL: Absolutely. We already have plans in process with architects and so as soon as this gets approved those plans will be submitted and we will begin construction.

MEMBER BRUGGER: Thank you.

MR. ROYBAL: On approval of those plans, of course.

MEMBER BRUGGER: Okay, I think you've answered this but just ask it again for the record. Will any hazardous waste be handled on site?

MR. ROYBAL: No.

MEMBER BRUGGER: Thank you.

CHAIR AABOE: Any other questions from Commissioners for the applicant? Thank you. Staff are there any parties online who are interested in speaking on this?

MR. LOVATO: Mr. Chair, there doesn't seem to be anyone that has their virtual hand raised to speak on this matter.

CHAIR AABOE: There being no comments, let's close the public hearing and Commissioners what are your wishes?

MEMBER PIERARD: I can put a motion out. For case 25-5040 Ridgeline Manufacturing, I motion to approve the Conditional Use Permit for case 25-5040 for Ridgeline Manufacturing, including all of the conditions outlined by staff.

MEMBER TRUJILLO: Second.

CHAIR AABOE: Motion and a second. May I get a roll call vote, please.

**The motion passed by unanimous [6-0] roll call vote as follows:**

Carl Trujillo	Yes
Dan Pava	Yes
Steve Brugger	Yes
Wendy Pierard	Yes
Jose La Cruz Crawford	Yes
Erik Aaboe, Chair	Yes

**C. CASE #24-5330 Verizon New Wireless Communication Facility Conditional Use Permit (CUP). Verizon/Sun State Towers, Applicant, Pinnacle Consulting Inc, Agent, request a Conditional Use Permit to allow the placement of a new 150' wireless communication facility within the proposed leased area (Section 10.17). The site is within the Agricultural/Ranching (A/R) Zoning District. Table 10-3 allows for a height of 150 feet within the A/R Zoning District. Appendix B, Use Matrix, illustrates that a new wireless communication facility within the A/R Zoning District is Conditional Use (CUP). The site is located at 364 Lone Mountain Rd. SDA-3, within Section 6, Township 12 North, Range 8 East (Commission District 3). Parcel ID # 99305463. John Lovato, Case Manager.**

MR. LOVATO: Thank you, Mr. Chair. [Reads the case caption as shown above.] The applicant states, We are proposing a new 150 foot tall monopole wireless communication facility with the 40x40 by 8-foot tall fenced compound for associated ground equipment. The wireless facility and mounted antenna equipment will be painted a tan color to blend with the surrounding contacts as approved by the property owner and community members. The panel antennas will be located at on the approved facility at a centerline elevation 146 and grouped in three stories for full spectrum coverage. Each sector each sector can hold up to four panel antennas and the tower will have lease space for three additional carriers in the future, co-locatables. Placed in a vacant area with no plans for future development this site is ideally located near existing tall utility poles and away from high occupancy areas.

The construction phase is relatively fast and will be done upon receiving all necessary approvals. Once construction is complete these end man facilities will require minimal site visits for service and maintenance ensuring little to no impact on daily activities of the surrounding community.

The applicant has addressed the CUP criteria and staff has responded to the applicant's requests as contained in this memo.

On April 10, 2025, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of facts and conclusion of law in a Recommended Order on this request. The Hearing Officer, based on the evidence presented, recommended Approval of the applicants Conditional Use Permit with conditions proposed by Staff.

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 Conditional Use Permit to construct a monopole 150 feet in height. The facility meets the purpose and intent outlined in Section 10.17.2 of the SLDC; the



use/structure will not impact adjacent land uses; and the application satisfies the submittal requirements set forth in the SLDC inclusive of the Conditional Use Criteria set forth in Chapter 4, Section 4.9.6.5.

Staff recommends approval of the Conditional Use Permit to construct a monopole 150 feet in height within the 40'x40' leased area, located at 364 Lone Mountain Road subject to the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIR AABOE: Yes, please.

Conditions:

1. The CUP 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 4.9.6.8.
2. All Federal, State and Local Government codes to be met.
3. Applicant to obtain all necessary Development and Building permits from Santa Fe County and the Construction Industries Division (CID) of the State of New Mexico.
4. Applicant to comply with all review agency's comments.pg. 14
5. The maximum height of the wireless communication facility (monopole) shall not exceed 150' in height, inclusive of antenna.
6. The current New Mexico Department of Transportation (NMDOT) access permit will expire June of 2025. If expired before recordation period applicant shall obtain a new NMDOT permit and shall be submitted with the Development permit application.

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

CHAIR AABOE: Commissioners, do we have any questions of staff? Sir, would you like to make a presentation for the application? Thank you.

[Duly sworn, David Klucznik, testified as follows:]

DAVID KLUCZNIK: 17755 North 89<sup>th</sup> Drive, Peoria, Arizona.

So just to reiterate what he -- as the planners have said I mean everybody's done a really good job --

CHAIR AABOE: Please lift the mice up, thank you.

MR. KLUCZNIK: As the planner stated a lot of the project narrative that he already kind of you know put together was in there but just kind of why we went on this location itself. So to begin with Verizon has identified the need for service surrounding the NM14 and the community surrounding it. There's a dire need for emergency services to be able to make calls to car accidents, homeowners in the area all of those things there's a dire need for not only Verizon but for all wireless communication carriers in the area.

Specifically why this location was picked on the parcel itself we work together with the community members specifically you know the surrounding neighborhood and the Turquoise Trail to come to this location due to the mountainous terrain in the area as well as the existing power lines and lattice lines in the area to be as least intrusive as possible for the community.

CHAIR AABOE: Commissioners does anyone have questions of the applicant? Please.

MEMBER PIERARD: Was is the rest of the land use for?

MR. KLUCZNIK: It's undeveloped cattle land with no future development plans. It looks like mostly ranching, you know, grazing land. There's A lot of cow pies on the land. But a lot of you know mountainous terrain undeveloped with no future plans/

CHAIR AABOE: Commissioner Brugger.

MEMBER BRUGGER: Mr. Chair, thank you. Mr. Klucznik, did I that?

MR. KLUCZNIK: Yeah, really close.

MEMBER BRUGGER: You mentioned in the mentioned in the report that noise of the generator and general equipment it's very minimal; like how minimal in decibels?

MR. KLUCZNIK: To begin with it's a generator for emergency purposes only, of course, right. So it's not going to be on at all times I don't have the exact decibel meters but it's always going to be below the minimum requirements due to the fact that it's never really going to be on except for emergency situations where power is lost in the area.

MEMBER BRUGGER: Like below 80?

MR. KLUCZNIK: Yes, it should be. It's going to be just a normal, I believe in this case the generator is going to be very minimal below that normal decibel range.

MEMBER BRUGGER: You mentioned that you would do geotechnical investigations on this and when –

MR. KLUCZNIK: Yes, there will be. So we will of course apply for those in the initial portion of the application due to, you know, usually those things are ordered after the approval just due to the amount of, you know, the cost for those things. So we requested relief at the time of that for the application but we will abide by all federal state and local guidelines.

MEMBER BRUGGER: And then CID does the general building inspection for this and the electrical?

MR. KLUCZNIK: So in this case what we've been informed, so Santa Fe County will do -- we'll have the building permits through Santa Fe County and then we will go through NMCID as well, NMCID is usually just going to issue the electrical permits for said wireless facilities.

MEMBER BRUGGER: Okay, that's all I have, thank you.

CHAIR AABOE: Any other questions from any other Commissioners? I've got a few. I believe one of the photos it indicated that this monopole is going to be adjacent to some transmission lines.

MR. KLUCZNIK: Correct.

CHAIR AABOE: Is that where you're going to be getting your power? Is there a drop from the existing distribution line that you can get power from?

MR. KLUCZNIK: So there's actually normal power lines just below those self-support lattice so that's where we're going to pull power from not the massive high voltage –

CHAIR AABOE: So there's transmission and then distribution and tap into there off the transformer.

MR. KLUCZNIK: Correct.

CHAIR AABOE: The other question I have is the way this works: Verizon builds this builds this and puts their equipment on and then is there like an open auction so that other carriers can kind of glom onto it or how does that work?

MR. KLUCZNIK: Good, yeah, so us at -- so Pinnacle Consulting/Sunset Towers will be the tower owner right. And then Verizon will be the anchor tenant at the 146-foot center line as it would be called. The tower is built to accommodate three additional carriers on the tower so 10 feet below that 146 will be the other three carriers: 146 is Verizon, 26 all the way down for the additional carriers. I know in the area there is a small tenant pool for AT&T that would be looking to usually immediately get on the higher elevations so that they can increase service. But of course what it comes down to is when the need in the area is there which we can all attest to it really is a need in the area. They've identified the need as well so they'd be looking to get on the on the built tower as well.

CHAIR AABOE: Got it. So if T-Mobile comes to you all as the owner and says, we would like to put our equipment there, that's something that you could accommodate?

MR. KLUCZNIK: Yea, 100 percent. That's the reason it's built two additional -- four additional carriers.

CHAIR AABOE: The first one's called the anchor tenant and then the remainder just kind of as the opportunity arises.

MR. KLUCZNIK: Yes, sir.

CHAIR AABOE: Interesting, thank you. Any other questions of the applicant? Is there anyone -- not in the room -- anyone online interested in speaking either for or against this?

MR. SISNEROS: Mr. Chair, there's no one online wishing to speak on this matter.

CHAIR AABOE: Okay, so the public hearing is now closed. What is the interest of the Commission.

MEMBER BRUGGER: Mr. Chair, I'll move to approve case number 24-5330 with all staff conditions as set forth in the staff report.

MEMBER PIERARD: I'll second.

CHAIR AABOE: Thank you. Can we have a roll call vote.

**The motion passed by unanimous [6-0] roll call vote as follows:**

Carl Trujillo	Yes
Dan Pava	Yes
Steve Brugger	Yes
Wendy Pierard	Yes
Jose La Cruz Crawford	Yes
Erik Aaboe, Chair	Yes

5. Petitions from the Floor - None were presented.

6. Communications from the Commission Members

Commissioner Pave asked for information regarding recent staff changes. Ms. Sisneros said former Land Use Administrator John Yutzy is no longer with the County. Division Director Alexandra Ladd is serving as acting administrator. The position was posted and closed recently. Staff is multi-tasking and interviews are starting this week.

7. Communications from the Attorney – None were presented.

8. Matters from Land Use Staff – None were presented.

9. Next Planning Commission Meeting: Wednesday, June 18, 2025

10. Adjournment

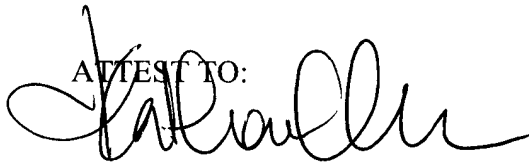
With no further business to come before this Commission, Commissioner Trujillo moved to adjourn and Chair Aaboe declared this meeting adjourned at approximately 6:10 p.m.

Approved by:



Erik Aaboe, Chair  
Planning Commission

ATTEST TO:



KATHARINE CLARK  
SANTA FE COUNTY CLERK

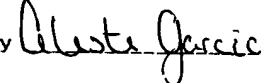
Respectfully submitted by:

Karen Farrell, Wordswork.

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss PLANNING COMMISSION MI  
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I Hereby Certify That This Instrument Was Filed for  
Record On The 25TH Day Of June, 2025 at 11:50:46 AM  
and Was Duly Recorded as Instrument # 2061469  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy  County Clerk, Santa Fe, NM  
Katharine E. Clark

