

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

**Santa Fe, New Mexico**

**June 18, 2025**

1. A. This meeting of the Santa Fe County Planning Commission called to order by Chair Erik Aaboe on the above-cited date at approximately 4:00 p.m.

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

**Members Present:**

Erik Aaboe, Chair  
Steve Brugger  
Jose La Cruz-Crawford  
Jeremy Mier  
Dan Pava

**Member(s) Excused:**

Wendy Pierard  
Carl Trujillo

**Staff Present:**

Alexandra Ladd, Growth Management Director  
John Lovato, Building & Development Supervisor  
Roger Prucino, Assistant County Attorney  
Dominic Sisneros, Building & Development Supervisor  
Marie Martinez, Building & Development Case Manager  
Destiny Romero, Building & Development Case Manager  
Joseph Scala, Building & Development Case Manager

**D Approval of Agenda**

Mr. Sisneros noted that item 5.F., Village of La Bajada Community Plan, will be heard as the first item and items 5.D and E. are tabled.

Upon motion by Member Mier and second by Member Brugger, the agenda was unanimously [5-0] approved as amended.

2. **Approval of Minutes: March 21, 2024**

A. **May 15, 2025 Planning Commission Meeting Minutes**

The following corrections were noted:

SFC CLERK RECORDED 07/21/2025

Page 17. Cy: should be MEMBER TRUJILLO:

Page 25: CHAIR AABOE: Please lift the ~~mice~~ mic up, thank you.

Member Brugger moved to approve the minutes as corrected. Member Mier seconded and the motion passed by unanimous [5-0] voice vote.

3. **Miscellaneous Agenda**

A. **Case # 24-5170-Angelo Abeyta, Applicant, Sommer Karnes & Associates LLP (Karl Sommer), Agent request a Variance of Chapter 8, Table 8-5: Dimensional standards A/R (agriculture/Ranching) (A/R) to create a two (2)-lot residential subdivision of a parcel of land consisting of 2.00 acres +, and a 6.00 acre+ lot. The subject property lies within the A/R (agriculture/Ranching) zoning district which allows for 1single family residence per 160 acres. The property is located at 0 Ojo De La Vaca. SDA-3, (Commission District 3). Case Manager, Jessica Gonzales**

Member Pava moved to approve and Member La Cruz Crawford seconded. The motion passed by unanimous [5-0] voice vote.

4. **Consent Agenda**

**Case #24-5250 James and Jeanette Wood Variance. James and Jeanette Wood., Applicant request a variance of Chapter 10 Section 10.4.2.3 (Building and Site Design Standards) RES-E of the SLDC regarding the secondary access. The site is within Township 15 North, Range 9 East, Section 13 within the Eldorado at Santa Fe. The property is located at 4 Herrada Court (Commission District 5). SDA-2 Parcel ID # 128311605. Marie L. Martinez, Case Manager**

Upon motion by Member Brugger and second by Member Pava, the consent agenda was unanimously [5-0] approved.

5. **New Business**

F. **2025 Village of La Bajada Community Plan: Recommendation for Approval of the 2025 Village of La Bajada Community Plan for Adoption by the Board of County Commissioners**

JOSEPH SCALA: Good evening, Chair and Commissioners. I will have a presentation up shortly. So I will give a brief presentation about just giving a little more context for the community plan. So the village of La Bajada is a rural unincorporated community located in Santa Fe County within Commission District 3. So you can see here it's in the southwestern portion of this frame but its western most portion of the county. The village lies entirely within the boundaries of Pueblo Cochiti. The Santa Fe River flows through La Bajada. La Bajada is the last settlement that the river flows through before reaching Cochiti Lake.

With a small tight knit population of approximately 26 residents the village is characterized by its historic acequias, agricultural traditions, scenic landscapes. The

community effort community's planning efforts aim to balance preservation of its rural identity with sustainable growth and infrastructure improvements.

In April of 2017 the Village of La Bajada Community Association submitted a letter of intent to request authorization to initiate the community planning process. The SLDC Section 2.1.4, states that community plans are intended to permit communities to recommend adoption of particular land use regulations based on the need and goals of the community and to subsequently update plans as necessary due to changing circumstances.

The Board of County Commissioners established a planning committee and authorized the community planning process for the La Bajada Community District via Resolution 2017-55. The La Bajada planning committee is coordinated through the County Planning Division in accordance with the SLDC and participation on the planning committee was open to all community members throughout the process. Notification was sent to property owners at the planning initiation phase, midway point and to inform property owners of the community wide meetings to review and provide public comments on the draft plan.

Village of La Bajada Planning Committee comprises members of is comprised of members from La Bajada land owners, residents, community stakeholders as well as the La Bajada Community Ditch and Mutual Domestics Association. They first met on Saturday July 15, 2017 and have met relatively frequently up until 2020 when meetings were moved remotely due to the COVID 19 pandemic and in 2024 meetings resumed in person in the village of La Bajada as well as the County Administrative complex. The community planning meetings were open for public participation throughout the process and new members were always welcome.

So just to get into the plan a little bit it's comprised of three sections. The introduction, the plan elements as outlined in the SGMP and the implementation and goals.

Before getting into it, here's a view of the existing land use map and the future land use map. This outlines the existing land use and the parcel data to the to the left and then to the right is the future land use with that data and the proposed overlays that will be further expanded upon in the when we develop the La Bajada Community District Overlay. You see a rural commercial overlay to the northeast and an agricultural overlay to the southwest.

So for the introduction, it establishes the who, what, where and how of this process Who is affected, who is responsible for doing what, what is this plan, what does it entail, where does where the County lie in all of this and where does La Bajada's geography play into some of these land use decisions. And how does this community plan impact the future of La Bajada.

This section also gives specific attention to the historic context of the village dating back to its Spanish Colonial settlement with the La Majada grant as well as provides some demographic information.

The plan elements, this is in coordination with the SGMP the land use element economic development agricultural and ranching all of these elements consist of the existing conditions and concerns or opportunities related to each element. At the end of each section for each element we have the goals strategies and actions that are then compiled in the third section so you can see them all together. And these goal strategies

and actions attempt to address the concerns and opportunities – so ways in which that those could be those could be addressed/supported by different actors. Again, identifying who will carry out each strategy and just those roles and responsibilities.

Some of the key issues and solutions that were identified by the community. One of the first and perhaps the most important to the community would be the verification of the community boundaries via a cadastral survey. This is not something the County could do obviously but this is something that the community has expressed interest in petitioning the Secretary of the Interior to perform a cadastral survey as outlined in public law 98344, I believe it was. And this kind of supports some of the other issues and solutions that they've identified particularly related to infrastructure and access, the maintenance and improvement of the rural roadways, La Bajada Road was granted – it was an easement granted by Pueblo de Cochiti in 1983. There is, it's their single mode of ingress and egress to the community and so there are obviously a number of issues that could arise from that. The secondary access point used to be Route 66 the historic Route 66; however, that is often closed to the public by Pueblo de Cochiti.

Agriculture and food security: protecting farmland is very important to this community. It's a traditional historic community and they have traditional agricultural practices. They have an acequia and so the goal to protect farmland could be addressed through a rural agricultural overlay zone which again will be detailed further in the La Bajada Community District Overlay. It was also of importance to establish a weekly farmers market not only to serve the Village of La Bajada but as well as the regional food producers at Pueblo de Cochiti or Peña Blanca or Cochiti Lake. And then that kind of bleeds into the economic and community development the establishment of a small-central placita that could serve as a community center/food processing facility to stimulate local food production and processing. There's an existing structure within La Bajada that a community member owns that they would like to convert that into a community center/food processing facility, again, for the region not just for La Bajada. And to promote village scale commercial ventures through the rural commercial overlay. Again this would be kind of -- go into greater detail when we would develop this overlay at a later point upon the adoption by the BCC, the eventual adoption and then to promote eco and agri tourism in the community. And perhaps the most achievable or at least the quickest to achieve would be the expansion of broadband access through partnerships and providers and grant programs.

And so just a quick synopsis of what we've done so far review. We reviewed the plan for consistency with the SGMP and determined the consistency by the Land Use Administrator. That has been complete was complete in May. Two public meetings with the community one was in November and the other was last month, those have been complete and this is the first of the two public hearings. So pending your recommendation it will then go to BCC in early July.

And so with that we request recommendation for approval to the BCC of the 2025 Village of La Bajada Community Plan. And I stand for any questions or comments you may have.

CHAIR AABOE: Thank you very much. Commissioners, do you have any questions of staff? Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair. I just want to say to staff that I saved this for last in the review of our cases thinking it would be the best and most

interesting item and it certainly bears fruit. I am very impressed. Some of that I'm a recovering retired planner. I've done these things. And I must say that and I was just told this was all done in house, I'm very impressed and keep up the good work. I learned a lot about the village the historic village on my way to Cochiti a couple times I've stopped by and wondered more about it. Not many planning commissions and commissioners get to see something with documents that go back to almost 400 years and that's one of the delights of working with you all at Santa Fe County and being here in Nuevo México. Thank you.

MR. SCALA: Thank you.

CHAIR AABOE: Thank you, Commissioner. Any other comments or questions for staff? Commissioner Brugger.

MEMBER BRUGGER: Thank you. Mr. Chair. A few questions. So you'd mentioned if this is approved there would be an overlay district that would be created; one or several within one? So who would be doing that?

MR. SCALA: We would be doing it. Planning staff would be doing that with the community with the planning the La Bajada planning committee. It would be several overlays within a broader community overlay.

MEMBER BRUGGER: Thank you. So as Commissioner Pava said this is an impressive document and you have the implementation measures are very clear and detailed. The question is do you have an estimated cost to the County of what would be entailed in implementing these measures.

MR. SCALA: Thank you for the question, Commissioner. We do not have any figures and perhaps we should delve a bit more into that but one thing that we tried to do with the goal strategies and actions is, you know, some of the things are not to be done by the County. Some of the things will be done by community members specifically or the planning committee specifically petitioning different institutions or it'll it should be like an intergovernmental effort really. So yeah I think that some of the things can be raised via ICIP funds or whatever it may be. But things like the community center that we've talked about if it is a county-run community center then the County would have to own that community center. And so we haven't really discussed any figures yet.

MEMBER BRUGGER: It maybe something to consider. Another question, when you do the community plan then do you have part of your internal planning committee do you have folks from Public Works, Finance even plugged into this. So that some of your recommendations that are having to do with access in and out of the area. So has, for instance, Public Works been plugged into this effort.

MR. SCALA: Public Works has not specifically. We tried to do a bit more interdepartmental coordination. Economic Development was a big part of this and so that's not our expertise and so we pushed it across the hall to the folks in community development and they offered some really helpful feedback. We have the water and wastewater element, we have a water planner on staff and so he had eyes on and at time we had a transportation planner now we just hired a new one and they had some really helpful feedback on the transportation element. But yeah it would be really helpful especially in terms of implementation bringing in the people who would be on the ground.

MEMBER BRUGGER: Thank you. And one last comment. If this does

get approved and then the overlay district gets approved, there may be in the future a case or two that comes up within the overlay district, as happens in other overlay districts, such as we have a case tonight that's in an overlay district and last month as well; and a point/comment was made during last meeting that it'd be good either from a planning committee or staff that when a case comes up, that comment on how the particular case, current planning staff does it, but that long-range planning staff would be able to weigh in on that as authors of the overlay district as well or at least be in attendance at that case. So that's my comment. Thank you.

MR. SCALA: Thank you.

CHAIR AABOE: Thank you, Commissioner Any other Commissioners have questions of Joseph? I've got a question. I believe in your introduction you indicated there were 26 residents or properties within the district. About what kind of attendance. what kind of participation was there from stakeholders, members of the community in this process?

MR. SCALA: Percentage wide it was a record number of participants.

CHAIR AABOE: A small denominator.

MR. SCALA: You know, I was not there during the entirety of the process. I was hired a little over a year ago but since then it's been about 10 to 15 people.

CHAIR AABOE: That is a significant percentage. I appreciate that. The other question I have is the rural commercial overlay district in the northeast part of the overlay, it indicates that agri-tourism might be an intended goal. We've seen a large number of cases that have come before us for short-term housing. I'm wondering if in your time working in this if that topic has ever come up because frequently there is opposition from folks in the surroundings that everything used to be great until the Airbnb opened up kind of comments. And so I'm wondering if there were any discussions about that topic or is the agri-tourism slightly different focus, thanks.

MR. SCALA: Thank you for your question, Chair. Yeah there has been some discussion from what I recall not so much about short-term rentals in terms of Airbnbs but short-term rentals in terms of like work-stay programs. So more of like the Italian model of the agriturismo. So there has been some discussion of that.

CHAIR AABOE: Okay, thank you very much. Any other questions? Thank you, we appreciate it. Are there any members in the audience or possibly online who are interested in speaking on this topic? if so please come up and -- anybody at online.

MR. SISNEROS: Mr. Chair, there's nobody online wishing to speak on this case.

CHAIR AABOE: Thank you very much, Dominic. Any other comments or questions from staff? If not, what's the will of the Commission?

MEMBER MIER: I make a motion to approve.

CHAIR AABOE: Thanks, Commissioner Mier. Is there a second?

MEMBER PAVA: Second.

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

- A. Case #25-5200 Bruce & Deborah MacAllister, Conditional Use Permit (CUP), Bruce and Deborah MacAllister, Applicants and**

**property owners request approval of a CUP to allow the use of an Accessory Dwelling Unit (ADU). The 1.787-acre site is zoned Residential Community (RES-C), within the community overlay district of Tesuque (O-CD). The site is located at 1473 Bishops Lodge Rd. (Commission District 1), SDA-2. Parcel ID # 46011751.**

DOMINIC SISNEROS: Good afternoon, Chair and Commission members. Bruce and Debbie Deborah MacAllister Conditional Use Permit [Mr. Sisneros read the case caption.]

The applicant are proposing to build an accessory dwelling unit with an attached garage and workshop. The applicant is requesting approval of a Conditional Use Permit for an ADU. The proposed ADU will have an attached two-car garage and workshop. The proposed roof- square footage of the structure would be approximately 1,183 square feet. Of the total 1,183 square feet, 456 square-feet would be heated space for the ADU. The use of the structure will be for the family and friends when they visit over holidays to allow these guests to have their own personal space. The proposed attached garage and workshop will also be for personal use.

The subject property is zoned residential community within the community overlay district of Tesuque. Chapter 9, Section 9.5; this zoning allows for an accessory dwelling unit as a conditional use through the zone throughout the zoning district.

The applicant states the only existing structure on the property are the main residence, a child playhouse, and a pergola that is attached to the house. Access will be off of Bishop's Lodge Road. Staff has identified that there is an existing accessory structure/store shed but that structure will be demolished and replaced with the accessory dwelling unit.

On September 19, 2024 as required by table 4-1, Section 4.4.3, the applicant presented the proposed CUP to the Technical Advisory Committee at the regular scheduled bimonthly meeting. On November 16, 2024 as required by Table 4-1 and Section 4.4.4 four of the SLDC, the applicant conducted a pre-application neighborhood meeting on the CUP. The applicant notified surrounding property owners and one individual attended the meeting. The applicant presented the history of the development and presented a detail of the proposal of the CUP in the meeting. Notice requirements were met as per SLDC Section 4.6.3., general notice of the application requiring a public hearing. In advance of the hearing on the application the applicant provided an affidavit of posting of notice of the hearing confirming that the public notice posting regarding the application was made for 15 days on the property beginning on April 23, 2025. Additionally notice of the hearing was published in the *Santa Fe New Mexican* on April 23, 2025 as evidenced by a copy of that notice contained in the record. Notice of the hearing was sent to the owners of the land within 500 feet of the subject property as well as the pertinent CEOs and RO's and a list of persons sent mailings is contained in the record.

Building and Development Services staff has reviewed this project for compliance with the pertinent SLDC requirements and has found that the facts presented support the request for a Conditional Use Permit to allow an ADU. The use is compliance with the current development within the affected zoning district. The use will not impact adjacent land uses and the applicant satisfies the submittal requirements set forth in the

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SLDC inclusive of the conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from Santa Fe County Fire and review comments from County staff have established findings that the application to allow an accessory dwelling unit is in compliance with the SLDC including the pertinent design standards. The Hearing Officer heard this case on May 8, 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 fact and conclusion of law in a recommended order on this request.

The recommendation of the Hearing Officer and staff is recommendation for approval of a conditional use permit to allow an accessory dwelling unit subject to the following conditions. If the Planning Commission votes to approve a conditional use permit to allow an accessory dwelling unit staff recommends the following conditions. Mr. Chair, may I enter these conditions into the record.

CHAIR AABOE: Yes, please do.

Conditions:

1. No additional dwelling units to be allowed.
2. The proposed development shall be in accordance with all requirement of Chapter 10, Section 10.4 ACCESSORY DWELLING UNITS.
3. The proposed development shall be in accordance with Chapter 9, Section 9.5 of the SLDC and the Sustainable Design Standards of Chapter 7 of the SLDC..
4. A development permit application for the proposed ADU must contain a cut sheet of proposed exterior lighting fixtures.
5. A detailed lighting plan to include all proposed exterior lighting is required.

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

CHAIR AABOE: Thank you very much, Dominic. Commissioners, are there any questions of staff? Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair. Mr. Sisneros, the 456-square-foot component that's the living quarters in the ADU, proposed ADU, how does that percentage-wise match up to the principal residence in terms of the percentages? Is it close to 25 percent or is it – I'm just curious. So the garage doesn't count.

MR. SISNEROS: Correct. So the existing residence, I don't believe I have the exact square footage but it does meet the standards set forth as the requirements for an accessory dwelling unit. The applicants are present they may be able to answer the actual heated square footage of the primary residence. But staff has verified it does meet the requirements of an accessory dwelling unit.

MEMBER PAVA: And then just to clarify for the record, there will be a new septic tank system on the property replacing what's there currently and both you the ADU and the existing residence will be served using that.

MR. SISNEROS: That is correct. The existing septic will be replaced by a newer bigger system that has been approved by NMED and both the single family residence and the ADU will both share that septic.

MEMBER PAVA: Thank you. That's all my questions.

CHAIR AABOE: Thank you, Commissioner, Any other questions?



Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Mr. Sisneros, does the existing house have a garage or carport right now?

MR. SISNEROS: No, the existing residence does not have a garage or a carport.

MEMBER BRUGGER: Okay. And this might be something that would be better asked of the applicant, but then who's going to use the garage that would be built?

MR. SISNEROS: So the garage and the workshop that's going to be built, the applicant could answer to that, but they have indicated that it's all going to be used for personal use as well as the ADU for personal use for family and friends. There's no indication and no intent for that ADU to be used as a short-term rental.

MEMBER BRUGGER: Thank you. Too bad that the community planning folks left the room. This might have been a question for them but, well you're standing up there so I'll ask you. There's only two overlay districts that where accessory dwelling units are not approved by right. I think it's here and in Madrid. So why the question is why; why is that?

MR. SISNEROS: Mr. Chair, Commission members, yes, the Tesuque overlay and the Madrid overlay are the two overlay districts that do require conditional use permit for accessory dwelling units. The Tesuque overlay did have a rewrite or an amendment just about a year ago that was brought up to the community if they wish to remove that restriction and the community wished to remain to have that restriction on there. They changed other things such as setbacks for walls, wall heights and overall heights for structures but they remained – they decided to leave the restriction of a conditional use permit for an accessory dwelling unit.

MEMBER BRUGGER: Okay, thank you. And last question, if this were to be approved would there be any additional landscaping put in or not?

MR. SISNEROS: There's no requirements. There's natural buffering and screening on the property. So it meet meets the requirements for landscaping buffering. So there's no requirement for additional landscaping. If the applicant decides that they wish to further landscape the property that would be up to them.

MEMBER BRUGGER: Okay, kind of like a building code sets a minimum and you can meet it or go beyond.

MR. SISNEROS: That is correct.

MEMBER BRUGGER: Okay. Thank you.

CHAIR AABOE: Thank you. Any other Commissioners have questions of staff? Commissioner La Cruz-Crawford.

MEMBER LA CRUZ-CRAWFORD: Yeah I'll just follow up with that question I just mentioned as far as just the square footage meeting the square footage requirements for the ADU. I'm assuming staff has reviewed this and it also meets height requirements and all the other typical ADU requirements if that are on the code?

MR. SISNEROS: That is correct. Yes, the heated square footage although I don't have the exact existing square footage of the single family residence it has been verified and confirmed it does meet the 50 percent requirement of the heated square footage of the main residence and it's below 1,400 square feet. So it meets both those requirements. It's meeting the requirements of utilities as it's going to share both the

septic, the well and electric as well. And it is subordinate in height to the primary residence as well.

MEMBER LA CRUZ-CRAWFORD: I believe the height for the ADU is 14 feet; is that correct or what is it?

MR. SISNEROS: So the height restriction for the Tesuque overlay is has gone back to 24 feet. Previously it was, I believe, it was 20 feet. But that had just been changed about a year ago in the amendment for the Tesuque Overlay Community District. But it is 24 feet.

MEMBER LA CRUZ-CRAWFORD: Now a follow up though because I believe for the ADUs under the SLDC there's a lower height restriction; correct, and what is that?

MR. SISNEROS: So what the SLDC states is that the height, it should not be taller than the primary residence. It's to look subordinate as the to the primary residence. So it will be below the height of the primary residence.

MEMBER LA CRUZ-CRAWFORD: Okay. Thank you.

CHAIR AABOE: Any other question? I have a I have a question. Mr. Sisneros, although the MacAllisters are not interested in using the ADU as a short-term rental perhaps future owners of the property may be. And so nothing in the approval would limit that ability of potential future owners to go through the process to put a short-term rental in this ADU; is that correct?

MR. SISNEROS: Mr. Chair, that is correct.

CHAIR AABOE: Okay, thank you very much. Any other questions? Thank you very much. This is a public hearing. Is there anyone either here or online who is interested in Speaking? I'm sorry is the applicant here and do you wish to u make a presentation? Thank you.

[Duly sworn, Deborah MacAllister, testified as follows:]

DEBORAH MACALLISTER: Good afternoon, thanks for your time. I'm Deborah MacAllister, 1473 Bishop's Lodge Road, Santa Fe.

I just wanted to clarify the square footage of the main house since that was a question; we have it at just under 2,800 square feet . And also the reason that there is not a garage attached to the primary residence is just the limitations of the lot. We have septic systems and wells and a narrow lot. So really our only choice was to do a detached garage. And we realized we had complications with moving a septic tank. We thought if we're going through all this trouble why not make this small unit where the kids could stay when they come, keep the daughter-in-laws happy they have their own shower. So that's really our purpose. And the lots really is really too tight to accommodate a whole lot of vehicles, a whole lot of people. If anyone ever wanted to use that as a rental property I think they would change their mind. It's just a tight lot. So that answers your questions.

CHAIR AABOE: Thanks very much. I appreciate what the designer has done with this plan. So the way I see it on the developer plans I think, it seems that there are walls surrounding – are those new walls or are those existing fences or walls surrounding?

MS. MACALLISTER: Some were existing some they've just developed, we've been there almost 40 years so they just have kind of developed over time for the most part they were existing.

CHAIR AABOE: And there currently is some fence or wall along Bishop's Lodge; is that right?

MS. MACALLISTER: Yes, it's about a 4-foot high wall, 42 inches maybe. And we do need to modify that a bit to keep the Fire Department happy. We're going to be moving part of the wall so that there's clear access for their vehicles.

CHAIR AABOE: Great. Any questions from Commissioners for the applicant? Commissioner Brugger.

MEMBER BRUGGER: Mr. Chair, Ms. MacAllister, throughout the written application/ presentation that it was mentioned numerous times that the accessory dwelling unit would be for use by family.

MS. MACALLISTER: Right.

MEMBER BRUGGER: And I would like to follow up on this a bit, the use because the approval criteria that we have to go through to recommend approval conditional use permit it does directly or indirectly speak to the use of this. Following up on Mr. Chair's comments on short-term rental then I'll just ask you point blank, do you anticipate using this accessory dwelling unit for a short-term rental?

MS. MACALLISTER: Not in our lifetimes. No, I don't. Yeah, we have we have two adult sons who were both born in Santa Fe and they have moved to other parts of the country. They're married. One of them has a little grandson, he's three. And it's really for their use and it may be just a few weeks out of the year and then the garage will be nice for us to get out from under the dripping elm trees and out of the weather.

MEMBER BRUGGER: That's on the record and I'm satisfied. Thank you.

MS. MACALLISTER: Thanks for your time.

CHAIR AABOE: Any other questions from any Commissioners? Thank you very much Ms. MacAllister. So now this is a public hearing. Is there anyone here or online who is interested in speaking either for or against this proposal?

JOHN LOVATO: Mr. Chair, there is no one online wishing to speak on this item.

CHAIR AABOE: Okay. So the public hearing portion is now closed. Commissioners, what's your wish?

MEMBER MIER: I'll make a motion to approve.

CHAIR AABOE: Thank you, Commissioner. May I get a second?

MEMBER LA CRUZ-CRAWFORD: I'll second that.

CHAIR AABOE: Thank you Commissioner And can we get a roll call vote please.

ROGER PRUCINO (Assistant County Attorney): Can you clarify if that is subject to staff's proposed conditions.

CHAIR AABOE: Yes, let's clarify that your motion and second are all inclusive of the staff's conditions of approval.

MEMBER MIER: Yes, I meant to include staff's conditions.

MEMBER LA CRUZ-CRAWFORD: And, yes, my second.

CHAIR AABOE: Thank you very much. And thank you, Roger.

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

- B. Case #25-5060 Michael Ray Martin & Belyn Schwartz, Variance. Michael Ray Martin and Belyn Schwartz, Applicant, are requesting a variance of Chapter 10.4.2.4 to allow the proposed accessory dwelling unit to utilize a separate septic system. The property lies within the Rural Residential Zoning District (RUR-R). The property is located at 128 Cloudstone Dr. SDA-2 within Township 16 North, Range 10 East, Section 5, (Commission District 4), Parcel # 23399211. Marie L. Martinez, Case Manager.**

MARIE MARTINEZ (Case Manager): Thank you. Mr. Chair and Commissioners. Marie Martinez, Building and Development Review Specialist with the Growth Management Division. [Ms. Martinez recited the case caption.]

The applicants purchased the property in 1988 with a principal residence and an accessory structure on it. Here now known as the ATF, accessory dwelling unit ADU. The applicants added an additional enclosure to the garage area approximately 20 years ago while renovating the property but the addition has not been used as a housing unit at any point. The four-bedroom house at 128 Cloudstone Drive is already served by an on-site liquid waste system. But connecting the ATF ADU liquid waste system stream to the system would have been infeasible due to the geological and topographical conditions of the property.

The principal residents and the ATF/after-the-fact ADU currently have it their own septic tanks and leech fields. The applicants received approval from the New Mexico Environment Department for the second on-site liquid waste system for the ADU on February 23, 2022. After inspection by NMED they were granted a permit to operate on September 6, 2024 and were issued permit number LW 0005479. Therefore, the applicants are requesting a variance of Chapter 10, Section 10.4.2.4 of the SLDC to operate a second liquid waste system on the property to serve the ADU.

The applicant has addressed the variance criteria as outlined in the memo. Building and Development Services staff has reviewed this report, this request, for compliance with pertinent SLDC requirements and has found that the facts presented support the request for the variance.

The Hearing Officer recommendations. On May 8, 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 applicant's variance with the conditions proposed by staff. The written order and the minutes of May 8, 2025 hearing are attached as Exhibits J and K.

Recommendation: staff recommendation is for approval of the request for a variance to allow a separate septic system on to the ADU due to terrain constraints subject to the conditions. If the Santa Fe County Planning Commission finds that the application has met the variance criteria and recommends approval of the variance, staff recommends the following conditions be imposed. Mr. Chair, Commissioners, may I enter these conditions into the record?

CHAIR AABOE: Yes, please do.

Conditions:

1. No additional dwellings to be allowed.
2. Applicant to obtain ATF permit for Addition to Accessory Structure/Garage and Conversion of that Addition into an ADU.
3. Applicants shall comply with Chapter 10, Section 10.4 Accessory Dwelling Units.

MS. MARTINEZ: This report in the exhibits listed below are hereby submitted as part of their hearing record. Thank you and at this time I stand for any questions.

CHAIR AABOE: Thank you, Ms. Martinez. Commissioners do you have any questions of staff? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Ms. Martinez, I thought I read somewhere in the material at least initially that a variance for the garage may be needed; is that is – there's no variance for the garage.

MS. MARTINEZ: Mr. Chair, Commissioners, no.

MR. SISNEROS: Mr. Chair, Commission Members, originally when this came to our Technical Advisory Committee meeting staff had identified that the existing structure did meet setback but with the addition of the ADU staff felt that it was a change of use and thought that it would need a variance for setback. But going back and discussing it with Legal and discussing it with other staff members we had determined that that was not actually necessary and not necessarily the right portion of the code that we were determining that on.

MEMBER BRUGGER: Thank you. If I could follow up on that that'd be a question for legal. Why is that if a use changes may not be in this situation but there's a difference between garage where there would be no human activity, at least for the most part unless you're working on your car, and an accessory dwelling unit; why wouldn't a change in use matter?

MR. LOVATO: Mr. Chair, Commissioner Brugger, just to clarify the change of use would be changing it from a commercial to a residential or vice versa. Being that this is residential and strictly residential and it's a residential accessory to the primary dwelling there's no change in the use.

MEMBER BRUGGER: Okay, thank you. In all of the material that I reviewed there was there was a lot of explanation as far as why it was problematic to create, to not use the existing leachfield. That was that was very clear. What I did not see in any of the information was why is the accessory dwelling unit being proposed and what use would be -- what it would be used for? Was there something that's not in the material? I'll ask the question for the future because I still think the use of the accessory dwelling unit matters in the satisfaction of the criteria that we have to use to approve this or not.

MS. MARTINEZ: Mr. Chair, Commissioners, that would be a question for either the agent or the property owner because I'm not sure what it is if it was for family or I don't think it was for short-term rental but you we can ask that question.

MEMBER BRUGGER: Thank you, I intend to. The last question I have is more of a general one, but there was a I think a condition that the applicant shall obtain an after-the-fact permit for the conversion. The conversion hasn't been done yet right?

MR. LOVATO: Mr. Chair, Commissioner Brugger, it has been started. It hasn't been completed. So, therefore, they will need the after-the-fact permitting.

MEMBER BRUGGER: If I may ask what kept the applicant from not moving forward once they started?

MR. LOVATO: Mr. Chair, Commissioner Brugger, I think that's a question appropriate for the applicant.

MEMBER BRUGGER: That makes two, thank you.

CHAIR AABOE: Thank you, Ms. Martinez. Any other questions? Commissioner La Cruz-Crawford.

MEMBER LA CRUZ-CRAWFORD: Yeah, I'm just trying to wrap my head around this, I guess timeline wise. Could you explain again like because there's an after-the-fact permit, there's an addition that I guess like you said is already under construction, a septic tank that was installed at I think 20, 20 -- I forget what it was here I can read in here -- 2024, I believe. But if you could just break down the timeline because I'm just trying to understand that as far as like okay when did there's already existing accessory structure in place and then some sort of addition occurred and when did the septic, the new septic system get installed just to kind of get an idea of the timeline.

MR. LOVATO: Mr. Chair, if I may answer for Member La Cruz-Crawford. Originally this came in for a residence and a studio and during the time we didn't have the guidelines that require it to be connected to the same septic system. So NMED granted him that septic system for that studio. Therefore, thereafter, they decided they wanted to convert it into the ADU and began the process. From my understanding to answer a question that was asked earlier is that they were unaware that they needed a permit and one of their clients told them you should probably obtain a permit. They came in to obtain that permit and found out that they could no longer convert the ADU with a separate septic system due to our new guidelines. Therefore, they're here before you for that variance. That's kind of how it broke down.

MEMBER LA CRUZ-CRAWFORD: Okay. Thank you.

CHAIR AABOE: Any other questions from Commissioners? Thank you very much, Ms. Martinez. Is the applicant or their agent here? Are you interested in making a presentation or answering questions? Thank you.

[Duly sworn, Abby Guidry, testified as follows:]

ABBY GUIDRY: It's Abby Guidry, 1723 2nd Street, Santa Fe, New Mexico 87505. Thank you.

Commissioner Brugger, thank you for questions I just wanted to answer some of those for you. So your first question was about the use of the ADU so as far as I know from my client -- I am the agent representing my client -- as far as I know from my client they are not allowed to use it as a short-term rental in their current neighborhood. So they will only be using it for family and friends as just like how the person before us described using theirs it's going to be the same use.

And then your second question was about why they stopped construction on the ADU. So what they did was basically just created a room. It's just an empty room and they haven't fully finished making it into a casita, if you will, for financial reasons.

CHAIR AABOE: Do you have anything else you'd like to say or just want to respond to questions?

MS. GUIDRY: I don't have anything else that I'd like to say except thank

you all for your time. I really appreciate it.

CHAIR AABOE: Thanks. Commissioners, Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair. Ms. Guidry, I think you wrote the report describing the geology and the hydrology. For the record could you explain because I think there truly are extenuating circumstances here given the location of this, although it must have a nice view of Harry's through the trees. Tell us a little bit about the peculiarities why this is different than say down where I live on in Barrio la Cañada along the river which is just sand and silt and stuff like that.

MS. GUIDRY: Absolutely. So this property is up in the foothills looking towards the Sangres and there is a large geologic outcrop of granite in the middle of the property. So it makes it very difficult to pipe anything subsurface from the ADU to the primary resident septic. So in addition to that the existing septic leachfield for the primary residence was unable to be expanded in surface area. So we didn't want to risk any overloading to that system because there is a drop off into an arroyo, a drainage into another property and then several other circumstances like the outcrop that I discussed and then also the house is on one side. So it just wasn't able to be expanded in terms of surface area. So just to utilize as many natural resources as we could we decided to use this lovely patch of dirt that's right by the ADU for its own septic and natural filtration of septic waste.

MEMBER PAVA: Yeah, I just wanted to get that into the record. It's a very bad pun but we don't want to take the underlying topography for granted unless it is right.

MS. GUIDRY: Absolutely, yes.

CHAIR AABOE: Thank you, Commissioner. Any other questions of Commissioners?

MEMBER LA CRUZ-CRAWFORD: Just out of curiosity because I looked at the site plan. So there's the garage and I understand that there was some sort of an addition to that maybe a portal or something like that because I know there's the garage and the ADU. So I'm just curious what part of that addition was the after-the-fact portion? Was a portion of that roof line of the ADU already portal that was being covered in or was -- I'm just kind of curious about that.

MS. GUIDRY: I believe, I'm not certain about this, but I believe that originally it was just a garage and then they added on the south side of that garage an additional room basically. So it was not there before and they built it and now they're requesting after-the-fact variance use for the subject for that bathroom.

CHAIR AABOE: Thank you. Any other questions? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Thank you, Ms Guidry, for your presentation. Sometimes I have a little trouble hearing if you don't speak right in the mic. So just a follow up on Commissioner La Cruz Crawford's comment, after-the-fact permit, does your client have a permit in to Construction Industries at this point?

MS. GUIDRY: That would be a question of my client.

[Applicant speaking from audience.]

MEMBER BRUGGER: May I ask why is that?

MR. PRUCINO: Let's have the witness approach.

[Duly sworn, Michael Ray Martin testified as follows:]

CHAIR AABOE: Yeah, if you could be sworn and repeat the question and your answers after you're sworn, sir. Thank you very much.

MICHAEL RAY MARTIN: Michael Ray Martin. 128 Cloudstone. Santa Fe, New Mexico.

CHAIR AABOE: Commissioner Brugger, can you repeat the question.

MEMBER BRUGGER: Sure. My question was, sir, do you have a permit in to Construction Industries at this point given that you began construction already?

MR. MARTIN: I assume that we're following protocol with this permit and then what other permits we need.

MEMBER BRUGGER: The question that I and maybe I wasn't paying sufficient attention when Commissioner asked the question but so what improvements are currently in place?

MR. MARTIN: Mainly electrical and plumbing.

MEMBER BRUGGER: Okay. So are they exposed?

MR. MARTIN: Yes.

MEMBER BRUGGER: It's always mystifying to me the after-the-fact permit Construction Industries comes out and I done a lot of jobs and usually they don't have a lot of time to spend on a site. So if the sheetrock's already in that I don't know if they put some holes in it or take it down it's an issue. So at least it's exposed. Thank you.

So let me ask you then for what purpose are you creating the accessory dwelling unit?

MR. MARTIN: Mainly as a man cave, family, friends, pool table primarily.

MEMBER BRUGGER: Do you intend to use it as a short-term rental?

MR. MARTIN: I cannot. My association won't allow me to rent it out.

MEMBER BRUGGER: Thank you.

MR. MARTIN: Thank you.

CHAIR AABOE: Thank you, sir.

MR. SISNEROS: Mr. Chair, Commissioner Brugger, just to clarify. I do want to let that the applicant did come in to apply to come into compliance to apply for a development permit but they were notified that they had an incomplete submittal because of the need of the variance. Therefore, they did not get a development permit issued. Therefore, they did not go on to CID to get an actual building permit that's going to be a condition of approval, if they get approved for the variance, that they do need to come in and get after-the-fact development permit and then go on to CID for actual building permits.

CHAIR AABOE: Thank you very much. So this is a public hearing Is there anyone in the audience or online who is interested in speaking either in support of or opposition to this application? No one in the room?

MR. SISNEROS: Mr. Chair, there's nobody online wishing to speak on this case.

CHAIR AABOE: Thank you very much. The public hearing portion is now closed. What's the will of the Commission?

MEMBER PAVA: I would motion, Mr. Chair, I would after hearing this testimony, I would motion make a motion for approval of case #25-5060 variances.

CHAIR AABOE: Does that include conditions recommended by staff?



MEMBER PAVA: Certainly.

CHAIR AABOE: Thank you very much. So there's a motion for approval with staff conditions. Is there a second?

MEMBER LA CRUZ-CRAWFORD: I'll second.

CHAIR AABOE: There's a motion and a second/ May we have a roll call vote please.

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

- C. CASE #25-5010 Javier Juarez, Variance. Javier Juarez, Applicant Lisa D. Martinez, Agent requests a variance of density to divide 8.954 acres into 7 lots, each containing 1.25 acres ±. The applicant also requests a second variance of the existing 250-foot setback from NM 599 right of way. A third variance request of Open Space. The property is zoned Residential Estate (RES-E) within the Tres Arroyos del Poniente Community District Overlay which allows 1 dwelling per 2.5 acres. The property is located at 3 N. Horizon Lane, T16N, R8E, S1 (Commission District 2) Parcel ID #58502016. Marie L. Martinez, Case Manager. [Exhibit 1: Two letters]**

MS. MARTINEZ: Thank you, Mr. Chair and Commissioners. [The case caption was read into the record.] The applicant requests a variance of density to allow the division of 8.954 acre parcel into seven 1.25 acre lots for a family transfer. Chapter 9, Table 9-11-2, dimensional standards, Tres Arroyos del Poniente residential E illustrates the allowed density at one dwelling unit per 2.5 acres for this zoning district.

The applicant further requests a variance of Chapter 9.11.2.1 of the 250-foot setback requirement of the Tres Arroyos del Poniente community district overlay to eliminate the required 250-foot setback. Setbacks are to be regulated per Chapter 7.3, Table 7- A of the SLDC.

Furthermore, the applicant requests a variance of Chapter 9.11.2.2.3 2.3, restricting the utilization of the perimeter of the property as open space. The applicant proposes to utilize the regulated setback per Chapter 7.3 to meet the required o open space.

The applicant has addressed the variance criteria as follows. Hearing Officer recommendation, on May 8, 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 to this request. The Hearing Officer, based on the evidence presented, recommended denial of the applicant's variance of density. The written order and the minutes of May 8, 2025 hearing are attached as Exhibits M and N.

Recommendation: Staff's recommendation is for denial of the request for the variance of density, 250-foot setback requirements and open space requirements. If the Planning Commission finds a variance criteria has been met and recommends approval of the variance staff recommends the following conditions be imposed. Mr. Chair and Commissioners, may I enter these conditions into the record?

CHAIR AABOE: Yes, you may.

SFC CLERK RECORDED 07/21/2025

Conditions:

1. No Accessory Dwelling Units be allowed
2. No further division of land.
3. No drilling of domestic wells shall be allowed
4. Onsite and Offsite roads shall comply with Chapter 7.11 of the SLDC.

MS. MARTINEZ: This report and the exhibits listed below are hereby submitted as part of the hearing record. Thank you. And at this time I stand for any questions.

CHAIR AABOE: Thank you very much, Ms Martinez. Commissioners, do you have questions of staff? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Ms. Martinez, I noticed on the plat that was included in the presentation there appears to be no designation of formal open space either in the form of a dedication or an easement; is that correct?

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

MEMBER BRUGGER: Thank you. I'd like to point out that we were just talking about overlay districts earlier in the previous presentation. So in this one in the Tres Arroyos del Poniente Community District Overlay, Section 9, in the code, 9.11.2.4, it mentions that the permanent open space may be dedicated to the public or to an open space land trust or other nonprofit management entity or for common use or to a homeowners association as an open space easement. So the way I read this code that if neither a dedication or an easement has been provided then they would be in violation of that section of the code. That's just a comment.

CHAIR AABOE: Commissioner, did you read it as may be or shall be?

MEMBER BRUGGER: May be either or. But if legal wants to correct, I took it as one or the other because otherwise whatever open space requirement is proposed to be met is proposed to be met within privately owned property which appears to be problematic.

MR. LOVATO: Mr. Chair, Commission Member Brugger, I agree with you. However, open space requirements are major for major subdivisions such as a 24 lot or 60 lot that's when we look at dedication for trails easements and whatnot. That's not to say that they won't need to provide some sort of easement in case a trail does come through there, however, I think the idea that they were planning on doing is using that 25-foot setback and perimeter setbacks as open space areas.

MEMBER BRUGGER: Thank you, Mr. Lovato. One other question or comment for now. Regarding the setback, so New Mexico 599 that's a at least, what I remember it to be, that's a WIPP Route, Waste Isolation Pilot Plant So I think the feds kicked in 50 percent of it and the state kicked in money too so that the radioactive waste that would come from Los Alamos wouldn't go down St. Francis Drive. So a relief route was built. So with that, it makes sense that there would be a rather large setback from the road in the unlikely event that there is an accident because accidents happen.

So my question is given the request to reduce the setback from 250 feet to 25 feet along this route -- did the state DOT have to weigh in? I wouldn't presume the feds do but did they have to weigh in at all on this?

MR. LOVATO: Mr. Chair, Commission Member Brugger, no they didn't

have to weigh in on this. This is strictly the TAP overlay guidelines. If they were proposing access off of the frontage road there then the state would be weighing in on this issue.

MEMBER BRUGGER: I would think that this issue is a public interest issue. Anyway that's all my comments, questions for now.

MS. MARTINEZ: Mr. Chair, Commissioners, I did send out some information or a request for information from the NMDOT on February 26, 2025 and there was no response.

MEMBER BRUGGER: Thank you.

CHAIR AABOE: Thank you, Ms. Martinez. Any other questions from Commissioners? Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair. Ms. Martinez, I'm looking at the aerial photograph that was provided in the staff report documents. Basically it shows the proposed, the boundaries of the proposed development along 599 and then the surrounding area with how the platting currently exists. I noticed that there are at least nine perhaps 10 lots that would appear to be small, maybe 1.25 acreage size, one is almost adjacent lot number 10 and then several are separated by the distance of two more lots. There's several along North Horizon Lane and Ravens – not at Ravenswood; one, two, three, four, five, six, seven, maybe eight. My point my question would be, were those created prior to the adoption of the Sustainable Land Development Code and or the overlay and is that why those lots are smaller and they pre-exist both probably the 599 as the WIPP highway and the most recent County planning regulations?

MS. MARTINEZ: Mr. Chair, Commissioner, in the past we had provisions that allowed for small lot family transfers of 1.25 acres, so they were able to go from 2.5 acres minimum to half the minimum density requirements. Many of these lots were created prior to the 2016 ordinance and therefore allowed it. The regulations changed since and the minimum requirement is 2.5 acres per dwelling.

MEMBER PAVA: But the lots that I'm mentioning if you if you if you can see where they are on this aerial photograph Exhibit F, it looks like it's F; do we know if those were created then through the family subdivision and prior to 2016?

MR. LOVATO: Mr. Chair, Commission Member Pava that is correct. They were all created prior to 2016.

MEMBER PAVA: Thank you. I have to say having worked at the lab all during the time of the development of WIPP and whatnot and these are the southbound lanes which is the vehicles would be coming south through town to avoid St. Francis and the 13 signals. Commissioner Steve makes a very good point about the concerns there.

Are family lot subdivisions still permitted somehow in the code?

MR. LOVATO: Mr. Chair, Commissioner Member Pava, they are but they have to meet minimum lot size requirements.

MEMBER PAVA: And minimum lot size requirements vary by the zone and overlay.

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

MEMBER PAVA: Yeah, and in this case it would be at least 2.5 acres; right?

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

MEMBER PAVA: When I look at this aerial photograph across this

across the highway there is a manufactured maybe it's a mobile home development; is that in the City or the County? Excuse my ignorance.

MR. LOVATO: Mr. Chair, Commission Member Pava that is in the City.

MEMBER PAVA: That is a city development, okay. And that's rather dense but that's not under our jurisdiction. Well I think that that's what I wanted to ask. I appreciate your time and patience.

CHAIR AABOE: Thank you, Commissioner. Commissioner La Cruz Crawford.

MEMBER LA CRUZ-CRAWFORD: Let me follow up a little bit on that 250-foot setback requirement because I'm looking at the aerial map as well in here on other properties north of the highway there. Are all those other properties meeting that 250-foot setback and also when was that 200-foot setback in place, was that at 2016 or was that prior to that as well?

MR. LOVATO: Mr. Chair. Commissioner Cruz, that is correct. They were all done prior to 2016 and there was one particular property – they all meet that setback, most the majority of them, prior to that. However, there is a variance that was granted on a property with the same required setback that was granted probably several years back during the 2016 ordinance.

MEMBER LA CRUZ-CRAWFORD: And prior to the 2016 was there also 250-foot setback in place?

MR. LOVATO: Mr. Chair, Commissioner, that is correct. The ordinance was in place prior to 2016 and the requirements of this new TAP ordinance when it got it got amended with this it incorporated that as well.

MEMBER LA CRUZ-CRAWFORD: Okay. so that 250-foot setback has been in place for a long time essentially.

MR. LOVATO: Mr. Chair, Commission Member la Cruz, I believe so.

CHAIR AABOE: Thank you, Commissioner. Any other questions of staff? Thank you very much, Ms. Martinez.

MS. MARTINEZ: Thank you.

CHAIR AABOE: Commissioner Brugger.

MEMBER BRUGGER: So in the applicant's submittal they're requesting that the setback in Chapter 7, the blanket setback be used rather than the setback in the district overlay of 250 feet. I would think that the district overlay given that it was created as part of a adopted plan and then an adopted overlay and then the code that was placed in here I would think that that would take precedence over the blanket setback in Section 7, but my question is, does it?

MR. LOVATO: Mr. Chair, Commission Member Brugger, that is correct it does set precedence over the original guidelines.

MEMBER BRUGGER: Okay, thank you.

CHAIR AABOE: Thank you, Commissioner And thank you Ms. Martinez. Is the applicant or their agent here and do they wish to speak?

MS. MARTINEZ: Yes they are.

CHAIR AABOE: Thank you.

[Duly sworn, Lisa Martinez, testified as follows]

LISA MARTINEZ: Lisa Martinez, address is 3201C Zafarano Drive, #111, Santa Fe, New Mexico 87507.

Good afternoon, Mr. Chairman and members of the Planning Commission. Let me begin by thanking you for the opportunity to be able to present our case for variance request from the requirements of the SLDC. Again my name is Lisa Martinez and I'm presenting our case today on behalf of Mr. Javier Juarez. He is the current property owner and it's also being presented on behalf of Mr. Gerald and Mrs. Nora Solano who are currently under contract to purchase the 8.95 acre property located at number three North Horizon Lane. As has been stated the property is located within the Tres Arroyos del Poniente Community District overlay and it's zoned as residential estate or RES E.

So on behalf of the applicant I'm requesting the following three variances that are associated with density, setback and open space. We are further requesting approval to allow the 8.95 acre property to be divided into seven 1.25 acre lots in the RES E zone that normally mandates only one dwelling per 2.5 acres. And I'm hopeful that I can answer some of the questions that you've posed earlier.

Just to give you a little bit of the project background going back to September of 2022, Mr. Javier Juarez and his surveyor, the late Mr. Allen Grace, presented to the TAC a request for the division of land, a variance of density and a variance of setback requirements. Mr. Juarez and Mr. Grace further met with the Land Use Department and other County departments such as water and wastewater within Public Works they also met with the state of New Mexico engineering department for a well permit. Ultimately, they applied and they submitted an application for a ready, willing and able water and wastewater service application, submitted that to Santa Fe County in June of 2022 and it was approved in July of that year. We understand that that approval has since expired, however, a new application was submitted for reapproval and on February 14, 2025 we received a letter stating that the Santa Fe County Utilities Department is ready to provide the proposed development with the services requested. They will grant water service access to a 12-inch water line which is at Vista Sol. It's approximately 1,628 feet from the development location. And in addition from the same location there's also a 12-inch wastewater line that will be made available for a wastewater connection.

So our first variance pertaining to density: it's a request of the variance of SLDC Table 8-10 to allow seven lots which would consist of approximately 1.25 acres to be created out of the 8.95 acres and SLDC Table 810 illustrates that the density within the RES E zoning is 2.5 acres. So the applicant's desire is to create these seven lots and as has been described for the purpose of a family transfer subdivision. The request for this lot size we did not feel was unusual as we found many 1.25-acre family transfer lots that have been created within the TAPCD and in this general area of the County in the past. If you look at the information that was in the packet there's a color-coded map that identifies that there are actually 38 lots that are 1.25 acres. And the map further defines 17 lots that are less than the 2.5 acres. Those are shown in yellow. The others are shown in red.

So in terms of the variance criteria. The proposed density variance is not considered to be contrary to the public interest based on the following. The request was presented to the general public in the form of a neighborhood meeting as required by the SLDC. No one in attendance spoke in opposition of the subdivision and the applicant is certainly willing to comply with any and all SLDC requirements and overlay requirements to create the subdivision. The infrastructure, meaning roads, sewer and water lines will all be constructed in accordance with code requirements. The 8.95-acre

parcel was created by the construction of New Mexico 599. In 2016 the SLDC was adopted at which time the small lot family transfer was eliminated from the code. The applicant wishes to create these lots for the purpose of a small lot family transfer subdivision. Prior to 2016, I understand that the 1.25 acre small lots were created directly through Santa Fe County. So the creation of small lots we believe will serve as a very important form of affordable housing for the applicant's family. Strict compliance with the density requirements for this property would create an undue hardship on the applicant and that the amount of usable area would be significantly limited due to the setbacks and open space requirements. The change that is sought will not be contrary to the property sizes in the nearby vicinity as we see that there are approximately 75 percent of the adjoining neighbors that are less than 2.5 acres in size.

We know that the SLDC is designed to protect and promote the health, safety and general welfare of both present and future residents in the County And so we feel that the granting of the requested density variance meets the purpose and intent of the SLDC as smaller lots will provide affordable housing to many family members, therefore, meeting the spirit of the SLDC.

This is not a proposed subdivision that's being put forward by a developer for profit. This is for family for them to be in close proximity to one another and to be able to watch their families grow, age in place, and we know that's very important for our community.

The second variance having to do with setback, we know that there's a 250-foot setback for New Mexico 599 right-of-way and so the applicant is requesting to eliminate that setback. We know that the setback is a significant amount of land and it would take up approximately 50 percent of the property which would really limit any potential subdivision that would be proposed. The distance from New Mexico 599 to the property line is approximately 18 feet which leaves an approximate 232-foot setback on the 8.95 acre site. And so, again, the applicant is requesting a variance to eliminate that setback. We feel that it's not contrary to the public interest due to the fact that there are many structures along New Mexico 599 within the TAPCD that do not meet the 250-foot setback. Some of these structures are now within the Santa Fe City limits which we understand or were incorporated into the Village of Agua Fria Community District Overlay.

As I've stated strict enforcement of the SLDC Section 9.11.2.1 will reduce the potential for development on the parcel. And there doesn't seem to be any practical reason to impose this setback on the parcel of land as there are other properties and structures along New Mexico 599 that are within the setback and are very visible from 599. In fact, the four parcels that are immediately east of this property all have structures that are within that 250-foot setback. The granting of the requested setback variance will allow the family members to live within and contribute to Santa Fe County, therefore, meeting the spirit of the SLDC. The land taken by the enforcement of the 250-foot setback requirement we can't see where it benefits the County in any specific way. I certainly understand your concerns that you brought forward about the WIPP transportation in that area and I don't know if that is part of the reasoning behind why that was established to begin with but in terms of practicality and use of that land it really can't be used for anything. You have 599, you have the frontage road, and then you have the parcel So it's not -- I doubt that the frontage road would ever be widened and

that land would be necessary but I can't see any practical use that the County would have for it -- in terms of it -- it seems that if it were taken out of this one parcel and not taken out of the others. We're not quite sure how it would be utilized/

So it is important to note that in March of 2020 there was another case that came before the County Hearing Officer and the Planning Commission as well with a similar request for variance from the requirements for the 250-foot setback. There was existing property topography and drainage that were the focus of the request but ultimately the Hearing Officer and the Planning Commission approved the request citing in part as one of the conclusions of law that the request was not contrary to the public interest, the spirit of the SLDC is observed and most importantly that the setback is consistent with the setback of existing structures on neighboring properties. And that's a quote from the findings of fact and conclusions of law from that report.

To talk about the open space requirements: I know there was also a question about whether or not we were proposing any open space. And so what we are actually proposing, we're not proposing to fully eliminate the open space requirement, but rather we are proposing to utilize the requirements in the RES E setback to meet the required 30 percent open space requirements. The RES E setback required by the SLDC Table 7A is 10 feet from the front of the property line and 25 feet from the sides and the rear of the property lines. And so these are the setbacks that we are proposing and that is what's shown on the proposed development survey that we provided in your packet.

In terms of the variance criteria that need to be met, the request is to allow the RES E setbacks to be utilized to comply with the 30 percent open space requirement and we do not feel it's contrary to the public interest for that reason. Again, the proposed subdivision will be developed in accordance with all SLDC and overlay requirements as well. The granting of the variance we feel would allow the development to meet the open space requirements and manner that's suitable to this property. The TAPCD requirements for subdivision do not differentiate a seven lot subdivision from a 70-lot subdivision and we feel that that's really important. The requirements put an undue burden on the smaller subdivisions as we are proposing and so for that reason we thought this might be an alternative and why we proposed it in the form of a variance request.

In closing, again just to summarize, the applicant is asking for relief from the dimensional standards set forth in the SLDC Section 9.11 setback from New Mexico 599 and SLDC Table 8-8 RES E density requirements and language within the SLDC Section 9.11 which prohibits open space within perimeter setbacks. The requested zoning density variance and setback variance would serve the purpose of maximizing a utility of a portion of land that as an express condition of the plat's approval would result in exceptional practical difficulties for the future owner Mr. Gerald Solano. In order for Mr. Solano to provide each of his children and family members with a relatively equal inheritance that will serve as a form of affordable housing for the applicant's family. Mr. Solano would absolutely need the land associated with the current 250-foot setback from the frontage road. We know that affordable housing is a critical issue not only within the County across the City as well and it and equally as important are the benefits to be gained from having a family close together. Mr. Solano and some of his family members are here today and would also like to speak to present the benefits of the proposed subdivision for his family and how this will provide a stable and secure environment along with an independent home site to care for family members. It will further address



the aging in place concept and the importance of being able to have a family community nearby for support and care. The applicant maintains that the requested variances will not have adverse effects on the general health, safety and welfare of property owners and area residents.

And so in closing, should you approve our request we would like to ask that a couple of the staff recommendations not be imposed. One of them that prohibits the development and construction of ADUs. That would be an important one that we that we leave in place if at all if at all possible. And, secondly, let me find it real quickly here – the second one that we would request is that there's a provision that calls for no drilling of domestic wells. Now even though we have the ready, willing and able letter and permission to connect to County water and wastewater, we know that the nearest distance to those connections is like I said about 1,600 feet away so we don't know if that would be cost prohibitive. And I know the code also specifies that there are certain maximum distances that you can go to connect I think for water it's about 290 feet and for wastewater I think it's approximately 100. So with that Mr. Chair and members of the Planning Commission, we thank you for your time and consideration. And I would ask that you allow the family members to speak. And with that I would stand for any questions.

CHAIR AABOE: Thank you. Commissioners, let's have the members of the family speak before we ask questions of the agent or the applicant.

[Duly sworn, Gerald Solano testified as follows:]

GERALD SOLANO: Good afternoon and thank you for allowing me to speak. My name is Gerald Solano. I live at 4443 Mission Bend in Santa Fe, New Mexico and I have been sworn in. If you don't mind I wrote down what I wanted to say because I didn't want to leave anything out.

Good afternoon, Commissioners, and thank you for allowing me to speak today. My name is Gerald Solano. I stand with my wife, Nora, and my daughter, Mariah Solano. My son Derek is the police officer back there. We are lifelong natives of Santa Fe. I'm here on today on behalf of my many family members seated behind me. We come today to ask for your approval in the requested variance which would help us fulfill our dream.

Our dream is to purchase the 8.95 acres of land in the Tres Arroyo subdivision and subdivide the land into parcels that would become home to me and my family members and my kids and my grandkids. My family who is sitting behind me were all born and raised in Santa Fe and spent our entire lives living in Santa Fe. Every single one of us have attended elementary school, middle school and high school here in Santa Fe. We are public servants of the community. We are the employees that keep our government running. Our family is comprised of current and retired city, county and state employees. Together we have we are the employees of the New Mexico State Land Office, New Mexico Environment Department, PERA, CYFD, Presbyterian Medical Services, Santa Fe Public Schools and a current and retired Santa Fe Police Officers. We serve our community in our employment and in our free time we spend coaching our kids in our youth and a variety of sports activities. Our family roots run deep in Santa Fe community and our goal is to keep our roots firmly implanted in Santa Fe for generations to come.

As for many home ownership in Santa Fe is getting increasingly difficult. The high cost of real estate in Santa Fe has pushed many locals out to neighboring cities. Far



too often our children are forced to move to Albuquerque. Rio Rancho, Bernalillo and in doing so local Santa Feans are forced to commute an additional two hours per day to keep their jobs here in Santa Fe. Many of them -- many others are forced to leave their government jobs here in Santa Fe due to the high cost of living. So not only are we losing our youth but we are losing our employees. More important than the economic reasons for this land purchase is the human and personal reasons. Allowing these variances to go through would allow a very close and loving family to stay together to look after each other as we all get older. My daughter Mariah who is 30 years-old was diagnosed with an incurable rare cancer in 2023. Despite her current cancer diagnosis and ongoing treatments she still works a full-time job for the State Land Office here in Santa Fe and is an accounting supervisor. Like many youth, like many young adults she values her independent living. Her doctors are here in Santa Fe where she receives regular immunotherapy treatments. Having to move out of Santa Fe would not only add an additional two hours of commute time for her day to work but would also greatly affect her treatments and doctors' appointments.

My wife, Nora, and I are both retired government employees. She retired from New Mexico Public Employees Retirement department and I am a retired Santa Fe Police Lieutenant. Our main priority is to provide a safe daycare as we can for our grandbabies which we will be having our first one here in August. Caring for our grandbabies and our kids to pursue their careers would be impossible if they are forced to move out of Santa Fe as we need to travel -- as they would need to travel -- we would need to travel out of town on a daily basis to babysit.

Our vision our vision is that one day we live to the ripe old age that our children can care for us. Living close to each other makes much more sense for everyone. As a husband I can be at peace knowing that if anything was to ever happen to me, my wife and my kids will be surrounded by loved ones who live close by. While I volunteered to speak on how these variances and the land purchase will affect me and my children and the rest of the family behind me they all have their own reasons where which are just as important.

When we first found out about this property it was a dream that everything would fall into place and make this happen. Buying the property without knowing if these variants would go through would be a huge financial risk to us. Instead we went under contract to purchase the property under the conditions that these variants are passed and that we can split the property to fit our family's needs. To date we have spent over \$30,000 in the application process and surveys and stuff like that. We have tried to do everything by the book to meet the County's requirements as well as to show we are good neighbors to all in the Tres Arroyos subdivision. It is important to note that in asking for these variances to be approved that we are not asking for any special privileges that have not been already granted to other land owners in the area over the years. This is evident as a map we have provided to you in the packet as attachments. The map shows the breakdown of the lots in the subdivision. The lots marked in the red are 38 lots that are 1.25 acres in size. The lots marked in the yellow are 17 lots that are less than 2.5 acres in size. This means that 55 of the 79 lots or 75 percent of the lots in this area are less than the 2.5 acres which is required. In addition there are a few lots that are smaller than 1.25 acres. If approved we would have four lots at 1.25 acres and the main remaining three lots would be 1.31 acres. Our request falls in line with other lot sizes in the area. The

request of the 250-foot setback was approved in 2022 for the property just two lots over from this property. This property does not butt up to 599. There is the frontage road that separates 599 and the property. I've heard you guys' concerns about the WIPP and all that stuff and I understand that but we are not right up on 599. There is a frontage road. And the last thing I would do want to do is put my family in harm's way. But I also do understand that you can't prevent everything.

It should be noted that all the lots in this area have private wells and septic systems many of which are 20 years old. It should be should we be able to bring County water and sewer to our property it would be a big benefit to the rest of the neighbors to have County services that much closer for connection should their well or septic systems fail.

For these reasons we respectfully ask that you help our dream come true by approving these variances in front of you today. Thank you for your time and your attention.

CHAIR AABOE: Thank you, Mr. Solano. Do any of the other folks wish to speak?

[Duly sworn, Derrick Solano, testified as follows:]

DERRICK SOLANO: My current address is 4917 [inaudible]. Good afternoon. Thank you guys for allowing me to speak.

My name is Derrick Solano I'm 24 years old and I have been a police officer with the City of Santa Fe for four years. I was born and raised in the city and I've always felt proud to serve the community that raised me. My wife and I both grew up here and we both knew this is where we wanted to build our life together. We've dreamed of finding a piece of land where we can build our home something close to both our families where our children can grow up near the grandparents. With both of us working full-time it's a blessing to know our kids will be cared for by people we love and trust. We've searched for property before but finding something that fits our needs and budget has been a real challenge. Having our parents watch our kids while we're at work will save us a significant amount of money on child care expenses. This is where our roots are and we want our children to grow up with the same sense of community and belonging that we did.

Staying in Santa Fe means everything to us. It's more than just where we live. It's our community our home. It's where our families have grown, our roots run deep and where we want to build our future.

Lately many of us are being forced to consider leaving not because we want to but because we can't find housing that fits our lives. We don't want to have to move to Rio Rancho or Albuquerque to afford a home with enough space or find a property that matches our vision or lives. If we move to Rio Rancho I would have to add an additional two hours of commute time to my already 10-hour workday which would significantly impact my ability to respond to immediate emergency callouts as a member of the emergency response team. Living in the Santa Fe community I serve allows for a faster more effective action unlike many officers who must travel into town when emergencies arise. We don't have to spend – we don't want to have to spend hours commuting back and forth from your Rio Rancho to Santa Fe or worse working jobs far from the community we love simply because housing pushed us out.

We're not asking for luxury. We're asking for the ability to live and work in the

city we call home. Santa Fe should grow in a way that includes Santa Fe natives not just those who can afford high-end developments. Thank you for your time and consideration in our story.

CHAIR AABOE: Thank you, Mr. Solano. Ms. Solano.

[Duly sworn, Savannah Solano, testified as follows:]

SAVANNAH SOLANO: My name is Savannah Solano. I am 25 years old and I was born and raised here in Santa Fe. After graduating from Santa Fe High School I attended New Mexico State University where I earned my master's degree in business administration. After meeting my now husband I moved back home to Santa Fe and began working with the State Land Office for two years. I now work for the City of Santa Fe as an HR Analyst 2.

My husband and I got married in June of 2024 and we're now 32 weeks pregnant expecting our first baby in August. It's an exciting and emotional time for us as we prepare to start our family. My husband and I both grew up here and we're now working hard to build a future for our family in the same community that shaped us. Our dream is to purchase property near both of our parents somewhere we can build a home and raise our kids surrounded by family. It means the world to us that our children will be cared for by their grandparents while we're at work. And we hope to give them a childhood full of love, space to play, and a deep connection to this community.

We've looked at property before but it's been very difficult to find something that's both affordable and truly feels like home. Our vision is to build a house where our kids and dogs can run around freely and where we can stay for the long term. If we are unable to find a property and have to move to Rio Rancho it would likely require us to find and pay for child's care near there adding a significant unplanned expense to our budget especially since our long-standing plan has always been to rely on our parents to care for their grandchildren while we're at work.

We're committed to Santa Fe not just because it's where we're from but because it's where we want our children to grow. Thank you.

CHAIR AABOE: Thank you/

[Duly sworn, Paul Sandoval, testified as follows:]

PAUL SANDOVAL: Paul Sandoval, 42 Pueblo de Baca, Santa Fe New Mexico 87507.

Thank you for letting us speak today. My name is Paul Sandoval and this is my wife, Shirley. Unfortunately my kids couldn't be here, They're working today. I've lived here for 60 years. I work for Toyota of Santa Fe where I'm the parts and service director. I've been there for the last 33 years. We are definitely involved in the community. I've been a volunteer coach at Santa Fe High, Capitol High School for the last 20 years. My son and my son-in-law are both really involved in the local church and both help out with all the youth in Santa Fe. We are all part of this community and with all that said I love Santa Fe and so do so do my kids. I want them to grow up and raise their kids here so that we can all be close to each other. But as you all know the cost of living in Santa Fe is very expensive and most people can't afford to stay here. My son and his wife live in Rio Rancho right now and work in Santa Fe. They both have young kids and have to commute and my daughter and her husband rent in Santa Fe because they can't afford a house here.

We aren't asking for any special privileges just to be treated fairly like others have

been in the past in the same neighborhood. So with your grace and your understanding hopefully we will get approved to develop the property. My hope is that all of my kids and my grandkids can live near us in this beautiful city we call home and they can raise their kids and we can all pitch in and serve this community like we have for the last 60 years. Thank you for your time.

CHAIR AABOE: Thank you, sir.

[Duly sworn, Yvette Sandoval, testified as follows:]

YVETTE SANDOVAL: I've been sworn in. My name is Yvette Sandoval and my address is 2360 Brother Abedon Way, Santa Fe New Mexico 87505.

Good afternoon, Mr. Chair and Commissioners. Thank you for giving me the opportunity to speak today. Just like the others, I'm a lifelong resident of Santa Fe deeply rooted in this community. After college I returned home and have remained an active and contributing member ever since. We coached little league, taught Catechism, were very active at each of our schools, planned all the senior events. So it's always been important to me to be close to family. Santa Fe isn't just where I live, it's literally who I am. It's where I raised my two beautiful daughters and prayed that they would always be able to return home. When my youngest daughter returned from college we really worried about how she might be able to stay home. As affordable housing in Santa Fe is a growing challenge here. When Derrick and Savannah found the property that we're looking at, it was like all of our prayers were answered. It was the opportunity for our babies and grandbabies to be able to stay home in this beautiful community.

To me this isn't just about housing. It's about staying close to my family. I'm requesting these variances so that I can live near my daughter, son-in-law and grandchildren and support them in any way that I can as they also contribute to their community working in government, coaching their teams, teaching Catechism and participating in all the activities that their children will be engaged in. This request aligns with the spirit of the community in the subdivision and won't disrupt the neighborhood since there's already many lots, I think we heard 38, of this size. This request simply allows me to be a present grandparent and a supportive part of my family's life just as my grandfather was for me a couple of blocks from here. I respectfully ask for your support and helping me to remain in the community I love close to the people who matter the most. Thank you.

CHAIR AABOE: Thank you ma'am. Is anyone else here from the applicant's family? Okay, so now commissioners do you have any questions of -- is there anyone online from the applicant's family?

MR. SISNEROS: Mr. Chair. Commission members, we do have Angelica Sanchez online wishing to speak.

CHAIR AABOE: Is she part of the applicant group because I think we haven't entered the public hearing yet.

MR. SISNEROS: No, she's part of the public.

CHAIR AABOE: Okay So let's just hold off. Commissioners would you like to ask any questions of the agent or any of the applicants? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. First question would be for Miss Martinez, if you would. Thank you for your presentation it was good. Question, so the current owner is Mr. Juarez?

LISA MARTINEZ: Mr. Chair and members of the planning Commission,

Mr. Brugger, that is correct.

MEMBER BRUGGER: When did he buy the property?

LISA MARTINEZ: That's a good question. I'm not sure I have the answer to that.

MEMBER BRUGGER: I thought I saw something in the file that he bought it from the state. But I may or may not be correct but what I saw something in the file that it was like 2020. And the reason the reason I'm asking is that if it was after the code had been approved then that's one thing that one would have an idea what one may be getting into as far as density and requirements and so I can't ask whether -- I could ask whether he was aware of the requirements when he acquired the property or you may not know.

LISA MARTINEZ: Mr. Chair, Commissioner Brugger, I'm not sure if he was aware of the requirements but I do know that in 2022 he did go before the TAC with a similar request. He had density and a few other items that he was requesting at that point in time. So he must have known in 2022. How soon prior to that he purchased the property and whether or not he was aware I don't have an answer to that.

MEMBER BRUGGER: Thank you. And did that case in 2022, did that did that come before Planning Commission or what happened with that?

LISA MARTINEZ: I don't believe it made it as far as Planning Commission. I think it went before the TAC and they got the ready, willing and able letter of approval. Beyond that staff may know more about that than I do.

MR. LOVATO: Mr. Chair, Commissioner Brugger, I have no record on those issues.

CHAIR AABOE: And Commissioner Brugger, I believe you're correct. I read in the exhibit titled quit claim deed that he acquired the property in 2020. Thank you. Any other questions? Commissioner Brugger.

MEMBER BRUGGER: The next question for Mr. Solano, if I may. So you have a contract to purchase the property from Mr. Juarez?

MR. G. SOLANO: Yes, sir.

MEMBER BRUGGER: And you haven't closed on the property yet have you not or you have conditions that must be met prior to when you close and one of the big conditions, I would suspect, would be these variance requests>

MR. G. SOLANO: No, sir. When we first learned of the property we knew that we were going to be requesting a variance in the lot split. So that's when we went under contract with him and we found out that there was a 250-foot setback on there. So that that brought up another issue. So we were very hesitant to purchase the property because of this on there. So of course he wanted to sell the property. We entered into a contract with him that we would give him \$10,000 down as a retainer fee whatever you call it down payment as long as he would hold the property as long as we went through this process. We didn't think it was going to take -- it's been almost a year that that we've been going through the process and we didn't think it would take that long. The \$10,000 that we did give him was with the condition that if it doesn't go through we forfeit the money. So that's one of the conditions. And then we've also put like I said about \$30,000 into surveys and different things that we've had to do to try to get to this point where we're at now. So all in all we'd probably be at about \$40,000 if it didn't go through.

MEMBER BRUGGER: If I may, one more question for now. It could be either to you or Miss Martinez but why seven lots?

MR. G. SOLANO: Well, because we have our kids here and we were originally going to do it for five lots and we were told that if we if it was to be approved that we wouldn't be able to split it anymore after that. So we were advised that if we were going to do it we should do it for what we were planning for the long term and the seven lots is what we would need long term. Some of them, some of our kids, aren't able to build right now but we're hoping within the next five years that they will. But we also understood that in five years we wouldn't be able to come back and ask to split a 2.5- acre lot into 1.25 acres. So that's why we're trying to do it all today.

MEMBER BRUGGER: Thank you.

CHAIR AABOE: Commissioner Mier.

MEMBER MIER: This is for the agent, Ms. Martinez. So you were talking about the sewer and the fresh water from the County and you were saying it was quite a ways away. Can you go over that just a little bit more? How far are those the hookups for the water and the sewer compared to where the lots are at?

LISA MARTINEZ: Mr. Chair and Commissioner Mier, I hope I'm pronouncing that correctly, yes, we understand that the that the lines are, one of the lines is approximately 1,620 feet away from the parcel. And so I'm not completely familiar with how the County deals with that. Like I said, we know there's a provision in the code that says that you have to connect within 290 feet for the water. So I'm not sure how the rest of it gets addressed. We know that some of the adjacent property owners there's a gentleman named Matthew Baca and he has the water line coming through his through his property and that's where the connection would come from. But we don't know if it's straight across the property connection where an easement would have to be created or if the water lines would be moved to follow actual property lines. We'd have to work with Santa Fe utilities to try to figure out what the best route for that is.

MEMBER MIER: And have you spoken to them?

LISA MARTINEZ: We have. We have and so, like I said, we did get the approval, the ready, willing and able letter. So they're willing to give us those services. It's just a matter of if the variances in the subdivision gets approved working with them directly to figure out what the best route is for those connections, for water and wastewater both.

MEMBER MIER: Okay. Thank you.

CHAIR AABOE: Any other questions from Commissioners?  
Commissioner La Cruz-Crawford.

MEMBER LA CRUZ-CRAWFORD: I guess I have some just general comments that might lead into questions as well. First and foremost I just want to mention to the family here that just want to give respect for your involvement in the community and also for the fact that you're actually trying to create essentially like a family compound. I think that's actually really awesome. I could see how it'd be totally beneficial for you guys and for your kids and your future. So I definitely respect. The other comments I guess I would say is that I feel like this particular property that you found seems like there's a lot of uphill battle for this particular property because of all these setbacks there's or sorry because of all these variances that you're requesting. You're dealing with a zoning density request a 250-foot request which appears to be some

sort -- I mean somewhat of a safety concern like the Commissioner mentioned as well. There is a portion of the code that says that if a particular property cannot be used because of that 250-foot setback that, I think the back 30 percent of it is allowed to be developed. So there's some provisions of code that allow you to use a lot like that for that reason. There's also the open space scenario but I guess for me I feel like you've got the density scenario, the setback scenario that's kind of against you, and there's also some financial implications that I'm hearing as well with respect to utilities the fact that just mentioned here Commissioner as far as like utilities being far away. That could be a pretty costly scenario for you guys to be able to build/ develop that property. In particular, if we go forward with staff's recommendation of not allowing any wells, which I would actually be definitely in agreement with.

I live in La Cienega and we deal with a lot of water issues. I'm a mayordomo of my acequia and really any wells are pretty detrimental they could just use up our water. And so I do think that connection to local utilities would be warranted for anything like this; certainly preferred.

I guess I was also curious and I'll ask this as an actual question then to the applicant; what other properties have you looked at? Because I know there's other vacant lot lots available just through a quick search on Zillow. I know you guys are looking at this particular one.

MR. G. SOLANO: Additionally when we first started this my son and his fiancée or his wife, his fiancée at the time, were looking for a lot preferably 2.5- acre lot. So I was helping him look for 2.5-acre lot and that's when we came across this property. We had looked out towards Budaghers and a couple of other areas. But as you know with the 2.5-acre lot even if they were to find one in Santa Fe they'd be on their own to develop a well which can be pretty expensive. As well as 2.5 acres -- most of these lots are like 2.5 acres or big lots. And it's very very expensive. So when we found this one -- and my daughter is also looking for a lot hopefully at one point and I talked it over with my wife and then that's when we thought if we can buy this lot and split it and help our children then that would be the perfect scenario for all of us and that's why we've pursued it.

MEMBER LA CRUZ-CRAWFORD: Okay. A couple other quick comments. I noticed that at least in this particular overlay zoning district what it mentions as far as the purpose for the RES E here on the code it says is to preserve the rural character of the community for single family development option for clustering, agriculture-related uses, lower medium impact home applications and businesses; so obviously when this overlay was done the intent, obviously, before it was 1.5s you could do that but the intent now since 2016 has been to kind of create these 2.5-acre lot scenarios. Another question is, so with this my understanding is it's a 7.9 something I did the math but I think correct me if I'm wrong staff here but I am looking at current code scenario at 2.5 acres, the math is like 3.5. So we're dealing with three lots that it would be able to be divided/subdivided into legally?

MR. SISNEROS: Mr. Chair, Planning Commission members, yes, that is correct. By Code it would be allowed three lots by subdivision.

MEMBER LA CRUZ-CRAWFORD: And by code with those three lots you're allowed to have an accessory dwelling unit. That's approved for this zoning scenario as well. So you could technically have three lots have a main residence and also



build an accessory dwelling unit and essentially still have six residences for your family potentially. And that would be my one concern with at least the fact that I believe your agent mentioned that they would not want to take staff's recommendation of no ADUs. Because obviously if we do approve this to be a 1.25 acre scenario where you're allowed to have seven lots. You know you could have seven single family residences and if we don't approve that particular staff recommendation that means you could technically have 14 homes here with a single family and an accessory dwelling unit in that particular lot. So that also concerns me as well because that's a lot of lot of development even if it's for a family compound. That's a lot of water use and actually for even for you guys that's a lot of expense as far as construction costs are concerned. So things to just consider on your own as well as far as the purchasing of this lot on your end.

MR. G. SOLANO: I understand that and our intention is not for accessory dwellings. If that's a deal breaker we could do away with the accessory dwellings. That's not – we didn't want to just openly forfeit that but that's not any of our intentions. So if that's the deal breaker then we'd be willing to, we'd agree to no accessory dwelling structures.

As far as the three lots, the issue with that is that means that three people would end up paying for the lot which that would be out of the price range for my kids. At a 1.25-acre lot they can afford something like that. At a 2.5-acre lot they wouldn't be able to and they're still going to have to put the water resources and the plumbing and everything else that comes along with it. And instead of spreading it out seven ways it would have to be paid for by three people. I don't -- and I'd also have to cut out some of my family members which I didn't want to do. It's hard to do something like this and then decide who you're going to allow and who you're not going to allow. So those are the concerns that we have. I understand what you're saying. But if you look at the plot that that we provided with the red dots on there and the yellow dots, a lot of the lots in there are 1.25 acres and I understand that they changed the rules in 2016 and that's why we decided to come before you before purchasing it to try to get this clarified.

MEMBER LA CRUZ-CRAWFORD: I think that you're doing the right thing for sure by coming forward here and trying to request a variance. That's why this process is in place, right, to be able to have your say and be able to request it. And on our end as Commissioners or at least on my end as far as I'm concerned I have to look at it as these kind of requests right; are you meeting these requirements, contrary to public interest, are there any extraordinary or exceptional situations or conditional property? I don't quite see like a hardship necessarily there but and your agent can respond to that as well.

MR. G. SOLANO: One more thing that I'd just like to add is Mr. Juarez who owns this piece of property also owned a property similar in size right across the highway on 599 next to Camino Real. And we had approached him to buy this piece of property. He had previously sold that property to a developer Camino Real and they built probably 25 houses in that in that area. But at the time they wanted to finish that subdivision before moving this way. And so that's why we made the offer to him gave him money down that we would eventually lose to give us a chance to come in front of you to present our case. But I also know that if we are denied, he'll probably sell it to the developer with a lot more money and they'll be they'll build 25 houses instead of just seven you know.



MEMBER LA CRUZ-CRAWFORD: No, I appreciate that. Like I said I really appreciate your family and your being here. I do think sometimes it's unfortunate these overlay districts. I mean I don't necessarily agree with all the restrictions personally for certain overlay districts but they're there and the community has established them. But I hear you. Thank you.

CHAIR AABOE: Thank you Commissioner. Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. Just a comment.

Compelling testimony. I wish my kids could live here. They're in Rio Rancho and Moriarty. I think there was one of the presentations that gentleman mentioned that you weren't requesting or asking for anything special or special you know, special disposition. I wish that were the case but this is a variance request. And just two things to point out. Most of you sat in on the community planning presentation earlier. Where that ends up is in an overlay district. There's a planning committee, a bunch of people from the area participate in the committee and then they create a plan. They create a overlay district. And that's what happened with this. So it's not like the staff just came up with a code. It's the result of a lot of people who put in a lot of time and this is the code that we're sitting up here we're supposed to follow.

Second comment is, it's hard for us, the setback request it's hard. Even when you go -- if the this overlay district that you're subject to this property was disregarded and you went to the basic code, there is a section 7.3.3.3 highway setbacks, that state, unless established through a right-of-way all development shall be set back at least 150 feet from the road pavement of a federal highway and 100 feet from a highway major arterial or railroad. This, the old WIPP route would qualify. So we're not even talking 100, we're talking 25. It's a tough one and that concludes my comments.

CHAIR AABOE: Thanks very much. Any other questions from Commissioners of the applicant or agent? Hearing none, this is a public hearing is there anyone in the room or online who is interested in speaking in support or opposition? If so please come forward and be sworn.

[Duly sworn, Gil Tercero, testified as follows;]

GIL TERCERO: Gil Tercero, 7B North Horizon Lane, Santa Fe, New Mexico 87507.

Mr. Chairman, Commissioners, thank you for the opportunity. I stand here in support of this project. I met Mr. Solano and his wife about two weeks ago and they shared their story with me. Their desire for their family the sacrifice that they're making to allow their families to live together, to help each other out in time of need. And I've been in the same situation myself fortunately I was able to split a 2.5 –acre lot into two 1.25 because of the family transfer provisions of the code. I can't believe that the County allowed a local development plan to remove such an important aspect of the County code as the family transfer provisions. To me it was unheard of. And when I was Land Use Administrator for Santa Fe County back in the early '80s when the first Land Use Development Code was adopted. The family transfer provisions in that were so important to the County and the cultural/the heritage of our community and the practice of parents being able to give land to their kids so that they stay here and build a family. And to see that one local community can wipe that out is astonishing to me. But that's neither here nor there.

The fact that Mr. Solano is willing to invest the money to bring public water and

Sewer, that's also a very important issue to our area in that we're all depending on wells and septic systems and those things tend to fail over time.

The neighbor that I have to my east is immediately adjacent to this project. I am immediately adjacent to this project and we both support what this applicant is attempting to do and I just stand for questions.

CHAIR AABOE: Thank you very much, Mr. Tercero. I just want to be clear and just ask question of staff. I believe that the speaker indicated that it's the community overlay district that is limiting things to 2.5 but it's the underlying zoning; isn't that that correct?

MR. LOVATO: Mr. Chair, whenever you're in a 2.5-acre overlay or within regular county jurisdictions not within an overlay, 2.5 is the minimum lot size. The 2.5 acres back in -- before 2016, we found that a lot of the small lot family transfers of 1.25 acre were being extorted or taken advantage of. And a lot of people would come in and do five acres into two into the 1.25s and then you'd end up with a serial subdivision where there were 10 acres and they would do the same. And they were utilizing family transfers as a provision to do so and --

CHAIR AABOE: And essentially developing subdivisions.

MR. LOVATO: Serial subdivisions. So we didn't have proper access. We didn't have proper water sources. We didn't have proper fire protection to access these sites. That was a major issue for the change in the ordinance. And that's why they started allowing ADUs as a provision to that standard.

CHAIR AABOE: Thank you very much. And thank you very much, sir.

MR. TERCERO: Thank you.

CHAIR AABOE: Any other interested parties online or here?

MR. SISNEROS: Mr. Chair, Planning Commission members, we do have Angelica Sanchez online wishing to speak.

ANGELICA SANCHEZ: Thank you for allowing me to speak. My name is Angelica Sanchez. My questions that I had concerning this subdivision or this proposal have been answered through further discussion. I was concerned about the ADUs which would make it the 14 on that property. Also with the setback of the 250. But through the discussion I think I've got the answers.

CHAIR AABOE: Thank you, ma'am. So no further questions?

MS. SANCHEZ: No.

CHAIR AABOE: Thank you very much.

MR. SISNEROS: Mr. Chair, a second hand just went up. J. Kennedy. [Ms. Kennedy lowered her digital hand.]

CHAIR AABOE: Okay, so with that let's close the public hearing portion. And Commissioners any questions of staff? Commissioner Pava.

MEMBER PAVA: Yes, thank you, Mr. Chair. I have a few questions for staff before we entertain any kind of motions.

The first question would be re regarding the structure of the case presented to us. There's three separate variances albeit related. Are we making -- when a motion is made pro or con are we making one motion to cover all three variances or are we making motions for each variance although some are dependent on others for the case?

MR. LOVATO: Mr. Chair, Commission Member Pava and the rest of the Commissioners, I think it would be appropriate to make a motion on each individual for

clarity.

MEMBER PAVA: Thank you. I thought so as well. The issue of housing types comes up in the record that I read through prior to the case. There were comments about or concerns during neighborhood meetings and during zoning hearing meetings about the types of housing. So I think manufactured housing it may have been referred to as mobile homes but I think we're talking about manufactured housing; is it permitted so and so on these parcels whether they're seven parcels or three parcels or one parcel? What is the County code, what does the code state as regards manufactured housing on lots in this district and overlay?

MR. LOVATO: Mr. Chair, Commission Member Pava, Santa Fe does Santa Fe County does not discriminate on the type of home you may place on your property, However, we do make aware to potential buyers or applicants that there could be private covenants which they can be held in litigation on. So that's basically what Santa Fe County stance is. They must pass HUD/Housing Urban and Development requirements. They also have to pass state manufacturing requirements.

MEMBER PAVA: Thank you, Mr. Lovato. A follow-on question; there was some discussion about maybe subdividing with fewer lots. Maybe three lots and then having three accessory dwellings which gives you six houses basically. And we're talking about maybe between five and seven being desired. So here's my question: Let's say we divided this into three lots. Each lot is about 2.5 acres, how large of a main house could be built on a 2.5-acre lot with the zoning currently and that would queue me into a little bit to the size of an accessory dwelling unit?

MR. SISNEROS: Mr. Chair, Planning Commission Member Pava, there would be no restriction on the size of a residential house. They would just have to make sure that they meeting all setbacks, all open space requirements, avoiding easements such like that. But there's no restriction on the size of a primary residence that they would be able to build on these lots

MEMBER PAVA: And does the County, following up either for Mr. Cisneros or Mr. Lovato, does the County code define a family specifically that would preclude more preclude certain or associations of people living in a large house in this district zoning district? In other words, could there be a big house and there could be like an extended family in that house. The code doesn't get into that does it?

MR. SISNEROS: No, not necessarily. What staff would look for on the size when a permit would come through is the number of kitchens and access. If there are multiple kitchens and access seems to be closed off and access would only be obtainable through the exterior we would look at that as two separate dwellings. If access was open there was common spaces and it was open and able to flow through and there was two kitchens we would still possibly consider that as one residence.

MEMBER PAVA: Okay, that's helpful, knowing about families and kitchens and whatnot. There was a letter that we were handed just before the hearing [*Exhibit 1*] signed by several people it seems to be in opposition. But my primary focus here is about dates and two different hearings and whether I guess bottom line is, can we state for the record in fact that for this public hearing tonight that the notification requirements were met per Code?

MR. SISNEROS: Mr. Chair, Planning Commissioner Pava, that is correct. So the applicant and their agent had missed noticing and so they had to renotice but they

have met all notice requirements for this hearing and for the prior Hearing Officer meeting.

MEMBER PAVA: Okay. Having heard the testimony and I'll just make a statement here. Having heard the testimony and respectfully to what's going on here having been a planner myself for 40 years there is an acute problem in not only Santa Fe but the country. And what we have heard tonight should as we begin to reassess and redevelop our land use codes as I understand may get funded to do, we need to consider some of these situations because this isn't the first one we've heard and it won't be the last. And honestly I agree very clearly with Commissioner La Cruz-Crawford, that we have to go by the book here to some degree. But the reason we're on the Planning Commission is also to use some -- to be judicious. Now of course I understand this is quasi-judicial and the results of this of our vote could be appealed to the County Commission; is that correct?

MR. SISNEROS: Mr. Chair, Planning Commissioner Pava, that is correct. A decision here either approval or denial can be appealed on to the Board of County Commissioners as a de novo case and start over for either approval or denial by the Board of County Commissioners.

MEMBER PAVA: Yeah, thank you, I appreciate knowing and I'm sure the applicant and agent understand that that's a possibility. This is a real difficult situation. I think all my fellow commissioners feel somewhat like I do. I'm very conflicted about this. These are real problems/social problems. And as the former director at for the County many years ago had pointed out there is a valid place and time and place for this family land transfer and there were abuses. We've got to figure out some way to allow the culture of our community whether we came here last week or 40 years ago as I did or in some families 400 years ago we need to figure this out because we're going by the book and we're trying to do the right things. But this variance case just highlights the problems that we are facing with affordable housing. So I just want to leave it at that for the record.

CHAIR AABOE: Commissioner, I just I wanted to mention something. I'm a little bit concerned about splitting up the different parts of the variance request not understanding what the real estate transaction deals are. If we were to prove one portion but not the other portion that made the project undoable that might really put Mr. Solano under the gun contractually.

So I believe that straight up, up or down, on all of the variance requests at the same time will not put Mr. Solano at risk because I haven't seen their contract and really don't wish to. That's just a comment I had. Any other comments from Commissioners?

MR. LOVATO: Mr. Chair, it would be appropriate to vote on all three as well.

CHAIR AABOE: All three at once, great. Thank you. Any other comments?

MEMBER MIER: I guess I have one statement. It seems like even we if we approved it based on the staff's recommendations and the one issue that I brought up earlier was no drilling of domestic wells shall be allowed. If we somehow approve this and they can't get water service or sewer service to their lots this approval wouldn't really mean a whole lot. So I don't know what to do about that but I just thought I'd bring that to everyone's attention to think about that as we consider how we vote on this issue. So

that's all I have.

CHAIR AABOE: Commissioner.

MEMBER LA CRUZ-CRAWFORD: Question for the staff. So since 2016, I don't think anybody asked this but or maybe they did and I missed it but, have there any variances been requested at this overlay zone for a 1.25 or a density variance and have they been approved?

MR. LOVATO: Mr. Chair, Commissioner La Cruz-Crawford, I'm not aware of any that have come forward.

MEMBER LA CRUZ-CRAWFORD: I think when I'm kind of thinking about this right I was asking the question as far as the splitting the lots whether you can get away with three, the 2.5 acres, there was already a question as far as like square footage, how much could you build? Because realistically you could build like a 3,000 square-foot home and still build a 1,500- foot ADU which a 1,500 square foot home is a large home anyway right. That would certainly be able to probably be enough for your families to live in. I think maybe the issue more so for you guys is being able to pass that land on right to your kids and so forth because if you only have three acres of land how are you going to subdivide it who are you going to pass it to versus having seven> So I do get that too.

I guess my last comment I would say, just from my own. is like I feel, like heart wise as far as common sense wise well actually before I say that, I guess another question real quick with staff because I'm kind of curious about this because you did mention the abuse of the subdivisions, right, to the 1.25 scenario and I'm here with the Commissioner too because, I mean this is an issue that should be addressed in some way right because we live as New Mexicans and that's why we have the ADU scenario. We're able to like provide for a family, for our abulitas, or other family members, etc. and stuff. So that's why it's there right. But could you speak a little bit further on just kind of that abuse and has the change since 2016 improved that in any way as far as the County is concerned?

MR. LOVATO: Mr. Chair, Commissioner La Cruz, it has changed. We do not see a lot of serial subdivisions. We do have a provision in our ordinance that prohibits them and holds them liable for doing so. As far as minimum lot size, we've stuck to what the code states. We've kept it at 2.5 whether it's a 10.5 acre minimum whatever it be. We usually stick to that. The only time I seen them any properties go below density is when they do a geohydrologic test and prove adequate water for 100 years. But there's a lot of studies reports and assessments so on and so forth that go along with those provisions.

MEMBER LA CRUZ-CRAWFORD: Okay. Thank you and I guess as my last comment I was going to say before I asked the previous question, it's just that yeah, as far as I'm concerned my heart and common sense says, Hey, what you guys are doing is great you guys are trying to do something for your family. The fact that you would probably use this land for that purpose I believe you guys. And that you're not necessarily trying to abuse you know the potential of subdividing it, etc., like staff mentioned it's been kind of abuse in the past. So my heart goes out to you. And I also just have to look at this in light of like I said these kind of provisions that are in place and what does it mean? Are we doing this just kind of -- are we being is there any kind of favoritism with respect to approving or disapproving this etc? And this is a hard one like our

Commissioner Pava mentioned. I find this one really difficult and I have to kind of think it over in my head because one part of me is there's opposing views in my own head as far as like how to go about this because of X Y and Z. So just want to put that out there. I feel for you guys.

CHAIR AABOE: Thanks, Commissioner. Any other Commissioners have questions or comments? What's the will of the Commission? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. With your permission I'd make a motion regarding case 25-5010 to deny the variance request enabling seven lots on this 8.954- acre parcel and to deny the variance of the setback from 250 feet to 25 feet and to deny the open space variance request.

CHAIR AABOE: Thank you, Commissioner. Is there a second to that motion?

MEMBER LA CRUZ-CRAWFORD: I guess I would second that motion.

CHAIR AABOE: Okay. We have a motion for denial of all variance requests and a second. May we have a roll call vote please. Correct me if I'm wrong, but a yes is for denial. Is that right? Yes.

**The motion failed [3-2] by roll call vote as follows:**

|                       |     |
|-----------------------|-----|
| Dan Pava              | No  |
| Steve Brugger         | Yes |
| Jose La Cruz Crawford | Yes |
| Jeremy Mier           | No  |
| Erik Aaboe, Chair     | Yes |

MR. LOVATO: Mr. Chair, before you go further. You need a majority of four of the seven members so, therefore, the motion dies.

CHAIR AABOE: Okay, so the motion dies. What are our options? So in order for this for a decision to be made there needs to be a motion for approval that fails; is that correct?

MR. LOVATO: Before you come back you need four of the seven members to vote either yes or no for the approval or denial.

CHAIR AABOE: So we are high centered. We basically -- what what's the procedure?

MR. LOVATO: Mr. Chair, I believe it would be tabling and coming back before the seven members. Or the other option was reinstate another motion and vote once again.

CHAIR AABOE: So if we so if we table and bring this up with more members present, what happens? Do the other members read the record or do we do this rodeo all over again?

MR. LOVATO: I believe you would need to start all over again. So the other members have the opportunity to hear the case.

CHAIR AABOE: Got it. And so that's one option. The other option is to make another motion that gets four votes one way or the other; am I stating that correctly?

MR. SISNEROS: Mr. Chair, Planning Commission Members, yes, that is correct.

CHAIR AABOE: Let's see. I believe we've discussed many of these -- a number of the issues that have been brought forth and I'm just trying to find out what if there's any interest in a Planning Commission member making a different motion or is everyone pretty clear on, I guess the real question, is that your final answer. No, I'm sorry.

It seems fruitless to me to try and revote this because folks were clear in their votes. There was no wiggling so --

MR. LOVATO: Mr. Chair, before you go any further let us look at the actual factual evidence that we have in our ordinance. We're doing the research.

CHAIR AABOE: Okay, got it. So let's please hold. And where would I find that to maybe I can look too? Where are you guys looking?

MR. LOVATO: Mr. Chair, I'm looking in Chapter 3.3.

CHAIR AABOE: Okay, thank you. So let's go into recess and then we'll call back in case anyone needs to use the facilities. So we're now in recess Thank you.

[The Commission recessed from 6:56 -7:17]

CHAIR AABOE: We're back in session. So the motion for denial failed because we need a majority of the Planning Commission. So what we can do and what we -- I will make a motion to postpone a decision on this matter until the next regularly scheduled meeting of the Planning Commission which is July 17<sup>th</sup> at 4:00 p.m. We will put this at the top of the agenda after consent and minutes and things like that and at that time we will consider what to do about this case. Because our attorney is not present we are not really aware of the proceedings but the Land Use Administrator and Dominic Sisneros has promised to communicate with the agent and the applicant. Well I guess the applicant hasn't been here to communicate with the agent so they can pass that information along to the interested parties. So we really need to know how we bring the other currently absent members of the Planning Commission up to speed whether we need to reopen the hearing or whatever. We're not quite sure. But once we get legal advice Mr. Sisneros will pass that along to the interested folks.

So I've made a motion to postpone the consideration of this case until the next regularly scheduled meeting of the Planning Commission which is July 17<sup>th</sup> at 4 p.m. May I get a second?

MEMBER PAVA: Second.

CHAIR AABOE: Discussion. Commissioner.

MEMBER BRUGGER: Mr. Chair, just to make sure that everybody understands. So the motion for denial failed. And we'll come back next month and run it back.

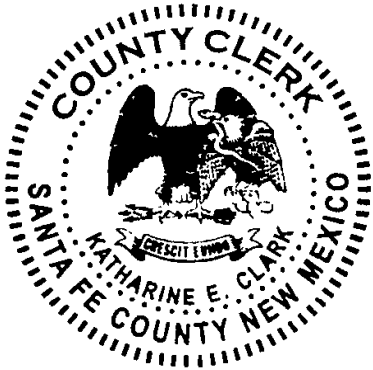
CHAIR AABOE: Yes and we're not really sure about what the specific mechanics will be but it'll be next month on the 17<sup>th</sup> of July at 4 p.m. So we have a motion and a second, may we get a roll call vote.

**The motion passed by unanimous [5-0] roll call vote:**

|                       |     |
|-----------------------|-----|
| Dan Pava              | Yes |
| Steve Brugger         | Yes |
| Jose La Cruz Crawford | Yes |







COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

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[ Hereby Certify That This Instrument Was Filed for  
Record On The 21ST Day Of July, 2025 at 09:43:18 AM  
And Was Duly Recorded as Instrument # 2063210  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Katharine E. Clark

Deputy *[Signature]* County Clerk, Santa Fe, NM

SFC CLERK RECORDED 07/21/2025

