

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

July 17, 2025

1. This meeting of the Santa Fe County Planning Commission called to order by Chair Erik Aaboe on the above-cited date at approximately 4:10 p.m.

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

Members Present:

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

Member(s) Excused:

None

Staff Present:

Alexandra Ladd, Growth Management Director
Roger Prucino, Assistant County Attorney
Dominic Sisneros, Building & Development Supervisor

2. **Approval of Agenda**

A. **Amendments**

B. **Tabled or Withdrawn Items**

Mr. Sisneros advised the Commission that since publication, there have been no changes to the agenda.

Member Trujillo moved to approve the agenda as published. Member Pierard seconded and the motion passed by majority [6-1] voice vote. Member Brugger cast the nay vote.

3. **Approval of Minutes:**

A. **Request Approval of the June 18, 2025 Minutes**

SFC CLERK RECORDED 08/25/2025

Member Pava moved to approve the June 18, 2025 minutes as published. Member La Cruz-Crawford seconded and the motion passed by unanimous [7-0] roll call vote.

4. Miscellaneous Agenda

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

CHAIR AABOE: This was not unanimous. So this is a case that we've already voted on, however, it was not unanimous. So this is a request to approve the final order for case 25-5090. May I get a motion for approval?

Member Trujillo moved to approve Case #25-5090. Member Pierard seconded and the motion passed by majority [6-1] voice vote. Member Brugger cast the sole nay vote.

5. Consent Agenda

A. Case # 24-5060- Beverly Todd, Applicant, requests approval of a density variance to allow two dwelling units on a 4.997-acre parcel, of Chapter 8 table 8-9: Dimensional Standards-Residential Fringe (RES-F). The Applicant has an existing main residence of 2,300 sq. ft. and a guest home 2,300 sq. ft. The subject property lies within the Residential Fringe zoning district (RES-F) where the base density is one (1) dwelling per 5-acres. The property is located at 83 Apache Ridge Road. SDA-2, within Township 15 North, Range 8 East, Section 25, (Commission District 5). Case Manager, Dominic Sisneros

B. CASE #25-5040 Ridgeline Manufacturing, Conditional Use Permit (CUP), Matias Roybal, Applicant, is requesting approval of a Conditional Use Permit (CUP) to operate a manufacturing business from his home. The site is zoned Residential Estate (RES-E) in the Rural Commercial Overlay Zone (O-RC). Chapter 8.11.2.4, states that a manufacturing business is a CUP within the Rural Commercial Overlay. The 67.10-acre parcel is located at 3236 NM 41 (Commission District 3), Parcel ID # 94557056. Dominic J. Sisneros, Case Manager

Member Pierard moved to approve the Consent Agenda as presented. Member Trujillo seconded and the motion passed by unanimous [7-0] voice vote.

CASE #25-5010 Javier Juarez, Variance.

CHAIR AABOE: Before we go on to new business, we had an issue at the last meeting where our attorney was unable to be here and we had a few of the members not in attendance and we moved on a case. We took an action; however, the uh

SEC CLERK RECORDED 08/25/2025

opinion of staff at that time was legally incorrect. So, Roger, I wonder if you would go through and describe kind of what had happened and the resolution of that. Thank you.

ROGER PRUCINO (Assistant County Attorney): Certainly, Mr. Chair. At the hearing, give me a moment, just want to make sure we're identifying the case properly. The case in question is 25-5010. It was the Juarez request for three variances. The meeting was attended by five of the seven commissioners on the Planning Commission. The portion of the SLDC addressing variances requires a majority of the entire Planning Commission or BCC if it were to reach that point approve or vote in favor of a motion to approve a variance. The point being, that variances are intended to be rare or at least difficult to grant because of the unique circumstances and the drafters of the ordinance didn't want a minority of any body to be able to pass or approve a requested ordinance [sic]. That issue was in fact discussed with the applicant during last month's meeting once staff realized that the meeting was taking place with only five Commissioners so that the applicant was aware that they would need four votes at that time and the applicant chose to proceed rather than to table the item which was an option presented to the applicant.

After the presentation of the case by staff, applicant and discussion among members of the Planning Commission a motion was made by Commissioner Brugger to deny the request for the variances. The motion was seconded and on a vote the motion passed by a 3-2 vote to deny the variances. Because in the usual, well I shouldn't say usual, but in the circumstance when a motion to approve a variance would be made, a vote of four members of the Commission would in fact be necessary and staff advised the Planning Commission that four votes were necessary for that particular motion which was incorrect under the circumstances because it was a motion to deny. A majority vote would have been sufficient and, in fact, was sufficient.

The opinion of counsel is that it was a perfectly appropriate vote. You did have a quorum present. The matter was called and presented properly. The motion was made appropriately and seconded and when was voted upon. It is counsel's opinion that that was a final and binding vote and, in fact, terminated that case as it was before the Planning Commission.

The discussion that followed the vote ultimately resulted in an agreement or an understanding to table the matter until the subsequent hearing which would be this hearing. And between hearings, counsel notified each member of the Planning Commission as well as the applicant through staff's communication of our position that in fact the vote was appropriate and it should not be ignored or overruled so to speak.

I did have communications from individual members of the Planning Commission and discussed my thinking on this. And as I said, this is very much a parliamentary issue. We don't have a County parliamentarian. You as chair are in position to make a determination as to the propriety of the vote taken and the steps at last month's meeting. And that's where things are as of today. As I say, the applicant was notified that Legal considers the vote to have been appropriate, but I do want, with that factual background and clarification, I would like for you to verify that that is your determination in essence as the parliamentarian.

CHAIR AABOE: Thank you very much, Roger. Before I do that, I wonder if there are any comments from any of the Commissioners who either present or not present. You've been in communication with the attorney. Commissioner Brugger.

MEMBER BRUGGER: Thank you, Chair. First off, thank you, Mr. Prucino, for discussing the rationale here in this meeting for not pursuing with the

tabling. My position and again I was the one who recommended denial but we'd said and I'm not faulting the legal analysis but we had said that this would be tabled. The applicant was present when we said that and I think that it is appropriate to honor that tabling and to do what we said at a public meeting we were going to do. Rather than what we did through this approach but at least this discussion is part of the way there. So I'll just leave it at that. Thank you.

CHAIR AABOE: Thank you commissioner. Any other Commissioners who are either present or not present and received information of this from the attorney interested in saying anything? That being said, I understand and respect your opinion, Commissioner Brugger, but I'm to rule that the procedure outlined by Attorney Prucino is correct, and the variance request from that case is denied, then, I agree with that. So, I make that ruling if that's how you're supposed to do that.

Thanks very much. And I appreciate the time taken to kind of clean up this confusion.

5. New Business

A. CASE #25-5020 Thomas Simek and ChrisTina Maestas-Simek, Conditional Use Permit. Thomas Simek and ChrisTina Maestas-Simek, Applicant, are requesting approval of a Conditional Use Permit (CUP) to utilize their land for retreats of Memorials/ Celebrations of Life, Weddings, and Transitional Ceremonies, celebrating the well-being following chronic illnesses, etc. The site is zoned Traditional Community (TC). Appendix B, Use Matrix illustrates that a Retreat is a CUP within the TC Zoning District. The 3.45-acre parcel is located at 7687 Old Santa Fe Trail, within Section 22, Township 16 North, Range 10 East, SDA-2 (Commission District 4). David Ruiz, Case Manager. [Exhibit 1: Sommer Karnes & Associates LLP letter, dated July 17, 2025 Re: request to table]

CHAIR AABOE: Okay. The uh next item on the agenda is case number 25-5020, Thomas Simek and ChristTina Maestas-Simek, conditional use permit application.

DOMINIC SISNEROS: Mr. Chair, Planning Commission Members, before we get started, I did want to bring to your attention that a letter had been submitted by a representative of some of the neighboring people in opposition. David is going to hand that letter out [Exhibit 1], requesting a tabling of this hearing. The applicant or the representative is here in person, if you wanted to hear his request.

CHAIR AABOE: Thank you. And so the procedure would be to honor this request, consider tabling before any discussion of it; is that the process?

MR. SISNEROS: That is correct.

MR. PRUCINO: Just from a practical time-saving standpoint, we think it's appropriate to before hearing the substance of the presentations for you at least to be aware of the reasons for the request for tabling and make a determination as to whether you think that's appropriate. If you do, obviously, you could table the matter. But if not then at least it would have been determined that it's appropriate to move forward with the matter on its merits.

CHAIR AABOE: Thank you. And this letter was in our packet if -- unless the content is different than the letter head. Excuse me. Okay. Thank you very much.

Would the presenter of this request to table please come forward, be sworn in.

MR. PRUCINO: you're correct. He is counsel and is presenting.

CHAIR AABOE: If we don't swear counsel in then okay.

MR. PRUCINO: He's not presenting factual evidence for your consideration so I think it's appropriate to let him proceed.

CHAIR AABOE: Mr. Karnes is it?

JOSEPH KARNES: Yes.

CHAIR AABOE: Please proceed. Thanks.

MR. KARNES: Thank you, Chair, members of the Planning Commission. I'm Joseph Karnes, Sommer Karnes & Associates. I represent Steven Feld, a neighbor of the proposed project, as well as a group of neighbors in opposition to this application. I submitted this letter to staff and I communicated with staff this morning regarding the concerns that I discovered yesterday afternoon. I apologize to everyone for the last minute nature of this, but I was carrying out a site visit yesterday and I noticed, and if you flip through the letter, there's a photo of the public notice sign. It's the third page. You can see that -- initially it's the applicant's obligation to comply with the SLDC's public notice requirements. That includes posting of a public notice sign, mailing of notice to neighbors within, I think it's 300 feet, and publishing notice of the of the hearing in the in a local paper, the *New Mexican*. You can see from the public notice sign at the bottom that the only indication of a Planning Commission meeting it says the meeting will take place on the 17th day of April, 2025. There's no reference to any meeting after that. And in the letter I'll submit to you and again this is last minute but I documented and I provided copies. The ensuing pages are the agendas from the April 17th meeting at which this application was not on it, as well as, the May 15th meeting, the application was not on that agenda. Why was it not on those agendas? Well, it turned out it didn't go to the Hearing Officer until the May 8th meeting. The first Planning Commission agenda that this application was included on was the June 18th I believe meeting. And the last page in my letter, Exhibit C, is a memorandum from staff to this Commission recommending that the item be tabled from the June 18th meeting, which it was. Okay.

CHAIR AABOE: Thank you very much, Mr. Karnes, just a second. Staff has been saving money and they printed out the yellow sign in black and white. And it's relatively illegible. So, I'd like to confirm with staff that, Mr. Karnes' assertions of the date of notification is correct. I can't tell from this.

MR. SISNEROS: Chair Aaboe, Planning Commission Members, yes, Mr. Karnes is correct. The dates on that board are the dates that he stated.

CHAIR AABOE: Thank you very much. And sorry, don't mistrust --

MR. KARNES: No, no and I have copies I could have handed out that I think are better copies, but in any event. Thank you, Mr. Sisneros. Not a problem.

And so the applicant has three separate obligations under the code. First to provide notice of the public hearing by first class mail, 15 days before the hearing. Well, the first meeting at which this case was on the agenda was the June 18th meeting. There's no evidence in the record, Chair and members of the Planning Commission, that that public notice was mailed. Second of all, the posting needs to be done for that meeting. The posting nowhere indicated that the item would be heard on the June 17th agenda or on this agenda for that matter. And then finally, and also the applicants required to demonstrate that public notice was posted -- printed in the newspaper. And section 4.6.3 6.3.5 of the code says, written verification of the publication, a list of persons sent a mailing and an affidavit of posting which includes a photo of the posted notice shall be

provided to the Administrator prior to the public hearing. The evidence in the staff report that you've received in your packet from Mr. Ruiz dated for today's meeting supports my evidence that I submitted in my letter to the contrary. Mr. Ruiz says the applicant provided an affidavit of posting of notice of the hearing confirming that public notice regarding the application was posted for 15 days on the property beginning on February 26, 2025. Additionally, notice of hearing was published in the *Santa Fe New Mexican* on February 26, 2025, as evidenced by a copy of that notice in the record. That does not satisfy the requirement and staff has confirmed that in its staff report.

I am aware that there is a lot of concern in the Cañada de los Alamos community. I'm here with my client, Mr. Feld, today. I don't know that there are any other members of the community who are concerned about public safety impacts of this project who are able to be here tonight. Again, it's the applicant's obligation to comply with this SLDC requirements. The applicant has put staff and this Commission in an awkward position by failing to demonstrate the mandatory requirements of the code which bear on due process of fair hearing process.

We're in the process, I've been working on this case for only a relatively short time, we're trying to engage the community and make sure that their concerns are heard by this Commission. They're not here today. Why? Because they did not receive reasonable or effective notice in compliance with the code. And the simple fact of the matter is the applicant hasn't complied, has not demonstrated compliance with their obligations and staff has confirmed that in the memo.

So with all due respect, I request that the item be tabled so that the community can receive proper notice of this important application that affects their public safety and their concerns about public safety and other issues. Thank you very much for your time.

CHAIR AABOE: Thank you, Mr. Karnes. A question of staff or the attorney and that is, what is the earliest time what is the earliest time that the applicant would be able to meet the notice requirements if they were able to do all the required steps? I'm just wondering table until when?

MR. KARNES: If I may. So, it's a 15-day requirement. So it would be the August meeting that would give them sufficient time to comply with their obligations.

MR. SISNEROS: Chair Aaboe, that is correct. It would be able to make the August meeting.

CHAIR AABOE: I will be unable to make the August meeting. And that might raise one of the same issues we had last meeting with, you know, again in order to approve I'm imagining a conditional use permit has the same

MR. PRUCINO: No.

CHAIR AABOE: Oh, it does not. Okay.

MR. PRUCINO: No, it does not.

CHAIR AABOE: Got it. So, if the Commission is interested in tabling Well, first of all, I wonder if any of the other Commissioners have questions of either the attorney Karnes or staff on this issue.

MR. SISNEROS: Chair Aaboe, Planning Commission Members, just to give you guys a little history of what happened. So, the Hearing Officer meeting was scheduled for March, as Mr. Karnes indicated. It was tabled in March and then tabled again in April due to deficiencies in the actual submittal package. Then went forward in May. When it went forward in May, the original schedule date of April for Planning Commission was not -- there was no table identified because it hadn't even gone to

Hearing Officers so staff didn't think it was necessary to put a table letter or put it on the agenda for that April Planning Commission meeting. And so that's a little bit of what happened there and why it did not get noticed on that April Planning Commission meeting date.

CHAIR AABOE: Thank you. Any Commissioners have any questions? Commissioner Trujillo.

MEMBER TRUJILLO: Thank you, Mr. Chair. So staff if on the – there's three burdens as I understood to meet and one of them is first-class mail by the people that are filing the application and I thought I heard 350 feet away from the place of the conditional use permit being requested. So is that correct?

MR. SISNEROS: Chair Aaboe, Planning Commissioner Trujillo, it's actually 500 feet within the property itself.

MEMBER TRUJILLO: Okay. So, Mr. Chair and Dominic, how many residents were identified in this conditional use permit that they would have to be notified? Is it the obligation of the applicant or does the County give them those names of the people they need to notify?

MR. SISNEROS: It's up to the applicant to receive those names. We are not required but we offer them to go to our GIS Division or to the Assessors to get a list of those neighboring properties within 500 feet.

MEMBER TRUJILLO: So, Madam Chairman and Dominic, so after this they have to show proof that first-class mailing was – I know when you go mail first class, that the mail service UPS, I mean US Postal Service will show proof of that. So they have to turn that into County staff; is that correct?

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

MEMBER TRUJILLO: Okay. And has, to your knowledge, Mr. Chair, has that been has that been met?

MR. SISNEROS: Chair Aaboe, Planning Commission Members, what's identified in the exhibits that I am noticing now are the letters that were sent out for the neighborhood meeting which is a requirement of a CUP as well. We are trying to locate the mailings for the actual hearing itself. We're going to check with the case manager to see if he has those in his file.

MEMBER TRUJILLO: So, Mr. Chair, in this first class notification has to give the date of the Planning Commission meeting; is that correct?

MR. SISNEROS: Chair Aaboe, Planning Commissioner Trujillo, can you repeat the question?

MEMBER TRUJILLO: So, in the first-class mailing that that the applicants are obligated to send out, it has to state the date that the meeting will take place?

MR. SISNEROS: That is correct.

MEMBER TRUJILLO: Okay. And Mr. Chair and Dominic, on as far as the mailing or the proof to the *New Mexican*, that has to be submitted in the package as well. Is that typically how that works?

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

MEMBER TRUJILLO: Okay. And then the third burden, just so I understand correctly, is that this sign that's put up here, the applicant gets this sign from the County itself or does the County itself go and place the sign at the property?

MR. SISNEROS: The applicant picks up the sign. So, the staff provides the information and the sign to the applicant.

MEMBER TRUJILLO: And so, be the dates on this sign that's posted -- because I was -- are what date?

MR. SISNEROS: I believe it was the Hearing Officer, March and Planning Commission, April. I don't have the exact dates on hand, but it was Hearing Officer, March, Planning Commission, April.

MEMBER TRUJILLO: Okay. Thank you, Mr. Chair.

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

MEMBER BRUGGER: Thank you, Mr. Chair. Couple of questions for Mr. Karnes. So, is there any other substantive information which would impact on this case that we don't have in front of us now?

MR. KARNES: Chair Aaboe, Commissioner, the community may well have information and would like the opportunity to present it to this Commission. There have been previous letters, I understand, before I got involved in this case at the neighborhood meeting and the Hearing Officer meeting, there were a number of members of the community, I think it listed 15 in the minutes, anyway, there were people present able to express concerns to the Hearing Officer. They're not here tonight. I submit because they did not receive notice of either the June 18th meeting or this meeting. And so that is information. And then the one other item, sir, is that I submitted a separate letter that may be in your packet. I think you got handed out about, it's a substantive matter. I don't want to get into it very far, but there's been no traffic analysis done on this project. Traffic safety is a big issue and so that is information that we think needs to be fleshed out in order to provide for compliance with the SLDC and it's not at this time. So those two items, absolutely.

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

MEMBER BRUGGER: If I may continue. So the letter, Mr. Karnes, that we have in your packet says that it speaks for 22 neighbors who object in the strongest possible terms and it goes on in great detail what those concerns are. So again, are there any individuals that you know of that beyond the 22 that may have been, you know, would have liked to weigh in that didn't?

MR. KARNES: Chair, Commissioner, I don't know where the reference to 22 members comes from. That's not my from my letter, I don't think.

CHAIR AABOE: Commissioner Brugger, if I could. I understand where you're going and understanding is there is a statutory requirement to publish. And so irrespective of what you may learn or what you may not learn, if that statutory requirement to publish has not been met, then it may be the will of the Commission to table. So I just don't want to drive down that road if we could.

Any other questions of Commissioners?

MEMBER LA CRUZ-CRAWFORD: I have just a general because I'm just trying to more just out of my own curiosity and stuff. So to staff, because I do see in the exhibits as far as notice that was done the legal notice etc. There is newspaper legal article that I guess was ran in February 26 and April 25; there's certification of posting in February 25th as well and all this documentation right that shows the mailings and the certified mailing receipts, etc. and stuff. So I'm just curious because obviously what I'm hearing is that this was supposed to be heard like you know a while back but it wasn't

right. But it wasn't tabled properly but they, you know, obviously the applicant did go through this process back then is what I'm seeing with respect to the exhibit. So how does that process work where you know in this type of situation where it didn't go to a meeting but they had previously sent out these mailing notices, etc. Are required to do so again because of the fact that the hearing wasn't set? Does that make sense?

MR. SISNEROS: Chair Aaboe, Planning Commission Members, so typically the tabling would hold the date. So no new re-noticing would be required typically. This is a little bit of a different circumstance where the April 17th meeting came before the actual March or the actual May Hearing Officer date the case was actually heard on.

If the Planning Commission decides to table, then all re-noticing would be required.

MEMBER LA CRUZ-CRAWFORD: Just briefly –

CHAIR AABOE: Hold on. Hold on.

MEMBER LA CRUZ-CRAWFORD: Okay.

CHAIR AABOE: Thank you. Just one question, Dominic. If we were to move to table, do we table until a date uncertain, until all the conditions of notice are met, or do we assume that those conditions of notice will be met between now and let's say August 20th?

MR. SISNEROS: Yes, Chair Aaboe, Planning Commission Members, it could be tabled for the August 20th date. We would require the applicant to provide us with the -- we'd give the applicant the proper notification to send to the *New Mexican* as well as for the mailing and we would require them to send that back to staff all the verifications of those.

CHAIR AABOE: And then it would be pulled from that agenda if those requirements were not met or would we go through the same exercise again?

MR. SISNEROS: So if they don't meet those dates, we wouldn't even put it on the agenda. So we would verify -- before we put that on the actual agenda, we would verify if those actual dates were met.

CHAIR AABOE: Thank you very much. And, sorry –

MR. KARNES: Thank you. Just one last point in response to the Commissioner's question. There are two separate requirements for mailings. One was for the pre-application neighborhood meeting. That's what's in your packet. There were letters set out for that. That was I think in February. There's a separate, as Mr. Sisneros mentioned, it's a separate obligation to send out mailings, a second set of mailings regarding the Planning Commission meeting. There's no information in your packet that those letters were set out for any meeting. And I understand staff was looking for those letters. I don't know if they were found. But they're not in your packet. So that second obligation was not met from my perspective. Thank you.

CHAIR AABOE: Thank you, sir. What's the will of the Commission?

MEMBER TRUJILLO: Mr. Chair, the applicants are here, would you be willing to hear their end of the story or that you don't think that's necessary?

CHAIR AABOE: So if the applicants are able to present their case –

MEMBER TRUJILLO: Well, present the facts not their case but the facts to the tabling motion.

CHAIR AABOE: I see I see that as, you know, walking on a knife edge. I just don't think –

MEMBER TRUJILLO: The only comments that I'll make, Mr. Chair, is that in looking and I did look at the letters that were sent out and so the 500 feet, they did mail looks like about two, four, six, eight, ten, twelve, maybe thirteen or fourteen, and looking at Google maps, 500 feet, they probably only were required to do two or three mailings so they did a lot of things in good faith here. But that's just a comment and I respect your decision and we'll make a motion.

CHAIR AABOE: Thank you. Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair. In light of what's been brought forward to us by Mr. Karnes, I would say that I would love to hear, since there's such interest in this, I would love to hear it based on its merits and not on a technical procedural consideration. And, therefore, I would certainly be in favor of tabling it so that advertising and notification is done to address the concerns of Mr. Karnes and his client.

CHAIR AABOE: Thank you, Commissioner Pava. Any other comments or questions from Commissioners?

MEMBER TRUJILLO: Mr. Chair, I make a motion to table this case until the August meeting if the applicants meet the requirements.

MEMBER PAVA: I'll second it.

CHAIR AABOE: We have a motion from Commissioner Trujillo and a second from Commissioner Pava. Can we take a roll call, please?

The motion passed by unanimous [7-0] roll call vote as follows:

Dan Pava	Yes
Steve Brugger	Yes
Wendy Pierard	Yes
Carl Trujillo	Yes
Jose La Cruz-Crawford	Yes
Jeremy Mier	Yes
Erik Aaboe	Yes

CHAIR AABOE: This item is tabled. I apologize to those who got in their car, found parking, came down here, but it's a beautiful evening and apologies to those online.

We want to make sure that this case is presented without any flaws. If there are flaws that can be challenged, then this is not over. So, we want to make sure that when the Commission makes a decision, it is a decision that is in compliance with all requirements. So, thank you very much and again apologize for the inconvenience of visiting beautiful downtown Santa Fe on a Thursday night. Thanks.

B. CASE #25-5050 New Wireless Communications Facility - **TABLED**

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

6. **Communications from the Commission Members**

CHAIR AABOE: Any anything? Commissioner Brugger.

MEMBER BRUGGER: Thanks, Mr. Chair. Just a general thing, but when there's a request of staff that sometimes when cases come up that's within an overlay

district and the overlay relates to the community plan that had been done before. It would be nice if the authors

or folks most knowledgeable about the community plan were either present or could speak to that. Not that you're not but just that I think it would be helpful because plans drive the codes. Or if there's a reference in the staff packet that refers to maybe an element of the community plan that was done and I would have brought something up in this case but I'll wait till a month but that's the general comment.

CHAIR AABOE: Thanks, Commissioners. Any other matters from the Commission? Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair. This is addressed to staff. He may know that I also sit on the Capital Improvements Advisory Committee and so you know that they are looking at funding for a study regarding land use assumptions as it relates to capital improvements. My request would be as that evolves, that the Planning Commission be briefed on that and be able to provide input on land use assumptions as certainly part of our purview set up by statute and by ordinance.

CHAIR AABOE: Thank you, Commissioner Pava. Commissioner.

MEMBER PIERARD: Recently as part of our homeowner association, I saw that when somebody buys a new property or a parcel, they get the short-term rental agreement that, you know, they read and they have to sign off. And I thought at that point it would be good to have something in that document that says make sure all of the buildings on the property are permitted. And that might help cut that off because it, you know, it's part of that form that they have to sign that they've read it, they understand it, and that would be a really good thing since we see so many of those come in.

CHAIR AABOE: Can I get some clarity? So, if I were to buy a property in Santa Fe County proper, one of the things I get from the County before closing on that deal is something that says, Here are the requirements of short-term rentals. And it does not include a make sure you've got all proper permitting.

MEMBER PIERARD: No. It's just the certification process, what they'd have to go to if they're planning on getting a short-term rental. And I thought because I actually talked to a couple realtors and they said, Well, that's not our thing. And I said, Well, it kind of is your thing because you're, you know, advertising this property as is and some of those buildings weren't permitted.

So, if they have to read the short-term rental agreement and the first thing that says make sure, check with the County to make sure all your buildings are permitted, I think that would really help.

CHAIR AABOE: Yeah, that's a shock that it's not there the number of times we've had these cases come up. So, I completely agree. Any other items from Commissioners? I'd like to talk to staff after just about kind of technical stuff.

7. **Communications from the Attorney** - None were offered.
8. **Matters from Land Use Staff** - None were offered.
9. **Next Planning Commission Meeting: August 21, 2024**

Chair Aaboe informed the Commission that he would not be present for the August meeting.

10. Adjournment

Upon motion by Member Brugger and second by Member Trujillo, and with no further business to come before this Committee, Chair Aaboe declared this meeting adjourned at approximately 4:55 p.m.

Approved by:



for

Erik Aaboe, Chair
Planning Commission

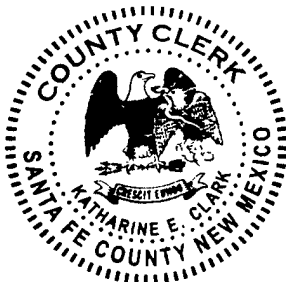
ATTEST TO:



KATHARINE CLARK
SANTA FE COUNTY CLERK

Respectfully submitted by:

Karen Farrell, Wordswork

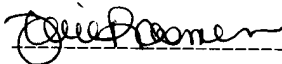


COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
PAGES: 20

[Hereby Certify That This Instrument Was Filed for
Record On The 25TH Day Of August, 2025 at 02:40:54 PM
and Was Duly Recorded as Instrument # 2065730
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

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



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SOMMER KARNES & ASSOCIATES LLP

EXHIBIT

tabbier

1

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Santa Fe, NM 87501

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johnf@sommerkarnes.com
Of Counsel

Via email (druiz@santafecountynm.gov)

July 17, 2025

Santa Fe County Planning Commission
240 Grant Ave.
Santa Fe, NM 87501

**Re: Request to Table Consideration of Conditional Use Permit
(CUP) Application Due to Defective Public Notice
Case #250520 (the "Application"), 7687 Old Santa Fe Trail (the
"Property")**

Dear Mr. Ruiz:

The Applicant failed to provide effective public notice in the first instance and has not complied with three separate requirements of SLDC section 4.6 regarding provision of public notice. Therefore, the Application should be tabled until the Applicant complies with the public notice requirements.

Attached is a photo of the public notice sign posted on the property that I took yesterday afternoon. The sign advertises that the Planning Commission will hear the Application at its **April 17, 2025** hearing. (Exhibit B)

The Application was not on either the April 17 Planning Commission agenda or the May 15 Planning Commission agenda. (Exhibit B) As a result, the Application was neither considered nor tabled by the Planning Commission at those meetings.

In reality, the Application was considered by the Hearing Officer at its May 8 meeting and *was* included on the June 18 Planning Commission agenda. Per the attached memo, the Application was tabled at the June 18 meeting. (Exhibit C)

The Applicant's public notice does not satisfy three separate mandatory SLDC public notice requirements:

1. The public notice sign does not comply with SLDC section 4.6.3.3 because it did not provide notice that the Application would be on the Planning Commission's June 18 agenda and also does not indicate that the Application would be considered at the July 17 Planning Commission meeting. The public notice sign only indicated that the Application would be heard at the April 17 Planning Commission meeting and the Application was

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not included on that agenda, so effective public notice was not provided in the first instance and the Applicant has not cured that defect.

2. The Applicant is obligated to provide notice of a public hearing via first class mail 15 days prior to the hearing date. (SLDC §4.6.3.2) The packet information for the July 17 Planning Commission agenda does not include any evidence that the Applicant mailed notice of the June 17 Planning Commission meeting, the first Planning Commission agenda on which the Application was included. Therefore, the Applicant has not demonstrated compliance with the mailing requirement and effective mailed notice was not provided.

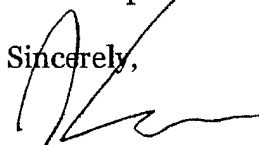
3. The Applicant is obligated to provide written verification of the publication, a list of persons sent a mailing and an affidavit of posting which includes a photograph of the posted notice taken from a public road. The packet information for the July 17 Planning Commission agenda does not include any such written verification with respect to the June 17 Planning Commission meeting – the first Planning Commission agenda on which the Application was included. The only evidence of public notice (Staff Report Appendix G) documents mailing of public notice for the pre-application neighborhood meeting. Your staff report contains no documentation that the Applicant satisfied their written verification obligation with respect to publication or mailing with respect to either the June 18 or July 17 Planning Commission meetings.

This is **not** a situation where effective public notice was provided for a Planning Commission meeting at which consideration of the Application was tabled. The Applicant failed to identify on the public notice sign the first Planning Commission meeting at which the Application was to have been considered – the June 18 meeting and failed to provide evidence of mailing or publication with respect to the June 18 meeting. In sum, effective public notice was not provided in the first instance.

As you know, many members of the Cañada de Los Alamos community are concerned about the proposed commercial wedding venue proposed on the Property, particularly given the existing road deficiencies and public safety issues existing in the immediate vicinity of the Property and the absence of any traffic analysis as required by the SLDC.

The community has not received effective public notice and based on the three separate SLDC violations addressed above, we request that the Application be tabled until effective public notice is provided.

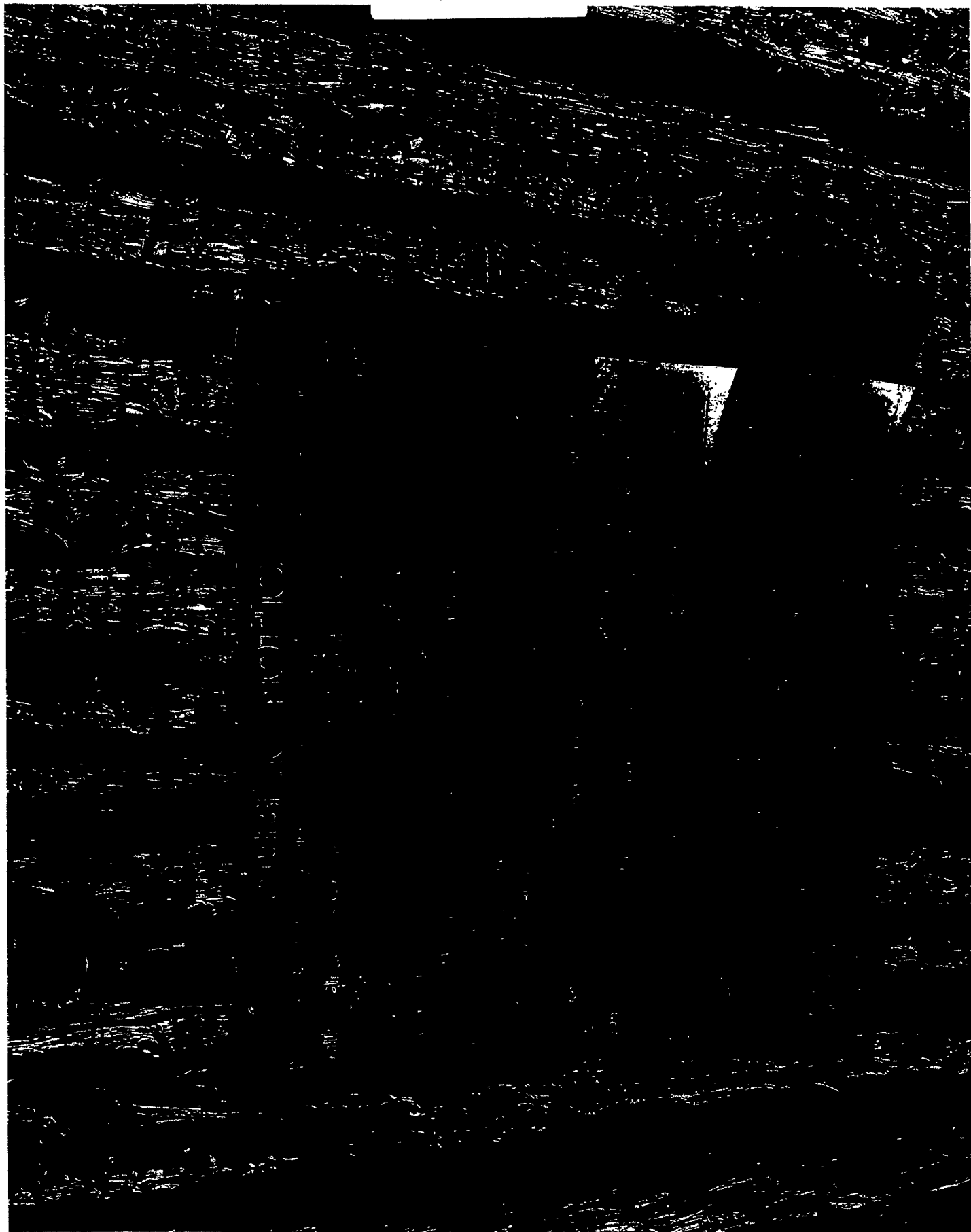
Sincerely,



Joseph M. Karnes

Cc: Dominic Sisneros
Alexandra Ladd
Roger Prucino

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Thursday, April 17, 2025

Santa Fe County Planning Commission Meeting 4:00pm

**Santa Fe County Planning Commission
Hybrid In-Person and Virtual Meeting
Santa Fe County John Gaw Meem Historic Building
Commission Chambers
102 Grant Avenue
Santa Fe NM 87501**

The Santa Fe County Planning Commission strives to make its meetings accessible to the public through alternatives to in-person attendance, such as virtual meeting platforms and webcasting. Those alternatives, however, are not guaranteed due to internet and other service disruptions and equipment failures, and duly noticed meetings may be held notwithstanding that those alternatives are unexpectedly unavailable. Accordingly, members of the public assume the risk that they may be unable to watch and listen to and/or participate in Planning Commission meetings through such alternatives.

Subject to the above disclaimer, the County intends to allow members of the public to listen to and participate in this meeting virtually. For instructions on joining this meeting, visit www.santafecountynm.gov/planning-meeting.

1. Opening Business

- A. Call to Order - 4:00 p.m.
- B. Roll Call.
- C. Pledge of Allegiance.
- D. Introduction of New Planning Commission Member for District 3
- E. Approval of Agenda. (Action Item)

2. Approval of Meeting Minutes (Action Item)

- A. Request Approval of the March 20, 2025 Planning Commission Meeting Minutes.

3. Consent Agenda (Action Items)

- A. CASE #24-5300 James C. Portillo II and Miguel L. Portillo Variance. James C. Portillo II and Miguel L Portillo, Applicants, requests a variance of Chapter 8, Section 8.6.6 Table 8-10: Dimensional standards Residential Estate to create a Two (2) lot residential subdivision on a parcel of land consisting of 2.5 acres +. The subject property lies within the Residential Estate zoning district which allows for 1single family residence per 2.5 acres. The property is located at 11 Calle De Portillos. SDA-2, (Commission District 5) Kenneth Quintana, Case Manager (Approved 7-0)

4. New Business (Action Items)*

- A. Case #24-5270 Robert Sherwin Variance Robert Sherwin, Applicant, requests approval of a variance of Chapter 8, Table 8-9 Dimensional Standards to allow a second two story residence on a 2.5-acre parcel. Currently, the Applicant has an existing residence that is 4,000 square feet and a second residence with a loft which is 922 square feet. The subject property lies within the Residential Estate Zoning District (RES-E) where the base density is 1 dwelling per 2.5-acres. The property is located at 28 Estrellas De Tano within Township 17 North, Range 9 East, Section 4, (Commission District 1), SDA-2. John Lovato, Case Manager

- B. TDR (Transfer Development Rights) staff presentation. Herbert Foster, Planning Team Leader

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5. Petitions from the Floor

6. Matters from the Commission

7. Matters from the Attorney

8. Matters from Staff

9. Next Regularly Scheduled Meeting: May 15, 2025

10. Concluding Business

A. Adjournment. (Action Item)

11. Public Meeting Disclosures

A. Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact the Santa Fe County Growth Management Office at (505) 986-6225 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

B. *These land use cases are administrative adjudicatory proceedings. Among other things, this means that Commissioners generally may not discuss a case with the applicant or other members of the public outside of the public hearing on the case. In addition, before taking final action, the Planning Commission may choose to deliberate on an administrative adjudicatory proceeding in closed or executive session, as permitted by Section 10-15-1(H)(3) NMSA 1978. Finally, the Planning Commission may not announce its decision on a land use case at the conclusion of the public hearing tonight.

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Thursday, May 15, 2025
Santa Fe County Planning Commission Meeting 4:00 PM

Santa Fe County Planning Commission
Hybrid In-Person and Virtual Meeting
Santa Fe County John Gaw Meem Historic Building
Commission Chambers
102 Grant Avenue
Santa Fe NM 87501

The Santa Fe County Planning Commission strives to make its meetings accessible to the public through alternatives to in-person attendance, such as virtual meeting platforms and webcasting. Those alternatives, however, are not guaranteed due to internet and other service disruptions and equipment failures, and duly noticed meetings may be held notwithstanding that those alternatives are unexpectedly unavailable. Accordingly, members of the public assume the risk that they may be unable to watch and listen to and/or participate in Planning Commission meetings through such alternatives.

Subject to the above disclaimer, the County intends to allow members of the public to listen to and participate in this meeting virtually. For instructions on joining this meeting, visit www.santafecountynm.gov/planning-meeting.

1. Opening Business

- A. Call to Order - 4:00 p.m.
- B. Roll Call.
- C. Pledge of Allegiance.
- D. Approval of Agenda. (Action Item)

2. Approval of Meeting Minutes (Action Item)

- A. Request Approval of the April 17, 2025, Planning Commission Meeting Minutes.

3. Consent Agenda (Action Items)

4. New Business (Action Items)*

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

B. CASE #25-5040 Ridgeline Manufacturing, Conditional Use Permit (CUP), Matias Roybal, Applicant, is requesting approval of a Conditional Use Permit (CUP) to operate a manufacturing business from his home. The site is zoned Residential Estate (RES-E) in the Rural Commercial Overlay Zone (O-RC). Chapter 8.11.2.4, states that a manufacturing business is a CUP within the Rural Commercial Overlay. The 67.10-acre parcel is located at 3236 NM 41 (Commission District 3), Parcel ID # 94557056. Dominic J. Sisneros, Case Manager

C. CASE #24-5330 Verizon New Wireless Communication Facility Conditional Use Permit (CUP). Verizon/Sun State Towers, Applicant, Pinnacle Consulting Inc, Agent, request a Conditional Use Permit to allow the placement of a new 150' wireless communication facility within the proposed leased area (Section 10.17). The site is within the Agricultural/Ranching (A/R) Zoning District. Table 10-3 allows for a height of 150 feet within the A/R Zoning District.

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Appendix B, Use Matrix, illustrates that a new wireless communication facility within the A/R Zoning District is Conditional Use (CUP). The site is located at 364 Lone Mountain Rd. SDA-3, within Section 6, Township 12 North, Range 8 East (Commission District 3). Parcel ID # 99305463. John Lovato, Case Manager.

5. Petitions from the Floor

6. Matters from the Commission

7. Matters from the Attorney

8. Matters from Staff

9. Next Regularly Scheduled Meeting: Wednesday June 18, 2025

10. Concluding Business

A. Adjournment. (Action Item)

11. Public Meeting Disclosures

A. Santa Fe County makes every practical effort to assure that auxiliary aids or services are available for meetings and programs. Individuals who would like to request auxiliary aids or services should contact the Santa Fe County Growth Management Office at (505) 986-6225 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

B. *These land use cases are administrative adjudicatory proceedings. Among other things, this means that Commissioners generally may not discuss a case with the applicant or other members of the public outside of the public hearing on the case. In addition, before taking final action, the Planning Commission may choose to deliberate on an administrative adjudicatory proceeding in closed or executive session, as permitted by Section 10-15-1(H)(3) NMSA 1978. Finally, the Planning Commission may not announce its decision on a land use case at the conclusion of the public hearing tonight.

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Exhibit C

Justin S. Greene
Commissioner, District 1

Lisa Cacari Stone
Commissioner, District 2

Camilla Bustamante
Commissioner, District 3



Adam Fulton Johnson
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

MEMORANDUM

DATE: June 13, 2025

TO: Santa Fe County Planning Commission

FROM: David Ruiz, Development Review Specialist Senior

VIA: Alexandria Ladd Growth Management Director
/Land Use Administrator

SUBJECT: **June 18, 2025, Santa Fe County Planning Commission Meeting**
Case # 25-5020 Simek Conditional Use Permit (CUP)

ISSUE:

CASE #25-5020 Thomas Simek and ChrisTina Maestas-Simek, Conditional Use Permit. Thomas Simek and ChrisTina Maestas-Simek, Applicant, are requesting approval of a Conditional Use Permit (CUP) to utilize their land for retreats of Memorials/ Celebrations of Life, Weddings, and Transitional Ceremonies, celebrating the well-being following chronic illnesses, etc. The site is zoned Traditional Community (TC). Appendix B, Use Matrix illustrates that a Retreat is a CUP within the TC Zoning District. The 3.45-acre parcel is located at 7687 Old Santa Fe Trail, within Section 22, Township 16 North, Range 10 East, SDA-2 (Commission District 4).

SUMMARY:

This case is **tabled** to allow more documentation to be provided.

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