

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

July 16, 2026

1. Opening Business:

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

B. Roll Call:

Roll was called and indicated the presence of a quorum as follows:

Members Present:

Erik Aaboe, Chair
Carl Trujillo, Vice Chair
Steve Brugger
Jessica Griffin
John Neunuebel
Dan Pava

Member(s) Absent:

Jose La Cruz-Crawford

C. Pledge of Allegiance: Chair Aaboe led the Pledge of Allegiance.

D. Approval of Agenda:

CHAIR ERIK AABOE: Staff, do we have any changes to the agenda that was published?

DOMINIC SISNEROS (Building and Development Supervisor): Chair Aaboe, Planning Commission Members, we do not have any changes to the agenda.

CHAIR AABOE: Thank you. May I get a motion to approve this agenda?

CARL TRUJILLO: I so move approval of agenda.

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CHAIR AABOE: Thank you, Vice Chair Trujillo. May I get a second?

JOHN NEUNUEBEL: Second.

CHAIR AABOE: Thank you, Commissioner Neunuebel. All those in favor, please signify by saying aye. Any opposed? The agenda is approved.

The motion passed by unanimous [6-0] voice vote.

CHAIR AABOE: The next item is approval of the meeting minutes.

2. Approval of Minutes:

A. Request approval of the June 18, 2026 Planning Commission Meeting.

CHAIR AABOE: May I get a motion for approval?

STEVE BRUGGER: I so move.

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

MEMBER TRUJILLO: Second.

CHAIR AABOE: Thank you, Vice Chair Trujillo. All those in favor, please signify by saying aye. Any opposed? The minutes are approved.

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

JESSICA GRIFFIN: I'm going to abstain because I wasn't here.

CHAIR AABOE: Thank you, Commission Griffin. So, we have approval. The motion to approve is approved and Commissioner Griffin abstains because she was absent. The next item is Case Number 26-57, Daniel Weed Variance Request. Staff? Thank you.

3. New Business (Action Items):

The 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.

A. Case No. 26-5070 Daniel Weed Variance Request. Daniel Weed, Applicant, requests a variance of Chapter 8, Section 8.6, Table 8-9: Dimensional Standards Residential Fringe to

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allow two (2) primary residences on a parcel of land consisting of 6.018 acres. The property is located at 39 Burro Bend, within the Residential Fringe Zoning District which allows for one (1) dwelling unit per 5.0 acres, within Section 3, Township 15 North, Range 10 East. (Commission District 4) SDA. Destiny Romero, Case Manager.

DESTINY ROMERO (Building and Development Review Specialist Senior): Thank you, Mr. Chair and Commission Members. Destiny Romero, Building and Development Specialist Senior. Daniel Weed applicant requests a variance of Chapter 8, Section 8.6 Table 8-9, Dimensional Standards Residential Fringe to allow two primary residences on a parcel of land consisting of 6.01 acres. The property is located at 39 Burro Bend within the Residential Fringe Zoning, which allows for one dwelling unit per five acres. The property currently contains one permitted single-family dwelling in a permitted accessory structure. The permitted accessory structure was converted to a second dwelling unit by constructing an addition above the permitted accessory structure without obtaining the required additional permits. The lot is currently served by an approved well and permitted by the Office of the State Engineer. The property is also served by a permitted and approved septic permit from the New Mexico Environmental Department. The applicant purchased the property as-is in November 2019. The primary residence is 1,934 square feet, while the second residence is 1,234 square feet. To qualify as an accessory dwelling unit, the converted dwelling would have to be a maximum of 967 square feet.

In 2007, the owner of the property at that time applied for a Density Variance but was denied at the Santa Fe County Development Review Committee. After the denial, the property owner withdrew their application and was to bring the property into compliance but failed to do so. The owner then sold the property with the violation. The property has been sold multiple times since 2007 and the current property owner is attempting to bring the property into compliance. The applicant has addressed the variance criteria and staff has responded to the applicant's comments as contained in the memo. On June 11, 2026, this request was presented to the Sustainable Land Development Hearing Officer. The hearing officer memorialized findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer, based on the evidence presented, recommended denial of the applicant's variance. Building and Development Services staff has reviewed this request for compliance with pertinent SLDC requirements and finds that the facts presented do not support the request for a variance. As stated above, staff does not believe applicants have justified that any of the variance criteria of SLDC 4.9.7.4 have been satisfied. Staff recommends denial of the requested Density Variance of Chapter 8, Section 8.6, Table 8-9 Dimensional Standards of Residential Fringe to allow two primary residences on a parcel of land consisting of 6.018 acres. There are no extraordinary or exceptional practical difficulties of the land that justify approval of the requested variance. In addition, staff recommends the applicant bring the property into compliance with all applicable code requirements of the SLDC. If the Planning Commission finds that the application has met the variance criteria and recommends approval of the variance, staff recommends the following conditions at a minimum be imposed. Mr. Chair, may I enter the conditions into the record?

CHAIR AABOE: Yes, you may consider them entered. Thank you.

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MS. ROMERO: Thank you. To be clear, staff's identification of these conditions is not intended as an indication that staff approves or would approve the granting of the requested variance. Staff's position is that this application does not comply with the SLDC and does not satisfy the Variance Criteria of Section 4.9.7.4, and no conditions, regardless of how carefully crafted, can change that noncompliance. These conditions are presented simply to inform the Planning Commission of recommended conditions if the evidence presented convinces you that approval of the variance is in fact warranted. Staff would like to remove the conditions of denial as this was addressed in staff's recommendation. Staff recommends that the Planning Commission carefully consider the variance request, the staff report all written and oral testimony and other evidence contained in the record, evaluate the request against each of the applicable Variance Review Criteria and discuss or make specific findings of fact and conclusions as to whether each criterion has been satisfied on the record. The Commission's findings should identify the evidence relied upon and provide the factual basis supporting its decision to approve with conditions or deny the variance request. Thank you, Mr. Chair. I stand for any questions.

CHAIR AABOE: Thank you, Ms. Romero. Commissioners, do you have any questions of staff? Yes, Vice Chair Trujillo.

MEMBER TRUJILLO: Thank you, Mr. Chair and thank you, Ms. Romero. On the conditions of approval here, it says, "Applicants shall comply with all conditions recommended by the Fire Marshal." What are those conditions that have been, maybe it's part of the attachment here.

MS. ROMERO: Mr. Chair, Commission members, It was part of the record. It was exhibit, I'll tell you right now. It was Exhibit F under Comments From Review Agencies.

MEMBER TRUJILLO: Okay, thank you. No further questions.

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

MEMBER BRUGGER: Thank you, Mr. Chair. Good to see you again, Ms. Romero. So, Exhibit H to your staff report. It's a big file. It's 296 pages. Just something for the future. I went through all of that and some of the stuff is duplicative. So, it would cut it down and make it simpler to review it if you got out some of the duplicative information. I guess what that did was it explained the history of the prior variance request. It's got a long history and so, going back to 2008, 2009, there was a variance request from the first owner, Mr. Hampton. Am I correct? The variance was denied by the CDRC, Community Development Review Commission. Then it was appealed to the County Commission, if I'm correct. Am I correct in that?

MS. ROMERO: Mr. Chair, Commission members, so they were denied at the CDRC and then the applicant decided to withdraw their application completely.

MEMBER BRUGGER: Okay. So, it was denied then. So, my question is, has anything changed since that time with the property, the use of the property, anything to do with the property or anything to do with the change in code since that time? That would make something which was deemed non-allowable back then, 2009, which would make it allowable now. Anything?

MR. JOHN LOVATO: Mr. Chair, Commission Member Brugger, the only thing that

has changed is that the previous applicant removed a yurt that was located on the property. In the previous code, the SLD's Land Development Code, there was a requirement that allowed for accessory structures and accessory structures were not allowed to have a kitchen or bath, either/or. That has changed in our ordinance somewhat, but it's still very similar.

MEMBER BRUGGER: So, at least for our rules, the accessory dwelling unit, there's a one-story limitation and then there's a 50% square footage of the primary structure limitation. Then there's a utility, a wastewater provision where it has to share the same system. If I read your staff report correctly, this project has not met any of those three criteria.

MS. ROMERO: Mr. Chair, Commission Members, that is correct.

MEMBER BRUGGER: Okay, I have other questions, but I'll take a break for a minute.

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

DAN PAVA: Thank you, Mr. Chair. Thank you, Ms. Romero. My question is, in the context of this subdivision surrounding properties, is staff aware if any variances to lot size since the minimum lot size is five acres, right? Have there been variances granted to any of the lots in this subdivision along this road for a lot size? I'm just trying to figure what precedent, if any, there would even be.

MS. ROMERO: Mr. Chair, Commission Members, not that I am aware of.

MEMBER PAVA: Okay. So, the only remedy here would be to apply for a variance to allow the accessory dwelling unit to be a second story and to exceed the maximum square footage that would be allowed. There's no way to look at splitting the lot or anything like that. Is that correct?

MS. ROMERO: Mr. Chair, Commission Members, they could look at doing a density variance, but it would be the same procedure as this one.

MEMBER PAVA: Thank you. That's end of my questions.

MR. SISNEROS: Mr. Chair, Planning Commission Pava, I want to just be clear. This is not a variance for ADU requirements. This is a density variance. So, in this variance request, the applicant is requesting this structure to be identified as an additional dwelling, not an accessory dwelling unit.

MEMBER PAVA: Well, that's pertinent for sure, and that goes to the heart of my question. Thank you.

CHAIR AABOE: Thank you, Commissioner Pava. Are there any other questions of staff from any members of the Commission?

MEMBER NEUNUEBEL: Yes, Mr. Chair.

CHAIR AABOE: Yes, Commissioner?

MEMBER NEUNUEBEL: Ms. Romero, beyond the question of minimum lot size, does the Development Code also stipulate that there shall be no more than one primary residence per legal lot?

MS. ROMERO: Mr. Chair, Commission Members, this property is zoned Residential Fringe, which would allow them only one primary residence plus one accessory dwelling unit.

MEMBER NEUNUEBEL: Thank you for that clarification.

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

MEMBER BRUGGER: Thank you, Mr. Chair. It's ancient history, but back in 2008, 2009, was there a final order on the Hampton Variance Request? Was it done kind of like what we do now so there'd be a record of it? If so, are those final orders ever recorded?

MR. LOVATO: Mr. Chair, Commission Member Brugger, we were unable to locate any final order? Looked at previous drives to see if there was even a draft and we were unable to find or locate any of those.

MEMBER BRUGGER: Last question for the staff, I think. If the variance request is denied, then what will you require the applicant to do?

MS. ROMERO: Mr. Chair, Commission Members, so, there's several options that the applicant could pursue. One of them would be that they would have to remove the kitchen and bathtub or shower from the secondary floor of the accessory structure, or bedrooms to be removed either by removal or partition walls or identifying a separate use other than dwellings. They could also, I'll refer this one to Mr. Sisneros for the other.

MR. SISNEROS: Chair Aaboe, Planning Commission Member Brugger so as Ms. Romero stated, in order to come into compliance, the existing structure, the kitchen would have to be removed as well as either the shower or the tub and interior partitions would have to be either removed or modified so that they're not identified as bedrooms or designed to be bedrooms. That would be the current process for converting that structure into its natural use as an accessory structure.

MEMBER BRUGGER: I presume that if you request this, if it goes down this path, that would have to be done at the applicant's expense?

MS. ROMERO: Mr. Chair, Commission Members, that is correct.

MEMBER BRUGGER: Thank you.

CHAIR AABOE: Any further questions for Ms. Romero from any of the Commissioners? Thank you very much, Destiny.

MS. ROMERO: Thank you.

CHAIR AABOE: Is the applicant here? Please use the microphone. Move the microphone so that your voice is heard. Thank you. So, please, raise your hand and swear that you will tell the truth and state your name and address for the record.

[Duly sworn, Daniel Weed, testified as follows:]

DANIEL WEED (0:22:31): Daniel Weed. I'm presently living at 2410 Camino Capitan in Santa Fe.

CHAIR AABOE: Okay, thank you, Mr. Weed. Please proceed.

MR. WEED: Well, Mr. Chair and Commission Members, thank you for seeing me today. These last few years have been very difficult, this last year trying to figure out how to handle prior sins of the original owner. I bought this property back in 2019 and I had vision for it and had to move off the property because that vision wasn't going to be allowed. At the recommendation of the County, I'm trying to remember what you guys are called, but the staff I think, I was advised to go through this process with you guys, and I was advised with seeking a variance to allow two separate units. However, I am agreeable and open to any type of resolution, be it dividing or switching which unit's considered the primary residence, which

one's considered the accessory dwelling. So, really, I'm here at your mercy just to see what you guys would best recommend. I'm happy to answer any questions. I made a couple notes from what Mrs. Romero went over. Let's see. So, there was a question, I think it was Commissioner Brugger. There were like three conditions. One story, 50% of the size of the main one and then wastewater. Was that in regards to having two separate septic tanks or what's the wastewater?

MEMBER BRUGGER: It was that if it were to be considered an accessory dwelling unit, which I understand that's not this application request you have, but if it were, then it would have to be on the same septic tank as the primary because it's an accessory dwelling unit.

MR. WEED: Okay, so, not having two separate septs but on one, a large...Okay, that makes sense. So, does anyone have any questions about the letter that I wrote or my appeal process or anything in that regard?

CHAIR AABOE: If any Commissioners have questions of Mr. Weed, please ask them. Thank you.

MEMBER TRUJILLO: Sure. Mr. Chair and Mr. Weed, I think I did read in your letter that I understand as you purchase land in the State, you hopefully do all your due diligence. It's hard to understand all the different codes that pertain to everything. I know that at one time I thought we should have a little bit more disclosure by realtors at a State level when people are purchasing land. So, it's interesting because you can ask a question of a realtor, and I'm not here to throw any realtors under the bus, but a lot of times they're there to make a sale and maybe they haven't done all their due diligence as well to inform the potential buyer, and they should be knowledgeable of being in the area. So, I do feel for you from the perspective that it's hard to gather all the information on a piece of property when you're buying it, especially in rural places. So, I did see that in your note, that you did ask that question. Obviously, these were the sins of somebody that was prior to you and that's well taken by me as well. So, that's the comments that I have for right now. Thank you.

MR. WEED: Okay. Yeah, in regards to that, part of my due diligence was when I first purchased the property there was a yurt with someone living in it at that time. He had told me that the prior owner had been living in the two bedroom during her ownership and had rented out the three bedroom. So, from my perspective, everything was fine. I had known that there were other structures or other properties within that subdivision that had renters as well. So, when I went to qualify for my mortgage, I included the rental income and without being able to rent out both structures, it's not sustainable for me to be able to keep the property. Let's see what else I want to say in that regard. So, part of the concerns of the neighbors are water usage, and like I had said, I am agreeable to whatever types of solutions we need to come to on that. One of them was metering the two buildings separately, but in terms of it being too large, like square footage wise, just before I came here, I just looked up a few other properties in the area. For instance, 7 Hampton Road has a total combined square footage of over 4,000 square feet. The primary dwelling is 2,772 and the secondary dwelling is 1,280. The second example would be 60 San Sebastian Road with the primary residence 2,645 and the secondary dwelling 932 square feet, which total 3,577 square feet. Third example would be 8 La Luz Lane. First dwelling is 3,510 in square feet and then the second accessory is 1,148, which

total 4,658 in square footage according to the County Assessor. This property in question, 39 Burro Bend has a three-bedroom primary residence according to the County of 1,746. That sounds different than what was spoken earlier. I think it might be closer to 1,900, but I looked this morning and I think the County had it at 1,746.

Then the second dwelling is 2,240 according to square footage with the County, however, that first half, the bottom half was the shop which is half of that value. So, in terms of not being outside of what's norm in that area, my total square footage, even if I were to include the shop as livable square footage would be 3,986 which is under the 4,658. It's comparable to the 3,557 and it's under the 4,052 square feet. So, any kind of arguments by the neighbors of it not fitting the nature of the area, is a stretch by any means. There's also been prior bad blood with the property. I personally feel that a lot of what I've been dealing with is targeted bullying in that regard, and when I first purchased the property, I was a young little hippie kid, kind of passive and I think the neighbors thought that they could take advantage of that. When the development was first originated, the property that I purchased was supposed to have been community grounds and then the builder decided to build on that. So, people were unhappy about that. So, there are other accessory units in the area. There are other two-story accessory units in the area, and I'm here today seeking justice. Like we talked when we pledged in liberty and justice for all. I want justice. I don't know what it needs to look like, and that's up to you guys to decide and I'm willing to have conversations around that. Like I initially stated, the direction I took was at the recommendation of the County staff. Essentially, I purchased a property with two livable units that had been used for over 15 years. Later, I found out that the original builder had gone through this whole process, the County denied it. So, part of my question is in terms of, who's at fault? Who should be liable for that? I haven't found any evidence that the County enforced their first decision. If they had, we wouldn't be in the situation. So, from that angle, it's not just for the liability to fall on me. I believe that the County shares in some of that liability. If the, what do you guys call yourself? I'm sorry. The Commission Members try to decide what's the most just situation here, with County liability and thinking about what do the neighbors want. If it is denied further, I think a just consideration would be appropriate compensation and just remove that whole second unit. So, part of another reason why it doesn't make sense not to allow that second unit is I could simply, though I don't have the funds right now to be able to do this, level what's already there and just build another unit and it wouldn't use any more water than if we were to allow what's there presently. Any questions about any of that?

CHAIR AABOE: Vice Chair Trujillo?

MEMBER TRUJILLO: Yeah, Mr. Chair and Mr. Weed, you'd mentioned about...So, you have a lot of neighbors that are upset at this or can you elaborate a little bit more on this?

MR. WEED: Yes. I tried to ignore it and not give it much of my mental bandwidth, but the property, 39 Burro Bend is the dead end of the Burro Bend Road. There's a property just to the, I think the west of me or something like that, up the road. They were supposed to have been the dead end. I know that they have expressed that they've been very upset over the years that the property that they purchased was no longer the dead end of the road. Any other questions?

CHAIR AABOE: Commissioner Brugger?

MEMBER BRUGGER: Thank you, Mr. Chair. Thank you for the presentation, Mr. Weed. Just a point of clarification. When you were running down the square footages, it's where, again, it's not a subject of this application, but for accessory dwelling unit, that's where 50% square footage limitation comes in that if you were going to do accessory dwelling unit, it's only 50% or less of the square footage of your primary house. So, the totals in that instance wouldn't matter as much.

MR. WEED: I understand that.

MEMBER BRUGGER: Okay.

MR. WEED: Part of my request would be including that in a variance of the square footage if we go the ADU route, which was initially a conversation. Like I said, I was advised to go, let's apply for two separate residences.

MEMBER BRUGGER: Well, that was a comment, but I had questions. So...

MR. LOVATO: Mr. Chair, Commissioner Brugger, just to clarify. The reason why we did not recommend that path for him for accessory dwelling unit is because it did not comply being a two story and separate septic and whatnot.

MEMBER BRUGGER: Understood.

MR. LOVATO: That would require multiple variances.

MEMBER BRUGGER: That would be difficult to do, just as this. The reason I asked the question of what had changed since 2009, when a similar variance request was presented and rejected by our predecessor, the answer was, "Essentially not too much." It puts us in a difficult spot to do something different. Let me ask questions. So, if you remember, when you bought the property, you received a title commitment.

MR. WEED: I assume so.

MEMBER BRUGGER: Title commitment, this would've included documentation, a chain of title, liens, any title red flag issues. So, do you remember anything in the package that you got that indicated that there was a structure out of, unpermitted, or out of compliance?

MR. WEED: This was years ago and this young kid trying to remember. All of this was so new to me, and still is quite new. This whole process is very new to me. So, I appreciate that understanding, but what I was told with my realtor when we looked through what papers there were, there was a permit for the shop, which then the casita is built on top of. There's a permit for the main residence. We don't have a permit for the square footage that was built above the shop, caveated by this is extremely common for this area, which is true.

MEMBER BRUGGER: Thanks. So, back then did the listing realtor or the selling realtor, I don't know if there was one or two, did they state that the subject structure was unpermitted and out of compliance with County Code? Did the realtors give you anything?

MR. WEED: I haven't heard anything regarding the code.

MEMBER BRUGGER: So, before you rented out this structure, did you check all available records regarding the structure, whether it's permitted or unpermitted? Compliant with State and local codes in order to protect yourself and your tenants? Did you do any of that at all?

MR. WEED: I relied on my realtors, and I will say if there had been evidence of the County's enforcement measures to their prior denial, that would have been there. However, that documentation was not available.

MEMBER BRUGGER: That's all I've got for now. Thanks.

CHAIR AABOE: Thank you, Commissioner Brugger. Any other questions for the applicant from any Commissioners?

MR. **LOVATO**: Mr. Chair, Commission Members, I just want to also point out for understanding that this is a violation that was brought before County staff as well.

CHAIR AABOE: So, can you repeat that or elaborate?

SPEAKER1: County staff received a violation complaint and it was addressed through our Code Enforcement. This is why this case is before you guys today.

CHAIR AABOE: So, someone complained that the property was not in compliance with code? It was kind of that generic?

MR. **LOVATO**: Mr. Chair, Commission Members, correct. They also located an STR on the property which was identified on our log system through GeoCivics and our other program that we run.

CHAIR AABOE: Understood. Got it. So, yes, just to confirm Mr. Weed. So, you had a short term, you had this casita listed as a short-term rental and then once receiving this violation, you changed that?

MR. WEED: Yes, I had played around with the short-term rental idea, and this was prior to the County's expanded requirements for permitting in that regard. So, prior to that, I had, I believe it was maybe for a year or so, had some shorter-term tenants occupying the space while I lived there.

CHAIR AABOE: Okay, thanks very much. Any other questions? Vice Chair Trujillo?

MEMBER TRUJILLO: So, Mr. Chair, Mr. Weed, so after this, this was at some time ago. So, currently, do you have long-term renters in there or have you sought long-term renters?

MR. WEED: I have not been able to rent out the property since this whole, like in good conscience with this whole thing. I don't know if someone's going to come knocking on the door, "Hey, you have to get out of here." So, this is part of why it's been such a financial strain for me is I've been paying for that mortgage as well as a property in town and it's been, it's only by the grace of God that I'm standing here not bankrupt.

CHAIR AABOE: Any other questions? Commissioner Pava?

MEMBER PAVA: Mr. Wee, in the extensive documentation, there were some photographs of the unit and I noticed a lot of refuse or trash scattered around what I guess is a refuse area. Do you have an issue with bears, or what was going on there?

MR. WEED: So, during that time, I was not residing on the property. There was some trash in some of the trash bins. It may have gotten knocked down by animals or wind or that sort of thing, but since those photos, it has been resolved. That was part of what was required for attending this meeting here today.

MEMBER PAVA: Thank you. Mr. Chair, I do have a question for staff when it's appropriate.

CHAIR AABOE: Thank you. Any other questions of the applicant? Yes, Commissioner Griffin?

MEMBER GRIFFIN: Mr. Chair and Commissioners and Mr. Weed, are you able to rent out the main residence?

MR. WEED: Potentially, and the reason why I say potentially is a couple of years ago when I felt like I was being bullied off the property and I moved into town, the plan was to rent it. Since then, I've kind of gone through a series of ups and downs of trying to, how do I solve this problem? I tried to list it for sale. So, while it was listed for sale, it hadn't been rented and such. It was during the process of being under sale contract that I found out some of this other information about Win Hampton went through all this stuff because they apparently had done greater due diligence or such than my realtors had. So, short answer. I could rent it. If I am not a granted this variance, I'm going to have to liquidate the property because it can't rent for what the mortgage payment is.

MEMBER GRIFFIN: Okay. Thank you.

MEMBER PAVA: One more comment.

CHAIR AABOE: Commissioner Pava.

MEMBER PAVA: Thank you, Mr. Chair, Mr. Weed. So, this is a quasi-judicial process, and you are aware that if you or the other affected parties are not happy with the decision of this Commission, this can be appealed to the County Commission.

MR. WEED: I have been made aware of this. I would love for this process to be wrapped up as quickly.

MEMBER PAVA: I want to get that in the record just to make sure everybody is aware, where we're at with this. Thank you.

CHAIR AABOE: Thanks very much, Mr. Weed. It appears there are no further questions. Thank you. Thank you very much.

MR. WEED: Can I make one other...

CHAIR AABOE: Please.

MR. WEED: ...statement?

MR. WEED: It was asked, "Have there been changes within the county since the initial structure was built?" To my knowledge, sometime around 2020, 2021, something like that, the County loosened up their requirements to expand rentals. Prior to that, I believe it was a resident would have to live on the property to be able to rent out their casita and there was a change within the County seeking to provide and find more affordable housing to allow both the primary residence and a casita to be rented out without the owner occupying the property.

CHAIR AABOE: Thank you. Thanks very much, Mr. Weed. So, is there anyone... That's it for now, if you could sit down. Is there anyone in the room or online who is interested in speaking either in support of or in opposition to this request? Anybody online, Dominic?

MR. SISNEROS: Chair, there's nobody online indicating that they wish to speak on this matter.

CHAIR AABOE: Okay. Commissioner Brugger had questions of staff and I think this would be an appropriate time. Oh, I'm sorry, Commissioner Pava.

MEMBER PAVA: Thanks. Thank you, Mr. Chair. Mr. Weed, in his presentation, alludes to some interesting information about more than one unit being on other lots of record, in fact several. I'd like to get a bit more elaboration based on your familiarity with the area, if indeed there is more than one unit on several of the lots in the subdivision, and on what circumstances that might have occurred. I think that's very important, weighs in on what we're hearing right now, and on the variance.

MR. **LOVATO**: Mr. Chair, Commission Member Pava, most of the what Mr. Weed was speaking about either met the requirements for an ADU or is a legal nonconforming or there could be unpermitted development elsewhere. However, Santa Fe County is mainly driven by complaint, and that's how we locate these violations. Most cases we see that they're either legal nonconforming or they meet the standard of Santa Fe County.

MEMBER PAVA: So, this situation is legal nonconforming as well, right now.

MR. **LOVATO**: Mr. Chair, Commission Member Pava, a little bit correction to that. It's legal nonconforming with the structures that are on there and that were permitted. They were granted. The part that's not granted is the unpermitted addition, which is the livable structure, second story.

MEMBER PAVA: Follow-up question. If somehow by magic, the top story could go away and there's a workshop, whatever it is, there and would an accessory DU be allowed per the code based on its size elsewhere on the property as long as it complied with setbacks and floor area ratios and all of that?

MR. **LOVATO**: Mr. Chair, Commission Member Pava, yes that is a possibility. They'd have to bring the existing structure into compliance and turn it into accessory structure. Then he would be able to apply for an ADU that met the sizing requirements and other provisions of the ordinance.

MEMBER PAVA: So, following that reasoning, the conditions that staff has recommended, although they do not recommend approval of the variance per se obviously, the conditions would also address some of the same issues as would a remedy like I just described. Taking off the top of the unit, moving an ADU to somewhere else on the property and you have three buildings on the property, and that would be okay as long as it complied with the requirements.

MR. **LOVATO**: Mr. Chair and Commissioner Member Pava, that is correct. They would be allowed multiple accessory structures provided they're in, I believe this area does not have a lot size square footage allotment. However, they would have to comply with all aspects of the ordinance.

MEMBER PAVA: Yeah, thank you Mr. **Lovato**. That kind of puts things in context for me as what we've just heard from the applicant. Thank you.

MR. **SISNEROS**: Chair Aaboe and Planning Commission Members, as John and I was discussing here, if the livable space from the second story was removed and that was identified as storage or an office or workshop, and the livable space for the ADU was moved down to the lower level, that would be allowed as long as it met all the ADU requirements. Obviously, it's too big so some of that space would have to be designated as perhaps storage or something else, but that's also a possibility without having to construct an additional structure on the site.

MEMBER PAVA: Now, I appreciate what you're saying because I think we have to sometimes be a little creative in understanding as Commissioners what reasonable alternatives there could possibly be if the applicant were also willing to consider those. This is a very difficult situation. That's my observation. Thank you.

CHAIR AABOE: Thank you. Commissioner Brugger?

MEMBER BRUGGER: Thanks, Mr. Chair. Thank you, Mr. Sisneros for that alternative. I, for one, was looking for alternatives. Given the history of this case and the specifics of the project, it's difficult for me to support a variance request. Having said that, given the history of the acquisition and the nondisclosure by multiple parties involved in the transaction, it's important to take, if this goes toward the path of denial of variance, to work as hard as you possibly can to explore all alternatives that you possibly can to limit the amount of economic damage on the applicant. So, I was heartened. At least I heard one alternative and maybe there's some more. I wouldn't expect the applicant to have read the Sustainable Land Development Code. It's a beautiful document, but it's very heavy. So, anyway, that's my piece. Thanks.

CHAIR AABOE: Vice Chair Trujillo?

MEMBER TRUJILLO: Mr. Chairman, there's just a question for staff. As I read here, this Residential Fringe Zoning District, it allows for one dwelling per five acres. Is that correct?

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

MEMBER TRUJILLO: Okay. So, if I go to the property of Mr. Weed, and I mean, I'm just getting into very details here and semantics, but all properties adjacent to his property that even have accessory structures, this one just adjacent to the north is 4.3 acres. This one here is 4.366 acres. This one here, this one's 5.05. This one's 4.94. I mean, it seems like we'd have a lot of properties that are not in compliance with the five acres if that is the rule.

MR. SISNEROS: Chair Aaboe, Commission Member Trujillo, so this happens quite a bit in Santa Fe County where a legal lot of record or a lot was created prior to the existing code where it didn't meet the current standards for density. So, that happens quite often, but as long as the subdivision was created or the lot was created legally by an approved plat, it would be identified and they would still be allowed, like if the parcel was vacant and there were nothing on it, they would still be allowed the one dwelling unit and one accessory dwelling unit, even if it was under the five acres.

MEMBER TRUJILLO: Okay. Okay. Thank you. Thank you, Mr. Chairman. Yeah, I mean here, it's acceptable, but somebody goes and does the accessory structure with no permits, but that's prior to purchasing, it's kind of, I don't know, anyways, I'll reserve my ____
(0:54:41).

CHAIR AABOE: Thanks Vice Chair. Any other questions of staff from any of the Commissioners? Thank you, Destiny. What is the will of the Commission?

MEMBER TRUJILLO: Mr. Chair? I so move that Case 26-5070 that we do a due pass on the variance.

CHAIR AABOE: So, we have a motion from Vice Chair Trujillo to approve the variance request. Do we have a second? Commissioner Pava. We have a motion and a second.

If we could, any discussion, any considerations of...So, I assume it's including conditions recommended by staff?

MEMBER TRUJILLO: That is correct, Mr. Chairman.

CHAIR AABOE: Okay, we have a motion and a second for approval of the variance request. Can we get a roll call vote, please?

The motion failed with a [4-2] roll call vote as follows:

Roll Call Vote

Erik Aaboe, Chair	No
Carl Trujillo	Yes
Dan Pava	Yes
Steve Brugger	No
Jessica Griffin	No
John Neunuebel	No

CHAIR AABOE: Thank you. So, since the motion for approval has failed, the variance request has been denied and as Commissioner Pava mentioned, this is appealable to the Board of County Commissioners, and I would encourage the applicant to consider the various options that have been suggested. So, thank you very much. Commissioner Brugger?

MEMBER BRUGGER: Chair, so, we don't need a motion for denial?

CHAIR AABOE: I don't believe we need a motion for denial. Do we, or do we? Since the motion for approval failed, isn't that the same? Let's let the lawyer weigh in.

ROGER PRUCINO (Assistant County Attorney): Yes, it's a reasonable assumption to say that the variance is not granted. It does fail, and since your discussion has clarified that as well, I don't think there's any particular need in this instance for a new motion to deny.

CHAIR AABOE: Okay. Thank you very much. Thank you, sir. The next item on our agenda is Case Number 26-5080 Teen Challenge of New Mexico. Ms. Serrano?

B. Case No. 26-5080 Teen Challenge of New Mexico – Conditional Use Permit (CUP) Teen Challenge of New Mexico Inc. Applicant, Modulus Architects & Land Use Planning Inc. Agent, requests approval of a Conditional Use Permit (CUP) for a residential treatment campus. Per the SLDC, Appendix B, Use Matrix classifies the proposed use as Conditional Use as Community Home, NAICS 623210. The 5.67- acre property (hereafter, the "Property") is within the Residential Fringe (RES-F) Zoning District. The site is located at 25 Vista Point Road, within Section 19, Township 16 North, Range 10 East, SDA-2 (Commission District 4), Parcel No. 23407616. Kimberly Serrano, Case Manager.

KIMBERLY SERRANO (Development Review Specialist Senior): Hi. Good afternoon Mr. Chair, Commissioners. Kimberly Serrano, Development Review Specialist Senior. Teen Challenge of New Mexico Inc. applicant, through the agent, Modulus Architects & Land Use Planning, Inc., request approval of a Conditional Use Permit for a Residential Treatment Campus. Per the SLDC Appendix, Use Matrix, the proposed use is classified as community

home, thus requests a Conditional Use Permit. The 5.67-acre property is within the Residential Fringe Zoning District. The site is located at 25 Vista Point Road within Section 19, Township 16 North, Range 10 East, SDA-2, Commission District 4. The applicant states the property has a longstanding history as a residential behavioral health and life transition facility with operations dating back to 1981 and most recently the Life Healing Center. The site is developed as a Campus Environment consisting of residential cottages, dining and assembly space, administrative buildings and internal circulation. The existing development pattern reflects a cohesive low-density layout that has historically supported residential treatment operations. Importantly no expansion of the building footprint is proposed. The project focuses on reactivating the site while aligning it with current code requirements and operational standards. The Life Healing Center of Santa Fe operated until 2020. The Center was a prominent residential mental and health addiction treatment facility that focused on trauma informed care before its closure in 2020 due to economical challenges. On December 29, 2023, the Life Healing Center officially closed and asked to have its business license closed out. The property is made up of a fully established institutional campus that has been used for residential purposes in the past. The land has 21 existing buildings totaling about 20,025 square feet of building space. The applicant is now requesting approval of a Conditional Use Permit for a residential treatment facility for men. Participants commit to approximately one-year residential program which emphasizes stability, accountability, and personal growth. The proposed use provides a clear public benefit by expanding access to essential recovery services, supporting long-term outcomes for individuals in need, and contributing to the overall health, safety and welfare of the community. The application has been reviewed for compliance with the applicable standards set forth in Chapter 7 of the SLDC as follows: Access, road design, traffic impact, parking and loading, lighting, fire protection, open space, landscaping and buffering, terrain management, water supply, wastewater and water conservation.

The applicant has addressed the CUP Criteria as outlined in the memo. Staff has reviewed the project for compliance with pertinent SLDC requirements and any relevant Ordinances and has found that the facts presented support the request for a Conditional Use Permit to allow for a residential treatment center. The use is compatible with the current development within the affected Zoning District. The use will not impact adjacent land uses and the application satisfies the submittal requirements set forth in the SLDC inclusive of the Conditional Use Criteria set forth in Chapters 4, Section 4.9.6.5. On June 11, 2026, this request was presented to the Sustainable Land Development Code Hearing Officer. The Hearing Officer memorialized findings of facts and conclusions of law in a recommended order on the request. The recommendations of the Hearing Officer based on the evidence presented is for approval of the Conditional Use Permit to be adopted, subject to the following conditions. Mr. Chair Aaboe, may I enter these conditions into the record?

CHAIR AABOE: Yes, you may consider them entered. Thank you.

MS. SERRANO: Thank you. This report and the Exhibits below are hereby submitted as part of the Hearing Record. I stand for questions.

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

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MEMBER BRUGGER: Thank you, Mr. Chair. Thank you, Ms. Serrano. So, in your staff report you mentioned that the New Mexico Environment Department has reviewed and given its approval with conditions, Exhibit F. I looked at Exhibit F and said, "I didn't get that." I got that they said there were seven wastewater systems in place, three of easements that extend into adjacent property, but they can't find the easements. So, that if they couldn't find the easements or if they weren't recorded, then the applicant would need to secure actual easements. Otherwise, three of the septic tanks, the permits would be voided. Has there been new information that's come up that wasn't in our packet that changes that?

MS. SERRANO: Mr. Chair, Commissioner Brugger, I am not aware of any of that but I believe that the agent would be able to answer that question.

MEMBER BRUGGER: I'll save the question for them. What's the proposed scale of this? I read that there's, at least what's proposed is, 36. Thirty-six clients, 36 beds. Is that correct?

MS. SERRANO: I'm not sure.

MEMBER BRUGGER: I might have imagined that.

MS. SERRANO: I don't think we...I don't have that information. I just have how many existing buildings.

MEMBER BRUGGER: I might be wrong. That'll be a question for the applicant as well because I thought I saw that somewhere but then they had a site data table that said that the occupancy could be 80 with the existing fixtures. Then, if they wanted to change it compliant with International Building Code and Fire Code, it could be 115. So, just wanted to get a handle on what was presented in this application because if the scale changed from what was presented, then if it changes dramatically per code rules for Conditional Use Permit, it'd have to come back to the Planning Commission I believe. So, hence the question.

CHAIR AABOE: Thank you, Commissioner. Any other questions of staff from any of the Commissioners? Commissioner Pava?

MEMBER PAVA: Thank you, Mr. Chair. So, my question for staff is granted that the facility has been vacant for five-plus years, can you give us a description of the condition of the campus and would you say that much of what is being proposed, let me rephrase that. If I understand it, no new structures are proposed but considerable upgrades for life safety are being proposed. Am I following that correctly?

MS. SERRANO: Yeah.

MR. LOVATO: Mr. Chair, Commission Member Pava, I did a site inspection on the facility. The facility was close to operational at that time when I visited the site. That was over a year ago. They were upgrading some of their alarm systems, some of their interior issues such as smoke detectors, fire alarms so on and so forth and Fire's been working closely with the applicant on finalizing all those aspects. So, I would say it's fairly close where it would be able to, with some additional some remodeling, some whatnot, close to operational.

MEMBER PAVA: But in terms of square footage, additional structures, I didn't see anything in the application indicating that.

MR. LOVATO: Mr. Chair, from our understanding, there are no additional structures being proposed at this time from my understanding.

MEMBER PAVA: Thank you.

CHAIR AABOE: Commissioner Brugger?

MEMBER BRUGGER: Thank you, Mr. Chair. I did have one other question. So, the Conditional Use Permit is being requested pursuant to the Use Table in the code for this for the Residential Fringe Zoning Category, that there is a specific provision for community home NAICS 623210, which the 623210, I believe, is the Residential Intellectual and Development Disability. My question is, does this proposal fit into this category or the 623220, Residential Mental Health and Substance Abuse Facility category?

MICHAEL VOS (County Land Use Administrator): Chair Aaboe and Commissioner Brugger, Michael Vos, County Land Use Administrator. This isn't an exact response to your question. The NAICS Code for developmental disabilities, group homes is the only NAICS Code referenced in our Use Matrix in the SLDC. So, I don't know exactly what code the applicant's proposal falls under in the class of individuals that will be residing here in that respect, but when the Use Matrix doesn't have a specifically enumerated use, we pick the closest materially similar use. So, this is a proposed group home or community home in its use, no matter what the class of individuals are. So, that's why we chose that use in the Use Table.

CHAIR AABOE: Thank you, Commissioner. Any other questions of staff from any of the Commission? Thanks Kimberly. Appreciate it. So, is the applicant or their agent here to present?

ANGELA PIAROWSKI: Good afternoon, Commissioners.

CHAIR AABOE: Hello. Please raise your right hand and do you agree that you will present the truth and only the truth?

MS. PIAROWSKI: I do.

[Duly sworn, Angela Piarowski, testified as follows:]

CHAIR AABOE: Please state your name and address for the record.

MS. PIAROWSKI: My name is Angela Piarowski, Modulus Architects, 8220 San Pedro Drive, Northeast, Albuquerque, New Mexico.

CHAIR AABOE: Thank you, Ms. Piarowski. Please proceed.

MS. PIAROWSKI: Commissioners, I do have a presentation, but I would like to ask, would you like me to address your questions now or would you allow me to give this presentation and perhaps address them after?

SPEAKER1: I think, let's...

CHAIR AABOE: I think let's go through the presentation, if we can, and then that might answer some of the questions. So, it's up on screen and folks you should be able to see it on screen if you toggle. Thanks.

MS. PIAROWSKI: Excellent.

CHAIR AABOE: Please proceed.

MS. PIAROWSKI: Are you able to see the presentation Commissioners? Great, thank you. I'll be very short. Thank you. My name is Angela Piarowski. I'm the CEO and Managing Partner at Modulus Architects & Land Use Planning. I'm the applicant's representative and agent for this Conditional Use Permit request. Today we are requesting approval of a Conditional Use Permit for Teen Challenge of New Mexico at 25 Vista Point Road in Santa Fe County. The purpose of today's presentation is to demonstrate that the proposed use satisfies the requirements of the Sustainable Land Development Code, is compatible with

surrounding development and can be safely and effectively supported by the existing site and infrastructure. Most importantly, this request is not for a new development. It is a request to reactivate a longstanding residential treatment campus that has served individuals in need for many decades. I believe this slide is one of the most important in understanding the nature of this request. The property has operated as a residential treatment campus since 1981. For more than four decades this site served as a Life Healing Center providing behavioral health, recovery and life transformation services to residents throughout New Mexico and beyond. The facility operated successfully until its closure in 2020. This request before you today is not a rezoning or subdivision, not a new development and not the introduction of a new Land Use into the area. Rather, it is a continuation and reactivation of an established Residential Treatment Use on a developed campus. The property contains 5.67 acres, 21 existing buildings and 20,025 square feet of developed building area. No expansion of the campus footprint is being proposed. Teen Challenge is seeking to bring this property back into productive use by providing long-term residential recovery services for men. In many respects, this application restores a community resource that has existed on this property for more than 45 years.

Before discussing technical compliance, it is important to understand who Teen Challenge is. Teen Challenge is a nationally recognized recovery organization with more than six decades of experience helping individuals overcome addiction and life controlling issues. Their model differs from many traditional treatment programs. It focuses on long-term transformation rather than short-term intervention. Participants engage in a structured residential program lasting one year at a minimum. Their program emphasizes accountability, personal responsibility, counseling, mentoring, education, work skills, and life restoration. Teen Challenge already operates successfully within New Mexico and provides an important public benefit by helping individuals become healthy productive members of their families and their communities. This program ultimately contributes to stronger families, safer communities, and reduce societal costs associated with the addiction and homelessness. Next slide please. Thank you.

The property is a fully developed and already contains the buildings and infrastructure necessary to support the proposed operation. The campus includes residential cottages, a dining hall, administrative facilities, counseling space, open space, parking, and internal circulation. Again, no new buildings are being proposed. The only improvements being contemplated are those necessary to satisfy Fire Marshal requirements and to rehabilitate aging infrastructure. Those improvements include roadway widening where required, emergency vehicle access improvements, turnaround accommodations for the fire truck and other life safety enhancements. This application has undergone an extensive review process beginning with the Technical Advisory Committee Review, multiple agencies evaluated the proposal and identified items requiring further analysis. Our team coordinated with the County staff, the Fire Marshal's Office, infrastructure providers, wastewater consultants, and other stakeholders. We subsequently conducted community outreach, completed utility and infrastructure analysis, performed occupancy and code reviews, and incorporated agency comments into the final application. One of the most important takeaways from this slide is that every TAC comment has been addressed. There are no unresolved agency issues before

the Commission today. The application before you reflects months of collaboration and refinement.

A major focus of our due diligence effort has focused on the infrastructure capacity. Beginning with water service, the property is served by Sunlit Hills Water System. We analyzed historical usage records and coordinated directly with the utility provider. Sunlit Hills has confirmed that service is available to support the proposed operation. Regarding wastewater, the property contains seven existing wastewater treatment systems with an aggregated permitted capacity of approximately 3,600 gallons per day. The system has historically supported residential treatment operations at this site. The New Mexico Environment Department reviewed the proposal and issued comments and conditions that had been incorporated into the application. Traffic impacts are minimal, residents do not maintain personal vehicles resulting in approximately 42 daily trips per day, which is significantly lower than many other institutional commercial uses. Finally, we worked closely with the Fire Marshal's Office to evaluate emergency access and life safety requirements, required roadway improvements, emergency turnaround, and apparatus excess requirements have been incorporated into the project. Collectively, our findings demonstrate that adequate infrastructure exists to support the proposed use.

On March 18, 2026, we conducted a neighborhood information meeting and invited surrounding property owners and residents to participate. Approximately 25 individuals attended. The project was presented in detail, questions were answered, and attendees were provided an opportunity to express any concerns. Importantly, no objections were received during the meeting, no opposition emerged, no follow-up concerns were submitted after the meeting. While public participation does not determine compliance with the Code, the outreach process demonstrated that neighboring property owners understood the project and did not organize opposition to this request. As of today's hearing, we have still not received any opposition to this project. This slide summarizes the County's Conditional Use Permit Criterion. The question before the hearing today is whether the proposed use satisfies the standards established by the Sustainable Land Development Code. Based on our analysis, County staff's analysis, agency review, and the evidence contained within the record, the answer is yes. The project satisfies the health, safety, and welfare criteria. It will not create undue traffic congestion. It complies with applicable fire protection requirements. It does not adversely impact population density. Infrastructure capacity has been demonstrated. The project does not impair light and air available to adjacent properties, and the use is consistent with both the Zoning District and the Sustainable Land Development Code. Perhaps most importantly, our findings and analysis mirror the County's own findings.

At this point, I would respectfully submit that the record supports an approval. First, this is a continuation of a long-established residential treatment campus. Secondly, the infrastructure has been thoroughly evaluated and addressed. Third, the project provides a significant public benefit through long-term recovery service. The County's own findings conclude that the use is compatible with surrounding development. The County has determined that the use will not adversely impact adjacent properties. The County has determined that the application satisfies the Conditional Use Permit Criterion, and County staff has recommended approvals subject to conditions. When we consider the history of the site,

the compatibility of the use, the infrastructure analysis, the agency review process, and the public outreach effort, the evidence consistently points toward an approval. Hearing Officer or Commissioners, after reviewing the record, the question is no longer whether this use can operate safely and compatibly at this location. The evidence demonstrates that it can. The question is whether this long-established community resource should be allowed to continue serving those in need. We respectfully believe that that answer is yes. On behalf of Teen Challenge of New Mexico and Modulus Architects & Land Use Planning, thank you for your time, your consideration, and for your service here today. With that, I would stand for any questions that you may have.

CHAIR AABOE: Thank you, Ms. Piarowski. Do any Commissioners have questions of the applicant agent? Commissioner Pava?

MEMBER PAVA: Thank you, Mr. Chair. Thank you for the nice presentation. I think you covered all the bases there. Question about the 42 trips a day. What's the size of the staff serving? I understand that folks being at the center there will not have their vehicles, but what's the size of the staff?

MS. PIAROWSKI: Thank you for the question, Commissioner. We were told that there will be about 15 to 20 staff approximately throughout the day. We did hire a traffic engineer to come up with those trips per day and that Traffic Study Analysis Threshold is part of the packet.

MS. PIAROWSKI: Okay, that's good. A question about the age cohort of the clients being served. I noticed it refers to teens, but could you tell us what the spread in age is typically at these centers?

MS. PIAROWSKI: I would defer to my client. I don't want to misspeak on the age. I want to make sure the record is clear.

MEMBER PAVA: Thank you.

MS. PIAROWSKI: Thank you, Commissioner.

CHAIR AABOE: Please, gentlemen, anyone interested in speaking, please raise your hand and swear that you will tell the truth. Before you speak, please give your name and address for the record. Thank you.

JIM GOINS: Jim Goins, 2833 Edgewood Road Columbus, Georgia. I swear to tell the truth.

CHAIR AABOE: Thank you.

[Duly sworn, Jim Goins, testified as follows:]

MR. GOINS: Board, Chair and Commissioners, we typically see maximum age ranges around 55, maybe 60, but the minimum age that they have to be is 18. The Teen Challenge brand name comes from its historical origin, reaching out to teens primarily in gang streets in New York and stuff like that about 70 years ago.

MEMBER PAVA: It's not limited to teenagers, it's up to 55? So from...

MR. GOINS: Eighteen and above.

MEMBER PAVA: Eighteen and above....

MEMBER PAVA: ...but typically 56, 60 is what we see.

MEMBER PAVA: Okay.

MR. GOINS: Yes, sir.

MEMBER PAVA: That's what I wanted to know. Thank you.

CHAIR AABOE: Just while you're here, sir, the presentation showed all males. Is that the intended use or will there be a co-educational feature?

MR. GOINS: Yes. We do not have co-ed programs.

CHAIR AABOE: Okay.

MR. GOINS: Yes.

CHAIR AABOE: Thanks very much. I had a question and it was about a wastewater. As Commissioner Brugger mentioned, one of the conditions of the New Mexico Environment Department analysis was that in the absence of acquiring easements for, and I'm imagining the leach fields or the tanks themselves for three of the seven wastewater systems, that those permits would be voided. Have those easements been obtained from the adjacent landowners?

MS. PIAROWSKI: Commissioner, thank you for the question. We are analyzing the septic system, which seems to be a spaghetti bowl. That's not a very professional term, but there have been multiple permits over multiple years and new additional leach fields added and added and added. We have hired a New Mexico general contractor and septic company to help us unravel what has been done and piecemealed over the years. We're still working to determine what easements go to what field, but we are fully committed to bringing the full septic system into compliance, all six permits. There's actually nine septic fields with six different permits. So, we are committed to bring it into whatever compliance NMED wishes, but we're still trying to unravel what goes to what at this time.

CHAIR AABOE: Okay, thank you very much. It appears that one of your colleagues here, and please again, be sworn sir.

MATT MYERS (Attorney): Matt Myers, 1401 Central Avenue, Albuquerque, New Mexico. I swear or affirm to tell the truth.

CHAIR AABOE: Thank you, sir, Mr. Myers. Please proceed.

[Duly sworn, Matt Myers, testified as follows:]

MR. MYERS: Thank you. I am the attorney representing the applicant. I just wanted to answer your question, Chairman. Yes, we have the necessary easement across the adjacent property for the septic systems, but then in addition to that, we are still going through the whole process of figuring out how to make sure it's all in compliance with the Environmental Department.

CHAIR AABOE: So, it appears that NMED did not have access to those easement records and were unable to close that loop, and that's work that you will do before this is resolved? Correct?

MR. MYERS: Absolutely. Thank you, Chairman.

CHAIR AABOE: Thank you very much, sir. Any other questions from Commissioners? Commissioner Brugger?

MEMBER BRUGGER: Thank you, Mr. Chair. Thank you for your presentation, Ms. Piaroski.

MS. PIAROWSKI: Thank you.

MEMBER BRUGGER: So, just one follow up then for the wastewater. Are those easements, are they recorded easements?

MS. PIAROWSKI: Yes.

MEMBER BRUGGER: Okay. So, one of my questions before was, were you proposing a certain scale of this as far as number of clients, number of beds?

MS. PIAROWSKI: Commissioner, thank you for the question. We have not proposed a number of beds or occupancy. What we did as architects is we did a very thorough analysis of the entire facility and we simply documented in that Site Plan Table that you see based off the Code Analysis that architects use for the IBC, the current fixture count, what that would support in occupants, which varies greatly from what the current permitted septic allowance for gallons per day would allow. So, that's where you see the difference of numbers. The fixture count, according to the IBC, would allow 112 occupants. It's never had that many. We're not proposing that many, but based off an IBC Architectural Analysis, that's what the facility could hold based off fixtures. However, the Septic System Analysis is only permitted for 3,600 gallons per day, which currently would support up to 50 residents. So, there was just an architectural analysis of what the facility is capable of at this time.

MEMBER BRUGGER: Thank you.

MS. PIAROWSKI: Thank you.

MEMBER BRUGGER: So, I have some other questions and it's not digressing. These are related to approval Criteria 1, 5 and 7. So, five for the sewage, it appears that you've got that under control or working toward that. So, you had Teen Challenge's first project in New Mexico was Tijeras, correct?

MS. PIAROWSKI: That is correct.

MEMBER BRUGGER: That was 2023 that that started?

MS. PIAROWSKI: My apologies, I wasn't prepared to answer that. Give me just a moment.

SPEAKER2: New Mexico Teen Challenge has been around in New Mexico for a number of decades. Our organization, which is based out of Georgia, acquired Teen Challenge of New Mexico in late 2023.

MEMBER BRUGGER: So, I'm glad you're here. So, I think I read somewhere that the initial clients would be transferred from Tijeras. Is Tijeras being shut down?

SPEAKER2: Currently, we are evaluating the strategy long term for the Tijeras Campus. With this new property, it gives us options to strategically develop and grow. There's a very big need all across New Mexico. So, as we evaluate our options, we may choose to keep it or eventually not use that property any longer.

MEMBER BRUGGER: Thank you. So, would this facility be open? It's apples and oranges, but say La Salla facility here serves Santa Fe County residents. So, who would you serve?

SPEAKER2: We would be able to serve anybody that is here in New Mexico. Residents all across New Mexico that find out about our programs. We get referrals from various judicial systems, various churches, word of mouth, the long history and reputation of New Mexico Teen Challenge across the State, families of our graduates that meet other people in need all across the state.

MEMBER BRUGGER: Thank you. Your clients, do they voluntarily apply to be voluntarily selected for this program or are they Court ordered?

SPEAKER2: It is possible that they can be Court ordered. We are not a locked facility. So, we have had people that through the judicial system, they do have that as an aspect of their experience with us, but it's not required. I would say I'd be surprised if it's over 10% of the time.

MEMBER BRUGGER: Given that you're not a locked-on facility, how do you maintain control and be a good neighbor to those living around you?

SPEAKER2: Sure. Our organization has 19 different centers across different states. We have a great reputation in caring for our individuals when they're with us. We place a lot of time, effort, and energy in engaging well with our customers and their families to create an experience from the moment they come to us to when they leave us. Whether it's graduating our program or if it is not working out, they get referred to a different program. So, they start well, they end well even if they don't complete the year-long program. I would say that we have had a great reputation here already in Tijeras and Roswell and our completion rate is very high. Matter of fact, I had said earlier we have 19 different programs. These two programs in the State of New Mexico with the work that we're doing here and our staff, have the two highest level of retention rates and graduation rates of all of our 19 programs.

MEMBER BRUGGER: Thank you. Last question for now. So, Ms. Piarowski, you mentioned that you had coordinated with various stakeholders in the community. Did you coordinate with the County Community Services Department? It handles the behavioral health issues on behalf of the County. So, did you coordinate with them?

MS. PIAROWSKI: Commissioner, I did not. I did not for this application, but I am certain that as we proceed, if we are approved and they get closer to opening, that they will be coordinating with County Services.

MEMBER BRUGGER: Did you coordinate with other providers in the area? I looked at the neighborhood sign-in sheet and you had a lot of advocates there, but any coordination with any other service providers? Not that they're doing the same thing as what you're proposing, it's different. It's a good model.

MS. PIAROWSKI: Commissioners, my focus has been on just the zoning and planning land use part of this. I don't have an expertise in that realm of this project, but I fully understand and believe that the operators who have a fantastic reputation will do all the necessary outreach and community work that they need to do, hoping that we get an approval here today.

MEMBER BRUGGER: Thank you.

MS. PIAROWSKI: Commissioner, I will also just add that we did all the required notices to the neighborhood associations, to all the neighbors. Astonishingly, in my 27-year career, we had absolutely zero opposition. Everybody that we spoke to really acknowledged and recognized the importance of these types of programs. So, this is one of the first in my career where I haven't had any opposition. So, it's been rather nice actually.

CHAIR AABOE: Thank you, Commissioner. Thank you, ma'am. Any other questions? Yes, Commissioner Griffin.

MEMBER GRIFFIN: Mr. Chair, and this might be a question for staff and also the applicant.

SPEAKER3: ____ (1:34:06).

MEMBER GRIFFIN: I think I just need to get closer. I'm curious about the Urban Wildland Interface issues. Is this property in one of those designations as being extreme or high fire hazard?

SPEAKER4: Chair Aaboe, Commissioner Griffin, we do have Craig Fulmer from Santa Fe County Fire Prevention online. He may be better to answer that question.

MEMBER GRIFFIN: Okay, great. Thank you.

CHAIR AABOE: Mr. Fulmer, are you available?

CRAIG FULMER (Fire Marshal): This is Craig. I did not hear the question. Can you repeat the question?

MEMBER GRIFFIN: Sure. The question is, is this property in one of the Urban Wildland Interface Classifications as far as being extreme or very high hazard, high fire hazard or moderate fire hazard?

MR. FULMER: Give me a moment to look up the property and I will give you an answer.

MEMBER GRIFFIN: Okay, and really my question, more of it, is there was recently a wildfire kind of in that area. I mean, more to the north, and I'm just thinking if you have how many residents there and none of them have vehicles and there happens to be a fire, is there any evacuation plan? What is the process for that? I don't need to know the process, but is there a process?

MS. PIAROWSKI: Commissioner, would you like to answer that?

MR. FULMER: I'm sorry. I can't hear you. I couldn't hear the question.

MEMBER GRIFFIN: Okay. So, I was asking you about if this property is located in one of the fire hazard areas, but then I was asking the applicant if they do have an evacuation plan in the case that there is a wildfire in that area.

MS. PIAROWSKI: Commissioner, would you like me to address that?

MR. FULMER: So, to answer your question...

MS. PIAROWSKI: I'm sorry.

CHAIR AABOE: Yeah Mr. Fulmer, while you're looking that up, please just chime in whenever you found the answer to Commissioner Griffin's question, but in the meantime...

MR. FULMER: I have the answer.

CHAIR AABOE: Oh, yes, let's please....

MR. FULMER: So, it is in a high WUI risk area and the three different risks are moderate, high and extreme and it is in a high area.

MEMBER GRIFFIN: Okay, so then my question, Mr. Chair and everybody, so there are specific requirements if it is in a Class 2 high fire hazard, having to do with roof covering, protection of eaves, exterior doors, etc. Would those requirements apply in this situation? Or would that only happen if, for example, they apply for a building permit or something like that to make any changes to the structures?

CHAIR AABOE: That sounds like a question for staff. In the TAC process, were the existing conditions compared to the current WUI Class 2 requirements? Is that a good summation of your question?

MEMBER GRIFFIN: Yes, that's my question.

CHAIR AABOE: Okay, got it.

MEMBER GRIFFIN: Thank you.

MR. LOVATO: Mr. Chair, Commissioners, I believe that's really a question for fire.

However, we do have a letter from fire in the file as an exhibit stating that they must comply with all other requirements at the time of any building permits or development permits such as a business being ran out of there. Again, I mentioned they have upgraded their systems. I believe the applicant's agent was going to refer to the actual evacuation plan that they have in process, but as far as the evacuation plan for the County, I would not have that information.

CHAIR AABOE: I would note that this is a stone's throw from the Hondo Volunteer Fire Department. So, med services are just a volunteer call away. It's a high-quality unit there, but yeah, do you have something on the evacuation plan?

MS. PIAROWSKI: Yes Commissioners. Thank you for that. That is such a very important question is so thank you for bringing that up. A couple of things. So, yes, there is an emergency evacuation plan for all sorts of emergencies, not just fire, but many other emergencies, but I would also point out for the record that Fire Marshal Fulmer and I have done an extensive amount of work together over the last few months and many of the greatest improvements that are going to be done to this site are to address fire safety. One of the things that we're going to be doing, we're already under contract with the general contractor is to put a fire suppression water tank on site to assist with fire suppression. The other thing is that the dining hall where the cooking is happening is equipped with a fire suppression system, and then we are actively going to be widening roads, doing tree cutting, all of the things that Fire Marshal Fulmer has asked us to do and we are very happy to do it to make sure that it's a safe campus.

MEMBER GRIFFIN: Okay, thank you.

MS. PIAROWSKI: Thank you for the question.

CHAIR AABOE: Thanks. Any other questions? Commissioner Brugger?

MEMBER BRUGGER: Thank you, Mr. Chair. I'd like to follow up on Ms. Griffin's comment on fire safety. Forgive the minute question, but a lot of fires are started by cigarettes and it's kind of tough to enforce not giving the clients, to say you can't smoke, I don't know, maybe you do, but do you?

MS. PIAROWSKI: I'll defer to the operator? Thank you.

SPEAKER2: We do not allow smoking by anybody on the entire campus, staff or students or clients, families. It's a smoke free campus. Can I add one more thing from a previous question? You had asked if we had worked with other providers. One of the things I think were the most proud of in the last three years is given what we do both ministerially but also from a licensed services side, we get audited and inspected regularly. Not only by the Healthcare Authority, by New Mexico Medicaid and all the different New Mexico Medicaid MCOs. With every evaluation, they give us five-star reviews and they also ask us, "What more can you do? What more places can you open?" So, we're very proud of that.

MEMBER BRUGGER: Thank you.

MS. PIAROWSKI: Thank you.

CHAIR AABOE: Any other questions of the applicant from any Commissioners? Thank you, ma'am. Appreciate your presentation and responses.

MS. PIAROWSKI: Thank you very much for your time today.

CHAIR AABOE: So, this is a public hearing. Is there anyone interested in speaking for, or in support of or in opposition to this request? Yes, please come forward. State your name.

DUSTIN NANCE: Swear to tell the truth.

CHAIR AABOE: Swear to tell the truth?

MR. NANCE: Yes, sir.

[Duly sworn, Dustin Nance, testified as follows:]

CHAIR AABOE: Name and address?

MR. NANCE: Yes, sir. Dustin Nance, 15 West 10th Street Columbus, Georgia. Yes. So, bear with me. Staffers, you guys got to hear a little bit of this, but we at Teen Challenge, we don't believe that the opposite of addiction is sobriety, but the opposite of addiction is community. So, we're excited to be in this community to see the history in this building, but to know the history of this campus and to work step by step with every authority that we need to to make sure that the campus is safe and that we're providing the best care that we know how to to our occupants. So, I just wanted to thank you for hearing this and appreciate your time. Thank you.

CHAIR AABOE: Thank you, sir. Anyone interested? Yes, please come forward. Swear you will tell the truth and state your name and address for the record.

MICHAEL MARTINEZ: I do swear I will tell the truth.

[Duly sworn, Michael Martinez, testified as follows:]

MR. MARTINEZ: My name is Michael Martinez and I am a local resident of Santa Fe County. Actually, Santa Fe City.

CHAIR AABOE: Your address sir?

MR. MARTINEZ: 7437 Sagebrush Road here in Santa Fe.

CHAIR AABOE: Thank you.

MR. MARTINEZ: I just recently retired from the Santa Fe County Sheriff's Office. I worked with the Sheriff's Office for 21 years. I retired there this past August at the rank of Lieutenant. So, I was a commander there. Before that, I also worked with the Santa Fe City Police Department and started out my career with Española City Police Department with a total law enforcement experience of 31 years. All this is within the Santa Fe County area. Now we know that Española has a real addiction issue as well as Santa Fe and Santa Fe County, and that's why I'm here. I first dealt with Teen Challenge back in 1985 when I just graduated high school. I was going to school up in Arizona in the Tucson area when a friend of mine, actually my roommate, his name was Paul, he was from Tucson and he, in one of our daily conversations told me about this place called Teen Challenge. He told me that he was a resident there and that he graduated from that facility and that he was so proud because he was on a downward spiral. He was addicted to cocaine at that time, and if it wasn't for Teen Challenge, he didn't know where he was going to be at that time. This was back in 1985, way before I even thought of becoming a law enforcement. In 1989, I returned to New Mexico, and I became a police officer for the City of Española. Back then, if you're from here, which I am, I was born and raised up in Española, you are going to have family that's involved in some type of addiction. Every time I got a chance, and we didn't have Teen Challenge here or in Española at the time, but every time I got the chance and I got to speaking to one of the addicted parties of

our community, I would tell them about this great program, Teen Challenge. Now this year when I retired from the Sheriff's Office, I was one of three candidates that ran for Santa Fe County Sheriff. In a lot of the forums that we had, whether it be in Española, in Pojoaque and Chimayo, here in Santa Fe or down in Edgewood, everybody that would ask questions was, "How are we going to help our crisis with addiction?" That always stayed in my mind. So, one day, now recently, I came in contact with two wonderful people telling me that they were from Teen Challenge and my mind blew. I was so happy to know that they still existed. I told them the story about my friend Paul, but not only that, I know the outcomes of Teen Challenge. I was so happy that because of the requests and the demands and the concerns of the Santa Fe County community, that this is now offered. I think that's this would be a great, great asset for Santa Fe County because I think we need alternatives, and I know that the County is putting up money for other behavioral expenses here in the County, but this is something that we do need. I am speaking on the behalf of them, and I think that they should deserve the application. Thank you.

CHAIR AABOE: Thank you, Mr. Martinez. Is anyone else interested in speaking either for, in support of or opposition to this CUP request? Please come forward. Swear you will tell the truth and state your name and address for the record.

LAURA JANKOWSKI: Yes, I will tell the truth.

[Duly sworn, Laura Jankowski, testified as follows:]

MS. JANKOWSKI: My name is Laura Jankowski, 66 Quartz Trail, Santa Fe, New Mexico. I'm not a really good public speaker, so I'm going to follow my guide.

CHAIR AABOE: All you need to do really is speak into the microphone, please.

MS. JANKOWSKI: Okay.

CHAIR AABOE: You might need to lower it a little bit.

MS. JANKOWSKI: Thank you. Okay, my name is Laura. I am an RN, Board certified in psychiatric nursing. I have worked in our local hospital system for about 20 years, with 10 years as a psychiatric nurse in behavioral health unit of the hospital and now, I'm currently working at a transitional recovery home. Unfortunately, through my experience, Santa Fe and the surrounding areas have a real crisis of addiction on our hands. In my field, I have taken care of so many who have been a victim of the opioid crisis and feel helpless to ever be free from these addictions. As an RN at the hospital, I have seen the same people come through the ER over and over again, crying out for help. Unfortunately, we lack the resources these people really need. Throughout my years of nursing, the most successful stories of recovery have involved faith. I have seen completely hopeless situations turn into a life that is restored and a life with purpose and a life with hope. Teen Challenge is a faith-based recovery program. Faith-based recovery programs have the foundation of teaching people to rely on God for their strength that they need to overcome. They do not have to rely on self-help, which a lot of other recovery treatment centers provide. For it is, relying on themselves, that was the problem to begin with that has caused them to be addicted. Why then should they trust themselves now being it was their very self that got them into the mess to begin with? Faith-based recovery points to the one who has the power to deliver them from this evil. As the scriptures say, "It is not by power, it's not by might, but it's by the spirit of the Almighty God that sets men free." I myself contest to this power, the power of the Gospel of Jesus Christ.

Where there is reconciliation with God in forgiveness, there is power given to us by His grace to overcome any obstacle. I have seen many lives restored, old patterns broken and freedom to live with a new purpose and hope. I do not just say this because Christianity is my personal faith, I say this because it is what I have witnessed. That those who do put their trust in God in the recovery programs that I am involved with or have been involved with, I have seen great success.

The statistics for lasting recovery are much higher in faith-based programs. So, it is my hope that the City of Holy Faith would once again allow God's majestic, beautiful power to set these captives free. I believe having Teen Challenge in Santa Fe will be a great asset to our hurting community, to those who are captive to addiction, to those who have no hope. I am looking forward to hearing the many stories of redemption and freedom from the addictions that have made it through the Teen Challenge program. It is my prayer and hope that Teen Challenge will be approved and accepted by our community, that it'll be a light set upon a hill, and that healing would flow from that place to others. I have been a supporter of Teen Challenge for 30 years and has always been my first recommendation when advising families and clients on successful programs. Thank you for your time.

CHAIR AABOE: Thank you, Ms. Jankowski. Is anyone else interested in speaking either in support of or opposition to this request? Please be sworn, sir, and state your name and address for the record.

BRIAN HALLMARK: I swear to tell the truth.

[Duly sworn, Brian Hallmark, testified as follows:]

MR. HALLMARK: My name is Brian Hallmark, 4910 Venato Peak, Santa Fe, New Mexico. I wear a couple of hats here. I'm a Pastor Christian Life Church, 121 Siringo. We're just adjacent from St. Mike's High School. I'm also an Executive Pastor for the State of New Mexico with Ministry Network and we run a recovery program on Thursday nights, and we know that it's limited because it's only an hour and a half. So, I've been working alongside Teen Challenge since 1996 and very familiar with the one in Tijeras as well. I just want to say that this is not just about a property. This is about a place for hope. It's a place for people to go to be able to be restored. No one's going to remember the permit number after today, but they will remember they got their husband back, their father back, something like that. So, I just want to say that I'm here to speak in approval for it and that I think it's going to be a huge success for Santa Fe. Thank you very much for all you do.

CHAIR AABOE: Thank you, sir. Is there anyone else in the room interested in speaking? It looks like no. Anybody online?

MR. SISNEROS: Chair Aaboe, Planning Commission Members, there's nobody online wishing to speak on this matter.

CHAIR AABOE: Thank you very much. Do we want to close the public hearing portion of this? So, yeah, let's close the public hearing portion of this meeting. Commissioner Brugger?

MEMBER BRUGGER: I'd like to make the motion to...

MR. SISNEROS: Chair Aaboe, Planning Commission Members, before a motion is

made, I'd like to make a friendly amendment to one of the conditions. Condition Number 4 shall state that water restrictions and conservation covenants by water service provider shall be filed in the County Clerk's Office and referenced on the CUP Site Development Plan.

CHAIR AABOE: Okay, and I believe that was brought up at the Hearing Officer meeting. So, yeah, I want to make sure too. So, we're modifying Condition 4 to be, can you read that again please?

MR. SISNEROS: Water restrictions and conservation covenants by water service provider shall be filed in the County Clerk's Office and referenced on the CUP Site Development Plan.

CHAIR AABOE: Thank you very much. Go ahead, Commissioner Brugger.

MEMBER BRUGGER: I'd like to make a motion to approve Case Number 26-5080 with all staff conditions as amended and encourage the applicant to coordinate with the County Departments who handle this. Thanks.

CHAIR AABOE: Thank you. We have a motion. Do we have a second?

MEMBER TRUJILLO: Second.

CHAIR AABOE: So, Commissioner Brugger moves and Vice Chair Trujillo seconds. May we have a roll call vote please?

The motion passed with a [6-0] roll call vote as follows:

Roll Call Vote

Erik Aaboe, Chair	Yes
Steve Brugger	Yes
Jessica Griffin	Yes
John Neunuebel	Yes
Dan Pava	Yes
Carl Trujillo	Yes

CHAIR AABOE: The Conditional Use Permit application has been passed. Thank you very much for the presentation. Thank you. Next on the agenda is matters of public concern.

4. Matters of Public Concern: None were presented.

CHAIR AABOE: Is there anyone from the public who is interested in presenting on this item? No? Next on the agenda is matters from the commission.

5. Matters from the Commission:

CHAIR AABOE: Anything Commissioners that...Let's just wait to clear the room I guess. Commissioner Griffin?

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MEMBER GRIFFIN: Mr. Chair, Commissioners and staff, I was a little surprised that there wasn't any mention about the WUI requirements, I'm sorry, the Urban-Wildland Interface requirements in the Fire Marshal's report and would like to request that future reports do consider those issues and those requirements.

MR. LOVATO: Mr. Chair, Commission Members, we will see to it that we get some sort of response from Fire.

MEMBER GRIFFIN: Thank you.

CHAIR AABOE: Any other matters from Commissioners? I have one. My only question is, is there an expectation that by the next meeting there will be a record keeper or are we going to go through the same process again?

MR. SISNEROS: Chair Aaboe, Planning Commission Members, so our staff is currently looking into procuring a stenographer, but from what I have heard, from what the Clerk's Office is going to be doing, because they own the contract for the BCC is that we're going to do a similar contract with the same contractor, but there will be nobody present. They will be doing a review of the video online and they will provide us with a transcript.

CHAIR AABOE: Okay. Great. Thanks. Just trying to understand the procedural changes. So, anything? Roger, do you have anything? Staff, do you have anything?

6. Matters from the Attorney:

MR. PRUCINO: Thank you. Mr. Chair, I do have one issue, more a technical legal issue that arises from the first matter brought up today. Commissioner Brugger touched on this. I didn't want to raise it during the first agenda item because the order that you are inquiring about had not been found and was not of record, but I do want the members of the Commission to know that we, staff, legal do typically consider denied applications to be binding and to run with the property. In fact, the Code calls for those orders to be recorded and for your reference, Section 4.4.14 in fact specifies that a reapplication is only appropriate if there has been a material change to either the facts or the law. We would have relied heavily or staff would have relied heavily on that section to urge even more strongly a denial of that first matter if we had discovered the order, especially if that order had been recorded. But I did want to bring it to your attention, that particular provision and the fact that we do consider those orders to run with the land so to speak.

CHAIR AABOE: So, thank you very much. So, just to be clear, if someone were to do a title search on that property, then they would have been able to find in the County Clerk's records the denied variance request for the, I guess it was an ADU at the time. Is that...

MR. PRUCINO: They should have been able to find it if it...

CHAIR AABOE: Okay.

MR. PRUCINO: ...was properly recorded, identified with that particular parcel, it would be of record and a title search should find that, yes.

CHAIR AABOE: Thank you. I'm encouraging, you know, every time I meet a realtor, I ask them how do they help potential buyers analyze if their property is clean of any of these things? So, appreciate that.

MR. PRUCINO: I'll also point out to further clarify the question you asked of me earlier regarding the need for a follow-up motion. I typically will urge the opposite motion if the initial motion was to deny. If a motion to deny is defeated, that does not assume that the application should be passed and approved, but I think the contrary doesn't work that way. I think when a motion is to approve and that motion does not pass, I think it is fair to presume and conclude that the application has been denied.

CHAIR AABOE: Thank you. Commissioner Brugger?

MEMBER BRUGGER: Thanks Mr. Chair. So, in the future, then final orders are recorded, right? So, it's really clear that if something's unpermitted and there's a variance request that it's disclosed and it comes up in a title commitment, I would hope. Because this is like the, just since I've been here, the second or third time we've had something come up and the applicant says, "Oh, I didn't know because it wasn't disclosed to me." Depending on the realtor community to do that isn't the best bet you could do in the world. So, recording something, anything would sure go a long way toward creating a better situation for everybody.

MR. PRUCINO: I certainly agree. I think the distinction to understand is that the prior activity in this particular case was in fact a formal hearing in front of your predecessor Commission that did result in an order. That order clearly ideally would and should have been recorded. Oftentimes when people are coming before you saying, "We didn't know," they're not saying we didn't know about a prior order, they're just saying we didn't know that the person who sold the property to me built that garage without a permit, and there's nothing that that can be done to have that in a record. As Commissioner Trujillo says, you hope to have responsible and diligent real estate agents working with you so that they can check with Growth Management and find out if a particular structure or any development was approved previously.

CHAIR AABOE: Thank you, Roger. Michael?

MR. VOS: Thank you, Chair Aaboe. Just to kind of chime in on that. We'll work with Mr. Weed and discuss all the possible options, and I will just make you all aware. Chair Greene of the BCC is very interested and announced actually at the last Commission meeting that he wants to pursue amendments to our ADU regulations and we are actually working with, we have a red line of some 80 of our Accessory Dwelling Unit regulations with our consultant that we've already been doing for possible Code Amendments. So, I don't think we're going to try to make Mr. Weed tear down a structure immediately and we'll see what ultimately the BCC decides from a code perspective.

MEMBER TRUJILLO: So, Mr. Chair what amendments are they, what are they trying to make to, what are the recommendations for the changes to the amendments to the ADU?

MR. VOS: Chair Aaboe and Commissioner Trujillo, I only can speak to a couple of these, but I mean some of the items that keep coming up frequently that don't necessarily

always make sense is the combined utilities requirement. We're going to clarify, I believe, the two-story structure part, not that you can get a two-story structure but maybe it's less important if it's on top of a garage or you have a two-story house, maybe the ADU can be two stories. Nothing set in stone and we're going to consider all the options and bring something forward.

CHAIR AABOE: Thank you. That's a long time coming because you all and we all wrestle with this a lot.

MEMBER BRUGGER: If I could follow up, Michael. So, that's a kind offer that the Commissioner had to help out with the rules there. Hopefully, we get a chance to weigh in too because I hadn't brought this up every meeting but there's, especially after the last Planning Commission meeting, I sure would be itching to offer my two cents on what I've written down over time as far as, and I'm sure you've got a big notebook as well. So, hopefully it's a coordinated process with everybody including the Planning Commission.

MR. VOS: Absolutely Chair Aaboe, Commissioner Brugger. The formal process will involve a public hearing where you will make a recommendation to the BCC on the Text Amendments to the SLDC. We can certainly contemplate a work session because we're thinking about that with the Board and there will be some public outreach events. So, since this is a legislative, it will be a legislative matter, you're welcome to come and talk to me as we develop those input sessions.

CHAIR AABOE: Thanks very much.

MR. SISNEROS: Chair Aaboe and Planning Commission Members, I just also want to just mention in the interim until any of those changes are implemented or brought forward, currently staff is working with the County Manager's Office and doing some outreach. John has already been on a couple radio stations to let people know of information because again, it's all informative and educational. A lot of the you know constituents of Santa Fe County don't know certain situations. So, we're working with the County Manager's Office on doing some outreach on that.

CHAIR AABOE: Great.

7. Matters from Staff:

MR. **LOVATO**: Mr. Chair, before we go, there's been several members that have asked for login information. I reached out to our IT department through email. So, _____
(2:07:02) that login. Just an update.

CHAIR AABOE: Okay, so you'll be providing login once you get it?

MR. **LOVATO**: Hopefully, yes.

CHAIR AABOE: Thank you.

8. Next Regular Meeting: August 20, 2026.

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CHAIR AABOE: So, do we have items that are teed up for August 20, 2026, and similarly, are the currently present Commissioners planning to attend or will they be golfing?

SPEAKER5: ____ (2:07:27).

CHAIR AABOE: Okay. Do we have any items that are teed up?

MR. **LOVATO**: Mr. Chair, Planning Commission Members, from our Land Use Development side, we don't have too much, but Michael can inform you what...

MR. VOS: Yeah. Chair Aaboe and Commissioners, we had two cases that were just presented to the SLDC Hearing Officer. Actually, he very quickly gave a recommendation on one of them already. So, those two. There's a Conditional Use Permit and a Zoning Map Amendment that will be coming forward.

CHAIR AABOE: Alright. Commissioner Brugger?

MEMBER BRUGGER: Thank you, Mr. Chair. Question. There's a new Hearing Examiner. So, that's three since I've been here. Anything we're doing?

MR. VOS: Chair and Commissioners, I don't believe so. It's with the same firm this time around. So, they had a change in staff at the firm that we're under contract with. So, we're using the same firm and thankfully we were able to kind of keep rolling.

CHAIR AABOE: I think the current Hearing Officer is doing a great job. Thank you so much.

9. Concluding Business:

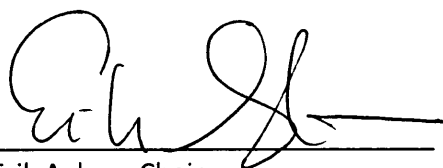
A. Adjournment (Action Item)

With no further business, Member Brugger moved to adjourn. Member ____ (2:08:48) seconded, and the meeting was adjourned at approximately 6:10 p.m.

10. Public Meeting Disclosures:

A. Santa Fe County makes every practical effort to ensure 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 Department at 505-986-6225 in advance to discuss specific needs (e.g., interpreters for the hearing impaired or readers for the sight impaired).

Approved By:


Erik Aaboe, Chair

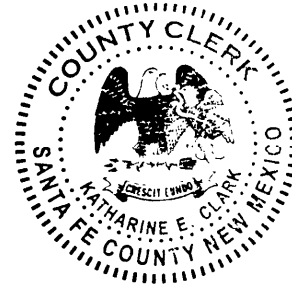
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Planning Commission

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
PAGES: 34

Hereby Certify That This Instrument Was Filed for
Record On The 19TH Day Of October, 2026 at 09:21:24 AM
and Was Duly Recorded as Instrument # 2093843
of The Records Of Santa Fe County



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

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