

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

October 16, 2025

1. A. This meeting of the Santa Fe County Planning Commission called to order by Chair Erik Aaboe on the above-cited date at approximately 4:06 p.m.

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

Members Present:

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

Member(s) Excused:

Dan Pava

Staff Present:

Alexandra Ladd, Growth Management Director
Roger Prucino, Assistant County Attorney
Dominic Sisneros, Building & Development Supervisor
John Lovato, Building & Development Supervisor
Destiny Romero, Building & Development, Case Manager
Michael Vos, Land Use Administrator

2. **Approval of Agenda**

A. **Amendments**

B. **Tabled or Withdrawn Items**

Mr. Sisneros advised the Commission that the final orders for the two items listed under Miscellaneous Agenda – Case #24-5310, Christine Strieker variance and case #25-5020, Thomas Simek and ChrisTina Maestas-Simek CUP – were not ready for action and he recommended they be removed from the agenda.

SEC CLERK RECORDED 11/24/2025

Member Mier moved to approve the agenda as recommended by staff. Member Pierard seconded and the motion passed by unanimous [6-0] voice vote.

3. **Approval of Minutes:**

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

Member Trujillo moved to approve and Member Pierard seconded. The motion to approve the minutes passed by unanimous [6-0] voice vote.

3. **Consent Agenda**

- A. **Case# 24-5260 (Final Order) Loreta Martinez- Cargo Variance Loreta Martinez-Cargo, Applicant, request a Variance of Chapter 8, Section 8.6.3 Table 8-7: Dimensional standards Rural Fringe (RUR-F) to create a Two (2) lot residential subdivision on a parcel of land consisting of 49.11 acres +. The subject property lies within the Rural Fringe zoning district which allows for 1 single family residence per 20 acres. The property is located at 7679 B Old Santa Fe Trail. SDA-2, (Commission District 4) Parcel ID. # 405240832. Case Manager Brianna Ortega. APPROVED UNANIMOUS by vote.**
- B. **Case # 24-5280 (Final Order) Reyes Huerta (VAR) Variance. Reyes Huerta, Applicant, Vigil Design (Annette Vigil), Agent request a Variance of Chapter 9, Table 9-8-7: Dimensional standards Residential Estate (RES-E) Setbacks to allow an accessory structure to encroach within the 50-foot rear setback. The subject property lies within the Residential Estate (RES-E) zoning district within the La Cienega/LaCieneguilla Community Overlay District which allows for 1 single family residence per 2.5 acres. The property is located at 47 Sunset Road (Commission District 3), SDA-2. Case Manager, Maggie Valdez. DENIED UNANIMOUS by vote.**

Upon motion by Member Trujillo and second by Member Mier, the consent agenda was unanimously [6-0] approved as presented.

4. **Miscellaneous Agenda** – removed from the agenda

5. **New Business**

- A. **Case #25-5160. Gilbert Baca and Rosalba Baca, Applicants, through their agent, Benito Martinez, request a variance of Chapter 9, Section 9.12 (Village of Agua Fria Community District Overlay), Table 9-12-3: Dimensional Standards VAFCD TC (Traditional Community) of the Sustainable Land Development Code (Ordinance 2016-9; hereafter SLDC). The request is to allow a three-lot residential subdivision on a parcel consisting of approximately 0.77 acres. The base zoning allows one dwelling unit per 0.75 acres. The Agua Fria Community District Overlay provides that density may be increased to one dwelling unit per 0.33 acres if the lot is served by public water and sewer.**

SFC CLERK RECORDED 11/24/2025

MEMBER MIER: Excuse me, Chair. I'd like to recuse myself from this case. I know the applicant.

CHAIR AABOE: Okay. Thank you very much. So, please note that Commissioner Mier has recused himself. So, please proceed.

DESTINY ROMERO: Thank you, Mr. Chair and Commission members. Destiny Romero, Building and Development Review Specialist, Senior.

Gilbert Baca and Rosalba Baca applicants through their agent Benito Martinez request a variance of Chapter 9 Section 9.12 Village of Agua Fria Community District overlay, table 9-12-3 dimensional standards of the of the Sustainable Land Development Code. This request is to allow a three-lot residential subdivision on a parcel consisting of approximately 0.77 acres. The base zoning allows one dwelling unit per 0.75 acres. The Agua Fria Community District overlay provides provides that a density may be increased to one dwelling unit per 0.33 acres if the lot is served by public water and sewer.

The property is located at 2232 and 2235 Ranchitos de Baca. The property lies within the Village of Agua Fria Community District overlay, Commission District 2. The property currently has one single-family dwelling and one accessory structure/carport. Ranchitos de Baca is a private road which takes access via Caja de Oro Grant Road. The property is served by the City of Santa Fe sewer and Agua Fria Community water association.

After a site visit conducted by staff on Wednesday September 3, 2025, violations were identified. It was discovered that a recreation vehicle is hooked up to utilities and being used as a dwelling. Per ordinance 1996-11, recreational vehicles do not qualify as a dwelling unit. Staff also discovered approximately five mounds of fill material and an unpermitted accessory structure Conex container on the property. The agent worked with Santa Fe County staff on October 9, 2025 to submit an after-the- fact permit for the accessory structure Conex container and to permit the five mounds of fill material. They have not obtained the permit yet, but it is being reviewed by Santa Fe County staff.

Staff conducted a site visit on October 10, 2025 to ensure the issues above had been had been addressed by the applicant and found that they had come into compliance by disconnecting the RV and removing the vehicles.

The applicants have addressed the variance criteria and staff has responded to the applicant's comments as contained in the memo.

Hearing Officer recommendation: On September 11th, 2025, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer based on the evidence presented recommended denial of the applicant's variance.

Staff's recommendation: 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 made a showing 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 9, Section 9.12 table 9-12-3 dimensional standards of the Village of Agua Fria Community District Overlay Traditional Community to allow the creation of three residential lots on a 0.77-acre parcel.

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.

Conditions are as follows:

1. Applicants shall comply with all conditions recommended by the Fire Marshal.
2. Accessory Dwelling Units will not be allowed on any of the three lots.
3. One driveway shall serve all lots; Applicants shall establish adequate legal access and ingress/egress easements for each lot.
4. Applicants shall be required to have a shared sewer agreement with the City of Santa Fe Sewer Service as stated in the letter from City of Santa Fe and recorded in the County Clerk's Office. (Exhibit G)
5. No further subdivision of the Property will be allowed.
6. A domestic well is prohibited.
7. Each lot shall be served by public water from the Agua Fria Village Community Water Association.
8. The Applicants shall record a land division plat, reviewed and approved by Santa Fe County, demonstrating compliance with all applicable requirements of the SLDC and the Agua Fria Community District Overlay.
9. All future development of the Property shall comply with the requirements of the SLDC and any other applicable County ordinances, except as expressly modified by the variance approval.
10. The variance shall automatically expire within one year of approval unless a plat implementing the variance is filed, or substantial construction of authorized improvements has occurred.
11. The Accessory Structure/Conex Container is subject to an After The Fact (ATF) Development Permit that the Applicant will be required to obtain.
12. Prior to the case being presented to the Santa Fe County Planning Commission Meeting, the Applicant must disconnect the RV from all utilities and not utilize the RV as a Dwelling. Non-compliance will result in the delay of this case being heard in front of the Planning Commission and the Property could be subject to a code violation being issued.
13. Prior to the case being presented to the Santa Fe County Planning Commission Meeting, the Applicant must remove all mounds of fill from the property. Non-compliance will result in the delay of this case being heard in front of the Planning Commission and the Property could be subject to a code violation being issued.
14. Applicant will need to come into compliance with public Ordinance 2023-04 regarding abandoned or inoperable vehicles that were discovered during staff's site visit.

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 that no conditions, regardless of how carefully crafted, can change that non-compliance. 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.

Thank you. I stand for any questions.

CHAIR AABOE: Thank you, Miss Romero. Are there any questions from Commissioners? I have a question. I just want to confirm. I believe in reading the Hearing Officer's the minutes of the Hearing Officer at that time the RV was not disconnected, but staff recently did inspect and the RV has been disconnected from water and sewer; is that correct?

MS. ROMERO: Mr. Chair, Commission members, that is correct. staff went out there on October 10th and it was disconnected and was actually moved out of the property completely.

CHAIR AABOE: Thank you very much, Commissioner Brugger.

MEMBER BRUGGER: Thank you for the presentation, Ms. Romero. Question, so, there are three review criteria that we need to use to evaluate whether the variance should be proved or not; correct? The second one is extraordinary and exceptional situation or condition of the property. Would you say that the high price of Santa Fe real estate represents an extraordinary and exceptional situation or condition of the property?

MS. ROMERO: Mr. Mr. Chair, Commission members, no, because the applicant can actually get two lots out of this piece of property, but they are requesting three.

MEMBER BRUGGER: Thank you. The next question would be uh in the review criteria for variance, is it anywhere mentioned anything about family transfer whether or not that is a review criteria or not?

JOHN LOVATO: Mr. Chair, the answer is no to that question. Mr. Chair, Commissioner Member Bugger.

MEMBER BRUGGER: And last question, when was the -- do you know off hand when the Agua Fria Overlay Zone was created? And specifically was it created before the applicant purchased the property in 2022?

MR. LOVATO: Mr. Chair, Commissioner Brugger, I believe it was created but then amended then again in 2016.

MEMBER BRUGGER: Thank you. Thank you, Commissioner. Commissioner.

MEMBER PIERARD: You had mentioned they could have two houses. Did they come in with any sort of alternative um option for two dwellings instead of three?

MS. ROMERO: Mr. Chair, Commission members, not at this time, no.

CHAIR AABOE: Thank you. Any other questions?

MEMBER TRUJILLO: Yes, I do.

CHAIR AABOE: Commissioner.

MEMBER TRUJILLO: Thank you. I noticed here in the letter from the water association, Agua Fria Water Association, there's a statement made here I just want to see if the County has any knowledge of this. The subject lot was originally over one acre at the beginning and it lost land through the expansion of Caja del Rio Road and on the northern side and then also a part was taken by Santa Fe County the for the Santa Fe River Trail. Do you know if this was through condemnation or do you have any idea?

MS. ROMERO: Mr. Chair, Commission members, we do not. No documentation was provided to us um stating what exactly happened.

MEMBER TRUJILLO: Okay. Thank you.

MEMBER LA CRUZ-CRAWFORD: I just wanted to follow up with respect to the variance requirements or the criteria. My understanding is that the hardship scenario really has to be based on the property itself; is that correct? It's not necessarily a financial hardship or personal hardship. I just want to confirm that that is correct that it's strictly based on the properties like a topography thing or size something of that extent.

MR. LOVATO: Mr. Chair, Commission member La Cruz-Crawford, the answer to that is we really don't view hardships as monetary reasoning for the application being approved. What we look for is terrain management issues, issues that would accompany what the applicant has stated, condemnation of the land or such instance as those. So, therefore, we do not

really look at monetary reasoning. And that's why I'm glad Commissioner Trujillo asked that question because I was curious about what I saw in that letter. Is there any documentation that showed what this lot was prior to this sort of change in lot size that it mentions where it used to be larger than one acre?

MS. ROMERO: Mr. Chair, Commission members, we haven't seen anything. What we do have is the legal lot of record which was the approved plat done by Santa Fe County and that was attached as exhibit –

MEMBER LA CRUZ-CRAWFORD: Is it Exhibit B?

MS. ROMERO: Yes, Exhibit B.

MEMBER LA CRUZ-CRAWFORD: And, actually, that was going to be a question of mine too. In Exhibit B in this subdivision plat that you have here, where is the property in question that we're that we're looking at here? Because obviously we just have kind of this little sketch that's provided to them as far as their site plan lot split. But where is that that actual lot in with respect to this subdivision?

MS. ROMERO: Mr. Chair, Commission members, it's going to be the lot that is labeled Parcel 1.

MR. SISNEROS: Chair Aaboe, Commission members, it's the northernmost parcel on that plat.

MEMBER LA CRUZ-CRAWFORD: Gotcha. Okay. There is already at least a proposed fire apparatus access driveway there that would be serving that particular property.

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

MEMBER LA CRUZ-CRAWFORD: Is there sorry for asking so many question but is there any information that that the applicants provided as far as driveway access and things of that nature when you're dealing with three lots? I'm just kind of curious what they're/how they're considering that and any planning and zoning land development considerations with respect to having a one single driveway servicing three lots. Maybe staff could feed into that a little bit and again it's kind of a general question to see if the applicant provided anything with respect to that.

MS. ROMERO: So right now, no. Right now the applicant is accessing off of Ranchitos de Baca. If this application does get approved at that time that they come in for the survey this will be routed to our Fire Department. At that time, our Fire Department will also implement conditions of possible turnarounds that they're going to be wanting with and what type of driving surface.

MEMBER LA CRUZ-CRAWFORD: Can staff add to that as far as like I understand code requires a certain width and certain addressing, etc. whenever you're servicing more than I believe two lots for a driveway and any anything kind of issues or concerns that you've seen just based on this particular lot and the proposed subdivision.

MR. SISNEROS: Chair Aaboe, Commission members, yes, so after a decision is made if a decision is made for approval on this application for the variance when it goes forward for the plat it is subject to Santa Fe County Fire Prevention requirements as well as possible address changes. Those are all to be decided during the review process for the actual survey plat.

MEMBER PIERARD: One more question. Would the density that this would create be inconsistent with the rest of the surrounding area?

MS. ROMERO: Mr. Chair, Commissioner members, no. The smallest that they can go down to in that area is 0.33. That would be the minimum lot size that they could go down to. So, it's not really consistent with the lots that are already there.

CHAIR AABOE: Any other questions from commissioners?

MR. LOVATO: Mr. Chair, Commission members, just to emphasize a little bit more on that. There are legal non-conforming lots that are smaller than 0.33 acres, just so that the Commission is aware. But those are legal non-conforming lots.

CHAIR AABOE: Any other any other questions?

MEMBER TRUJILLO: One quick question.

CHAIR AABOE: Yes.

MEMBER TRUJILLO: So, I'm looking at the survey plat that was recorded at Santa Fe County in 2020, is what I see here, and so currently this shows, if I'm on the correct parcel of land, it's the most northern part and it kind of matches up with the site plan. So there's a hammerhead already designed into here for Fire. Is this is this not sufficient currently or is this sufficient?

MS. ROMERO: So, Mr. Chair, Commission members, for the lot that it currently is right now that is sufficient. If the application does get approval to be further split, then they will have to show access to all three lots.

MEMBER TRUJILLO: Okay. Thank you.

CHAIR AABOE: Thank you very much, Ms. Romero. That's it on questions from Commissioners? Great. Thank you. Appreciate it. So now the applicant or their agent, if you'd come up, be sworn in and present. Thank you.

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

BENITO MARTINEZ: Mr. Chair, I have a hearing impairment members of the and therefore I'm wearing an apparatus.
[Apparatus created feedback with the Chambers' audio system and Mr. Martinez stood a distance from the microphone]

I am Benito Martinez, agent for Gilbert and Rosalba Baca. You have the information in front of you about the land. Although the minimum required density in order to create three lots of record, I would like to say that the situation regarding peculiar circumstances and hardship: there's nothing that I can find in the code related to hardship being [inaudible] we do in fact have a situation in our community in northern New Mexico in which median price home is excess of \$50,000. Mr. Baca and his wife Rosalba have several children, now in college and would not otherwise have an opportunity to live in the village in which they resided prior to college or would they possess an income/a debt ratio great enough in order to service the debt on \$600, median priced home.

So my entire presentation is going to be hinged upon the fact that it is a hardship what we're going to do in the event that we do be found in favor, we're going to have a manufactured home move in or for two of the -- there's one existing dwelling which Mr. Baca's father resided in and that is fully approved and is on the property now, fully permitted. Regarding the Agua Fria Historic Traditional Village which happens to be also peculiar is the oldest traditional historic village in the country. These families that came along with the original inquisition were granted by the King of Spain following [inaudible] successions that were long and narrow running north and south. And the reason was so that those families could have access to Santa Fe River when it ran prior to the Juan de Gabaldon Gonzales granting the water upward for residential use for the City of Santa Fe. [Mr. Martinez is not at the microphone.]

So these small holding were long and narrow and extended to the Santa Fe River for their livestock. Sections are still apparent today. This property happens to be located in [inaudible] accessory area.

Regarding the condemnation, that is not the right term. I will let you know that through the principles of economics which are supply [inaudible] highest and best use. I submit [inaudible] identifies that it has to be number one legally permissible, that is this law in order to be productive to the maximum, it has to be legally permissive through the County of Santa Fe in this case. It has to be productive to the maximum, thus the variance request. The property when Mr. Baca's father owned it was not condemned those rights that a property owner has through simple title and interest they are identified through what we call a bundle of rights. These are economic principles recognized in real property appraisal, real estate sales, and all of the above. When a property owner has simple title and interest as Mr. Baca does he has the right to development, lease, use, give, enter or refuse any of the above. Those are a bundle of rights. Those rights, however, are limited by government, by the County in this case, by police, [inaudible] taxation, and eminent domain. Policing is not law enforcement. Policing of the land used by departments of the city, county, in our locality is set in Santa Fe County Sustainable Land Development Code. They [inaudible] the development as escheat. If someone passes away in this state and they do not have an heir, the government has the right to take the property. All of this is relevant to what I want to get to. They have a right to police, escheat, taxation that's property tax. And then lastly, eminent domain it is not condemnation; called eminent domain. That's the right of the local government to take property -- for the betterment of the public. Thus to the west side of the north is Caja del Oro Grant Road. This parcel previously was over 1 acre and would have met administrative requirements had that not been exercised by the County. Caja del Oro Grant, on the north side there's a trail network system in which additional property was taken at the time, for eminent domain.

This property would have been approved. This is also peculiar in nature and through the eminent domain, it created this peculiar -- This historic traditional community of Agua Fria is peculiar throughout the state. It was created prior to the exception to small holdings prior the founding of the city of Santa Fe, La Villa de la Santa Fe de San Francisco de Asis, prior to 1610.

Agua Fria traditional community had no opposition. They voted in favor to approve this. The governing body of the traditional people. The City of Santa Fe Water Division were not opposed to this with conditions as mentioned. There are many conditions to be made by Fire, by City Water and through emergency vehicle access/ingress/egress. We have a surveyor ready in the event that this is approved and we pray for so, to create a minimum of 20 foot easement. So we have adequate access for emergency vehicle access, turn around and the like.

There also was no opposition from the property within 500 feet of this subject property. No one showed up at the neighborhood meeting. Even had Frito pies and posole ready for them if they did come.

We had no opposition from the planning commission [sic]. We did have one phone call come in. He is streaming and I notice that there is no one streaming in this meeting. Thus far we have not had anyone in opposition of this.

There are several things that I want to identify and as was testified that there are not similarities of the size of properties, is my understanding of what the comment was. If you look at the plat of the hammerhead, look at the lots on that plat. Everyone is smaller than what our subject property proposals are. Those are less than .257. All along Ranchitos de Baca those lots are all smaller than our proposals. I'd like to ask that this body recognize that that statement is not true. I mention that there are different lot sizes. Some of them are bigger and we know that that's why we're in this process for a variance with emphasis I'd like this body to be aware of. Everything around it is smaller. Access via 20 foot is going to be recommendation of the Fire

Department. Santa Fe Water – excuse me, community water through County, the Agua Fria Village Community Village Water, they are entirely in favor of it.

Family transfer issue is on my original application. It was stated by Santa Fe County staff just now that family transfer was not apparent. It is what we identified originally. This is in fact a family transfer that's on the record on the original application.

The hardship this is, with emphasis, particularly in terms of considerations. I think that we have a situation where no opposition all the way through. We didn't have one person call in [inaudible] At this point in time I'd like to yield for any questions.

CHAIR AABOE: Commissioners, do you have any questions for the agent?

MEMBER TRUJILLO: I do, thank you, Mr. Chairman, and thank you, Mr. Martinez. And I did misspeak. You're right. It is eminent domain, yeah, that's absolutely correct. So if I understand correctly, then it's on this -- it's the border here – at what year was there eminent domain that took place that minimized this lot size from greater than 1 acre or 1 acre to this size? Do you have any idea?

MR. MARTINEZ: I've been trying to track that information down but this lot was created in conjunction with that condemnation and let me if I may expound on that. The original land development code of Santa Fe County was 1981. It was recently, 2018 I believe the Sustainable Land Development Code was amended. This was prior to that. So, this existed prior to the Sustainable Land Development Code -- overlay.

MEMBER TRUJILLO: Mr. Chairman and Mr. Martinez, is it the intent then that if this if this body was to approve it, it's 0.257 per lot. So, is it the intent to deed each one of these lots to one of the children? Is that the intent?

MR. MARTINEZ: That is, Mr. Chairman and Board of Land Use, that's the intent.

MEMBER TRUJILLO: And Mr. Chairman and Mr. Martinez, I guess you guys have seen all the conditions that are set forth from staff recommendations. Have you seen those already?

GILBERT BACA: Yes.

MR. MARTINEZ: We have and we are ready to meet all of them.

MEMBER TRUJILLO: Okay. Thank you, Mr. Chairman. That's all for now.

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

MEMBER BRUGGER: Thank you, Mr. Chair. Mr. Martinez, this question may be either for you or Mr. Baca, whoever chooses to answer it. So, when did, Mr. Baca, when did you purchase the property?

[Duly sworn, Gilbert Baca testified as follows:]

GILBERT BACA: Gilbert Baca, address 3993 Agua Fria Street.

CHAIR AABOE: Thank you, Mr. Baca. Please, proceed, Commissioner.

MEMBER BRUGGER: Mr. Baca, when did you purchase this property? When did you receive a deed for the property?

MR. BACA: I purchased it right after the pandemic. My father passed away. He left no paperwork and we had to go through probate. So in probate I was a fortunate one to be able to be able to buy it. Purchase it. I bought it from the estate.

MEMBER BRUGGER: So, what I have, what was in our packet was at least the warranty deed, May 18, 2022, that's about right. And on the deed it says subject to restrictions, reservations, and easements of record. And I guess what we're talking about a variance to is a

restriction, a reservation, an easement of record. They were in place prior to your purchase of the property. This rather large cumbersome document, the Sustainable Land Development Code, was approved and filed for record December 21,, 2016. So, it was in place before you bought it. My question is, were you aware of the restrictions governing the use of the property prior to when you bought it?

MR. BACA: No, I wasn't. The only reason I came forward to do it to subdivide it because my dad had put two trailers on that property legally and when I purchased the property I wanted to – I've worked for PNM for over 40 years, and I want to um I believe in doing things the right way. So, like Benito stated, if something was ever happen to me, I want my kids and my wife to make sure that somebody can't come and say, Well, that property is mine and this and that. These trailers are here illegally. And I'm trying to just do the right things.

MEMBER BRUGGER: My question is at what point did you decide you wanted or did you think about increasing the density after you purchased this? Say, you know, years before or when did that happen?

MR. BACA: I couldn't –

MEMBER BRUGGER: At what point did you decide it was in your best interest to try to increase the density of the property?

MR. BACA: Yeah, go ahead.

MR. MARTINEZ: Yeah, thank you Gilbert. It was primarily the reason is to give their kids somewhere to live. Give them the property in fee simple title and interest. So that then they own it. They are in college right now. They want to establish a life for themselves. This is one of the biggest portions of that. We made a decision to subdivide for his kids.

CHAIR AABOE: And when did he make that decision? When did you begin that process. I think Mr. Brugger, Commissioner Brugger is asking when did you start this?

MR. BACA: When did we file the application?

MR. MARTINEZ: It was filed somewhere near a year ago.

MEMBER BRUGGER: That pretty much sums up my questions. I'd leave you just with a comment that we have three variance criteria. One is the extraordinary and exceptional circumstance and I've read this code, believe me, I've read it all as these fine gentlemen have. And the reason I asked the question does price of real estate, which is extreme, justify as a condition and the answer was it does not. It puts us in a difficult position to approve a variance with that finding and I'll leave it at that. Thank you.

MR. BACA: I understand.

CHAIR AABOE: Thank you, Commissioner. I have a question. Mr. Martinez, you've indicated that you've reviewed the code and you don't really see a reference to hardship being to the property. I wonder if you'd listen to this and respond, please. Section 4.9.7.1. The purpose of this section is to provide a mechanism in the form of a variance that grants a landowner relief from certain standards in this code where due to extraordinary and exceptional situations or conditions of the property, the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional undue hardship on the owner. So, so I believe the conditions are for the property, not necessarily the price of real estate within Santa Fe County. So, I wonder if you'd respond to that because you've indicated you did a bunch of research on this topic. Thank you.

[Mr. Martinez is not at the microphone.]

MR. MARTINEZ: I'd like to qualify myself: a previous County Assessor for the County of Santa Fe, before 2006 I was president of the association. I am extremely [inaudible]

real property appraisal as policy, examination of development and this cannot be read, Mr. Chairman, broadly like that because property is affected in three areas of obsolescence; physical, functional and economic. Those are the three criteria that relates to property as property is affected in a case of physical and functional those obsolescence are recognized on the site. For example, the example is got an acre of land and 90 percent of it is arroyo and floodplain cannot be built upon because of that. That dysfunction that is functional that is physical. Economic pertaining to the preference of the code is that in an economic sense that influence is from off of the property. My best example, when I was instructing assessment tax policy at the University of New Mexico at New Mexico Tech, is that outside my best effort [inaudible] is a property located next to a railroad and a house. three bedroom, two bath, two-car garage. Three bedroom, two bath, two-car garage a mile away that doesn't have the railroad; what is the value difference those two? You're going to have an influence in an economic sense from outside of the property.

In this case, it is the Code that creates the economic because of the variance process because we don't have enough land to subdivide through administrative process. I would like for you to recognize that the property also includes the elements and principles and obsolescence that affect the property. In this case, if that was the case, then we would not have this process because we are affected in an economic sense, we are affected negatively. The people of the village who came originally before the 1600s to reside and who has strived in an agricultural sense now survive a manufacturing hardship in an economic sense. I'd like for the Board to recognize that. Think of it as a hardship in an economic sense I believe will be recognized.

CHAIR AABOE: Thank you very much. And just to run this down a little bit further; so do you believe because of the price of real estate within Santa Fe County as a whole that there should be variances able to be granted on that basis?

MR. MARTINEZ: I would like, Mr. Chairman, members of Commission, I would like to the Sustainable Land Development Code, and I'm going to make a recommendation for future amendment, number one that it does to keep the Bacas in the village in which they grew up, number one. Number two, that in the event that eminent domain is exercised that should be a criteria to recognize, because it doesn't happen everywhere. This is a very, very rare and peculiar and extraordinary circumstance.

CHAIR AABOE: Thank you, sir. On the eminent domain question, was the previous land owner compensated the fair market value or greater for the taking for the expansion of Caja del Oro and the trail?

MR. MARTINEZ: Board Chair, members of the Commission, it would have to be because it could not happen without compensation.

CHAIR AABOE: And that compensation that I think the County is limited to must be at or above fair market value; correct?

MR. MARTINEZ: Yeah. Fair market value and the most – of the buyer/seller [inaudible] for an arm's length transaction.

CHAIR AABOE: Great.

MR. MARTINEZ: And this is not an arm's length transaction. It was exercised as an eminent domain.

CHAIR AABOE: Thank you very much. Any other questions from Commissioners?

MEMBER LA CRUZ-CRAWFORD: Yeah, I have a comment. First, thank you. I think that's a very interesting presentation with respect to the idea of what the property is and I think in general you're correct. I would argue though that at least with respect to this particular

Planning Commission we are dealing with dimensional standards, right, that's what we are asking for a variance is strictly for dimensional standards in which case right now we're dealing with lots, lot size etc. and stuff. So really it does come down to is there an actual hardship posed by the property that creates, you know, that would require or that would essentially say, okay, yes that is a legitimate, you know, reason to grant the variance not necessarily property values and I would just urge that that that's not necessarily the argument that I would necessarily want to see come forward for anybody that comes through asking for a variance is saying that, hey property values are too high, you know, my family wants to stay here. I agree with that but that's not necessarily the criteria that we have to land on because it is – and that's why I do think it is a property related issue that has to be addressed in order to seek that that variance. Of course, obviously like your example if you're dealing with grade issues you have to build a huge retaining wall. Obviously that's a financial hardship that occurs because of the property's conditions right. So I would ask you as well with respect to that because I'm looking at the site I do see that there's utilities poles, etc. right in the middle of the property, right. So if you were to split this property into two which you would be allowed to do is it, am I correct that – are there any hardships that you would like to present with respect to actual property hardships that you see that could cause financial hardships because of that, you know, and the other part of it is that, why I was asking the questions as far as the eminent domain scenario is that I do believe that is a legitimate thing where if this property was, you know, ended up getting sized lower, where it should have could have potentially been split into three lots, that is a reasoning that I could maybe, you know, understand. So do you have any comments with respect to some of that stuff?

MR. MARTINEZ: Mr. Chairman, Commissioner, thank you for those comments and I tend to disagree with respect to, you said financial something that happens with a retaining wall, you said financial. It is financial economic. Through economic obsolescence that is from offsite and it affects the ability for a local person to gain home ownership. It's not that broad in the code. I would like to say. And, in fact, yes, the eminent domain issue it would not be here if the County -- the property owner had no choice it was taken from them otherwise we wouldn't be here. It's very simple straightforward issue. This is what I'd like to see in the Land Development Code is recognizing that. So with that said, the property is level it probably has a 2-foot grade from the east boundary all the way to the west boundary of 396 feet. It is however serviced. Already has got utilities and there is a hydrant by the way which is very peculiar to have a fire hydrant on the property, not on the road but on the property. That will satisfy the Fire Department's requirements beyond. The only other problem is that it is right up against on the north side the Santa Fe River and is eroding by a day. Every time it floods, we're losing property. Are we not, Mr. Baca? [Mr. Baca nods in the affirmative.]

So that is another criteria that you help me bring up – the northern boundary is the Santa Fe River and it is a 30 foot pitch on that north side and I hope it doesn't cave in suddenly. I hope that answers your question.

MEMBER LA CRUZ-CRAWFORD: Yeah, actually that does lead to a – sorry – that does lead to additional question with respect to the river there and you mentioned there being like a, you know, a drop there, etc. What is this? And maybe this is a staff question. What is this? Is there a flood zone scenario here? Is there a setback? Because generally there's a 75-foot setback from a particular flood zone, you know, that may actually impose into your property as well. So I'm just kind of curious is there any information that you or staff have with respect to that?

MR. LOVATO: Mr. Chair, Commission Member La Cruz-Crawford, there is a flood zone associated with the property. It has a small portion on the northern boundary. There is a 75-foot setback from that flood zone boundary. What Mr. Martinez brought up is concerning due to the fact that the lots are smaller and he just mentioned there's a possibility of the land eroding and falling down. So that that brings concern to Santa Fe County which we may require additional standards such as a retention of that or stabilization of that bank depending on the outcome of this that's how we would proceed forward with any permitting later on in the future. Just to clarify on the subject of monetary we do agree money is a hardship but our code doesn't relate to money in terms of you know financial processing. The code clearly states it's for the land and in the instance of the eminent domain had Mr. Martinez presented staff with the proper documentation showing this, there may have been a different staff recommendation towards the Commission. But because we do not have that information, it's hard for us to determine whether that is a factor in this case. So I just wanted to bring some clarity to those comments you made earlier.

MEMBER LA CRUZ-CRAWFORD: Thank you. And actually while you're on the mic or whatnot, there was talk about family transfer and either of you can kind of you can kind of talk to this question or whatnot but am I correct that with respect to a family transfer which is an exception for a subdivision under the code is that only limited to two lots or can that be done with three?

MR. LOVATO: Mr. Chair, Commission members, there is such thing as a family transfer. In prior code, there was a small lot family transfer allowed you to go one half the minimum lot size standards. In this case, we do not have small lot family transfers in this ordinance. It's called the family transfer. Therefore, they need to still meet lot size requirements in that respective district or overlay zoning district.

MEMBER LA CRUZ-CRAWFORD: Gotcha. And so there there's no limitation or exemption with respect to that as far as how many lots that family transfer could occur. I guess that was my question because I thought I recalled something about there being kind of a maximum lot subdivision when you're using a family transfer scenario.

MR. LOVATO: Mr. Chair, Commission members, right now, as is the applicant comes in, requests the family transfer. It is obtainable for two lots. They have the density for two lots and that would be the minimum for us. Therefore, that's why the request is before you for the variance to exceed those requirements. The concern is not only monetary reasoning, but the concern is if we recommend approval towards financial burdens upon applicants, then we're going to start seeing these come forward more often which creates not only havoc for the community, but also sucks our water dry. It creates more traffic impact. It certainly affects the area and that's why we have the ordinances in place.

MEMBER LA CRUZ-CRAWFORD: Thank you.

CHAIR AABOE: Any other questions of the agent or applicant? Commissioner.

MEMBER PIERARD: Why wasn't just splitting, having two lots rather than three considered?

MR. MARTINEZ: We are exercising our right to lots for the addition and retain the excising lot that is there now. So relative to that two lots, I would just like to identify that through a family transfer related to two lots, family transfer has nothing to do with that in my opinion because administratively it's below the minimum of 1/3 of an acre. We agree with that .75. We don't need a family transfer or administrative decision for two lots. I believe what we

were just [inaudible] was incorrect is that you don't need a family transfer for two lots administratively because we're below – we're above the minimum lot size density requirement.

MEMBER PIERARD: Right. That's why I'm asking why isn't that being considered?

MR. MARTINEZ: Because we have [inaudible] that is needed. All of the utilities are on the lot. Everything is there and by the way, regarding the floodplains it's off road but pertains to this, this is the reason that we're doing the easement in the event that this is approved, the easement to get access to the second lot could be along that north boundary. In any event, we're going to go larger than 20 feet, so that in the event it is compromised by any flood in the area lower than that, god willing, we're going to have that at any rate. Everything is in place. Our opinion is that lots are larger in size than everything along the road. We just thought it was advantageous to create lots smaller now.

CHAIR AABOE: Any other questions from Commissioners? Staff.

MR. LOVATO: Mr. Chair, I just wanted to make a comment. Commission members, there is family transfers. There is exemptions under the family transfers. There's land divisions. The only difference would be between the land division which administratively or the family transfer which is administratively both is that certain requirements of off-site improvements through a family transfer the applicant would be exempt from. There is no difference between the two. They're both under exemptions under plats and subdivisions.

CHAIR AABOE: Got it. Thank you, Commissioner.

MEMBER TRUJILLO: In the Agua Fria Village, there's currently lots there less than the .33 acres that people reside on.

MR. MARTINEZ: Mr. Chairman, Commission member, many, there are many.

CHAIR AABOE: Okay and –

MR. MARTINEZ: Which are what we term, grandfathered in. The technical term is legal lot of record non-conforming. In other words, they were created prior to 1981 when the first land use development code and before they exist with land use approval for particular plats on which signatures exist. There are many lots that are below the minimum, in fact, there are many that are below our proposals which are legal and nonconforming, nonconforming means below the minimum as required.

MEMBER TRUJILLO: And, Mr. Chairman and Mr. Martinez the Agua Fria Community Water Association I assume that all the people that sit on that board are probably people that live in that community. Is that correct?

MR. MARTINEZ: Mr. Chair, Commissioner, that is correct.

MEMBER TRUJILLO: And so this had to be presented to them and it looks like it was on April 17, 2025, they initiated the letter, but, even though they're not the approving authority, but they do not seem to have any issue with three lots as stated in this letter. Is that correct?

MR. MARTINEZ: That is not correct, Mr. Chair and members of the Commission. They are not in opposition of the creation of the three lots and they agreed to serve those three lots in the event they are approved. They will serve.

MEMBER TRUJILLO: Okay, thank you.

MR. MARTINEZ: If I can expand a little further. We haven't had any opposition from anyone. Village, water, sewer, with conditions and there has been no one that has come forward against this proposal.

MEMBER TRUJILLO: Thank you, Mr. Chairman. Thank you, Mr. Martinez.

CHAIR AABOE: Any other questions from commissioners? I want to ask a question of Mr. Baca. Mr. Baca, how many properties do you own in the area?

MR. BACA: Two.

CHAIR AABOE: You own this and one other property.

MR. BACA: Yes, my primary.

CHAIR AABOE: Okay. And so, got it. And that is not immediately adjacent. It is somewhere close but not next to.

MR. BACA: At the beginning of the corner of Agua Fria and Oro.

CHAIR AABOE: Okay. Got it. Okay. Thanks very much.

MR. MARTINEZ: If I may. They're all contiguous, straight shot, all of the lots.

CHAIR AABOE: I understand, sir. Thank you. Any other questions from Commissioners? Thank you all. Thank you very much, Mr. Martinez. Thank you, Mr. Baca.

Are there any other, are there any other interested folks any other people interested in speaking on this issue?

MR. SISNEROS: Mr. Chair, Commission members, we do have William Mee online wishing to speak on this matter. Okay. Mr. Mee, can you make Mr. Mee speakable. Mr. Mee, please unmute yourself. Thank you.

[Duly sworn, William Mee, testified as follows:]

WILLIAM MEE: William Mee, 2073 Camino Samuel Montoya, Santa Fe New Mexico 87507.

CHAIR AABOE: Please proceed, Mr. Mee, and I hope you're not driving.

MR. MEE: No, I'm in the car but I'm not driving. So I'm president of the Agua Fria Village and a letter on Mr. Baca's behalf and we support his three lots and the basis for that was before uh County Road 62 became the Caja del Oro Grant Road it was basically just a dirt road and it was a little bit more to the west. So when they put in the bridge, it took some of Gilbert Baca's dad's property for that and then also the Santa Fe Greenway. And so we thought, well, you know, the property has been sort of shortchanged by these two County actions and, you know, it should be approved as a variance. Thank you.

CHAIR AABOE: Thank you, Mr. Mee, drive safely. Thank you. Any other folks interested in speaking on this issue?

MR. SISNEROS: Chair Aaboe, Commission members, we do have Catherine Baca online wishing to speak.

CHAIR AABOE: Ms. Baca, if you would turn your camera on and unmute yourself and be sworn.

[Duly sworn, Catherine Baca, testified as follows:]

CATHERINE BACA: I'm Catherine Baca, 2062 Terrazes Lane in Santa Fe, New Mexico 87507.

I just want -- I'm here as a resident and homeowner of the Agua Fria Village and also the treasurer of the Agua Fria Village Association and I just want to say that I also support Gilbert and hope that you will respectfully approve this today. Thank you.

CHAIR AABOE: Thank you very much, Ms. Baca.

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

CHAIR AABOE: Thank you. And no one in the room wishes to speak, so let's close the public hearing portion of this. And Commissioners?

MEMBER TRUJILLO: I have a motion, Mr. Chairman.

CHAIR AABOE: Please, yes.

MEMBER TRUJILLO: I move to do pass the variance of case 25-5160 with all of staff's recommendations.

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

MEMBER LA CRUZ-CRAWFORD: Just have a question, not necessarily, but I know there was talk about the flood zone and there might be some additional staff requirements. Is there anything any other additional conditions that we should add should this be approved?

MR. LOVATO: Mr. Chair, Commission Member La Cruz-Crawford, I don't believe that's necessary as these are part of the ordinance and will need to be enforced anyhow.

CHAIR AABOE: So, there's a motion on the floor. Is there a second for this motion? Hearing none, the motion does not move forward. Do we have any alternate motions? Commissioner Brugger.

MEMBER BRUGGER: I'd like to move that, uh, case number 25-5160 be denied.

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

MEMBER PIERARD: I will second.

CHAIR AABOE: We have a motion and a second. Any discussion? Please. Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. The reason I made the motion was not because I didn't find your arguments compelling, not because I don't support affordable housing or family transfers, but we have criteria in this code. We have an approved Agua Fria plan and district overlay which if in the future we want to have affordable housing, family transfer enter into the Sustainable Growth Management Plan or the Land Development Code, let's do it. But right now we have criteria and the criteria are rather clear. So it's why I made the motion.

MEMBER TRUJILLO: Mr. Chairman, can I say something?

CHAIR AABOE: Yes, Commissioner.

MEMBER TRUJILLO: So I do realize there is the criteria, but that's the purpose of this committee in my opinion is that if we're going to only go by the criteria of the book, we might as well not have a commission because we're here to we're here to make judgments based on this and different types of conditions. And so this is just my personal feeling. So if letter of the law I said I'm just going to stick to this period then why are we here? So thank you so much.

CHAIR AABOE: Thank you. Any other Commissioners have comments before we vote? So may we have a roll call vote please?

The motion passed by majority [4-1] roll call vote as follows:

Carl Trujillo	No
Wendy Pierard	Yes
Jose La Cruz-Crawford	Yes
Steve Brugger	Yes
Erik Aaboe	Yes

[Commissioner Mier recused himself from this item.]

CHAIR AABOE: The motion for denial passes. Thank you very much.

B. Presentation of the Public Participation Plan for the Revisions to the Sustainable Growth Management Plan

HEBERT FOSTER (Planning Team Leader): Thank you, Mr. Chairman, and members of the Commission. I'm Herbert Foster. I'm a planning team leader in Growth Management. I manage the Transfer Development Rights program in my day job. I'm also happy to manage the revisions to the Sustainable Growth Management Plan leading to amendments to our Sustainable Land Development Code. I'm here tonight with our consultants Jennifer and Scott. They're both from PlaceMakers helping us put together the public participation plan for the revisions to the Sustainable Growth Management Plan. The content of my presentation mostly is around the plan itself. I'm going to ask Jennifer in a few minutes to speak a little bit about why they're here, the work that they're doing with us and some of our next steps in the process. But I just wanted to take a few minutes and just introduce myself, the project, the consultant team and describe a little bit of where we're headed and what I'm thinking in terms of the SGMP revisions. I'm sure you're familiar with the document. This is it. It's 288 pages. The outline it includes vision, purposes, principles, the official maps of identifying growth areas and infrastructure, parks, recreation, etc. The elements on the on the right, you can see there's 13 different elements of the plan document itself. An element is like a chapter. Each element addresses these 13 issues and really how they relate to land use and development. Land use and development is what really unifies all of these issues here. So, this is the document itself. It's 288 pages. I think I'm one of the biggest critics of the document. My goal is to make the plan much better. I'll say this, that out of 288 pages, only three deals with implementation. Something I'd like to correct in moving forward in this revision.

Why are we doing this? My goal is to inspire action. I would like this plan and our public engagement process to inspire people to really believe that if they come to our events, if they participate, they can make a difference in the county, their community, and in their individual lives. Because this plan will set the stage for future growth and development and regulations for land use and development that affect all of us. Just briefly some of the hopeful outcomes or the goals of the project to preserve and protect natural and cultural resources. If we don't do that, then you know Santa Fe County is no longer Santa Fe County. Identify and support individual communities in the community plan process. I hope this plan will set us up for doing future community plans that really have an impact on individual communities like Agua Fria for example. Seek community-based and data-based solutions. Approve countywide policies for evaluating development projects, something that the commission is intimately familiar with the criteria for approving a variance, for example, or a criteria for approving a zone change, for example. Those are amendments to the code, but we want to understand the issues and the solutions at the community level, particularly the policy. So when we are looking at development projects, staff and commission will have criteria on which to gauge approval or not. Be a resource to the community and leadership., I'm hoping that if anyone has a question about growth and development, they can turn to the SGMP and find the resources they need to inform their decisions, inform their advocacy, inform their inform their work and decide to participate, build capacity in the community and the staff.

My intention is that I personally will be writing the plan and we will be making the maps within staff that we have on board right now and one of my favorites is to unify the community goals with the development regulations. I'm going to talk a little bit about that as I see some disconnects. This plan is aspirational. It's the vision for the future, how things ought to be. The

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SLDC is a regulatory document of how things must be. There's some disconnects and I like to close those gaps. Talk a little bit about that. And my recommendation for connecting policy to regulation through this planning process and why are we doing this now? Well, we want to evaluate the 2015 SGMP. Its time has come. It's been 10 years. we want to understand emerging issues. The SGMP talks a lot about different issues affecting the community and some of those are still very alive and well today or there's new issues that affect land use and growth and development decisions and we want to engage the public and have a conversation around those. identify new opportunities. Similarly, times have changed since the SGMP was approved and we want to take advantage of new opportunities that that are out there in partnerships and new technologies, new planning techniques. Again, similarly, revitalize the goals and the strategies and update old policy. Public participation. This is just a small list of different activities that we're considering. focus groups, open house. We've been meeting today and we'll continue to meet tomorrow with staff and community representatives to talk specifically about public participation and the type of activities that have worked, what works, what doesn't, who's involved, who normally isn't, how do we reach them, what is our message? And these are just some of the some of the methods that we're considering there. There are many, many more and I think this is a good time to introduce Jennifer and ask her to speak a little bit about not necessarily these type of engagement activities but just her role and some of her expectations.

JENNIFER HURLEY: Thank you. Thank you everyone. I'm a little height challenged here with this microphone. Thanks so much for having me. I'm Jennifer Hurley with PlaceMakers and we're a consultant team that is supporting the land use staff in working on this plan and in developing the public participation process for the plan. That means the sequence of all of the different events and activities and communication tools that will be used to develop the plan. And our goal really is to make sure that we can hear from and engage with all of the different parts of the county and all of the different interests and diverse points of view so that the plan can really be grounded in people's experience and needs and vision for the future. Thank you.

MR. FOSTER: There'll be plenty of times in the next two and a half years to participate in the SGMP revisions, but in the next five months or so, we're going to be focusing really on the public participation portion of it.

so how are we going to do this? One way we're going to do this, not only through public engagement, is the mapping process. We're going to map out where growth ought to be and the character of growth that will be occurring in the county. Right now, the SGMP contemplates area plans and district plans. We don't really have any area or district plans, but what we do have is community plans. And I'm suggesting in the revision we have, what I'm calling a countywide land use plan. And then beyond that, beyond the scope of the SGMP, we contemplate community plans as they are now and then even a finer grain a much smaller scale of specific neighborhood plans.

And so in terms of the mapping, I just want to describe a little bit of the mapping process. Here we are in the County we do not have jurisdiction, over pueblo property. They are invited partners in the process by all means, but we just don't have planning and platting jurisdiction there. federal land takes up quite a bit of property in Santa Fe County. So not only the pueblos but federal land management agencies are big players in land use and development and growth in the County. State, likewise municipal governments, are not in the County's planning and planning jurisdiction necessarily, but nonetheless our partners and we're engaging with them. So basically the scope of the SGMP is of course the whole county but when we talk about leading

into development regulations and amendments there, they apply to private property in the County. So the question is how do we plan for private property within the County and incorporate our other land management agencies and of course the sovereign pueblos in the process. So one thing that the SGMP does do, it is it defines SDA sustainable development areas and I bring this up because we call them Sustainable Development Areas and so let's say for example here is here we are in the central kind of growth area of the County and SDA1 looks like this. This is the area defined in the SGMP where growth ought to occur and then there's SDA2 where growth ought to occur but later not now but later and then SDA3 which is primarily rural parts of the County essentially where there isn't any infrastructure so growth is going to have to happen much later and I bring this up because even though it's called sustainable development areas, I don't believe that it is. I believe this is based on what I call an infinite growth model. We grow in SDA 1 and when that's all filled we go out to SDA 2 and when all that is filled we go out to SDA 3. So based on that model we're going to run out of land. It's going to take some time, I'm sure. But one thing that the SDAs don't do is they and the SGMP really doesn't do is describe in any real meaningful way the type or the quality or character of development that goes on either side of those lines. It basically says infrastructure now, infrastructure later when we grow out and infrastructure much, much later, infinite growth and to contain that growth in a reasonable fashion so we can essentially fight suburban sprawl and its consequences which I think are dire.

So the question is what do we do? What I'm suggesting in terms of land use and the mapping and the public engagement process is we consider different community types. So I'm suggesting rural communities, contemporary community, a traditional community and an urban community. These names may change. Again, these are just some ideas for your feedback. And this is again more the content of the plan itself, not so much about the public engagement, but I wanted to give the Commission an idea of kind of where we're headed and where we think we're going to arrive in terms of land use planning and amendments to the code. I'm suggesting we consider four different types of communities. And you can see this aerial image. This is basically an aerial map of Santa Fe turned upside down. So when I say urban, I think of where we are right now, downtown Santa Fe. I'm not talking about Berlin or Dubai. When I say urban, I mean downtown Santa Fe is like the height of urbanism that we're envisioning here.

There's also more to comprehensive land use planning than community types. What I'm suggesting is in the mapping process and when we identify kind of growth management tools, we map out natural habitat, parks, open space, trails, community services like police stations, fire stations, libraries, and special districts. That's another term for development of countywide impact. natural habitat, for example, is not its own community, but it's embedded in community. Parks, open space, and trails. They're not necessarily communities all in and of themselves, but they are embedded in communities or they can connect or in some cases divide communities. Seem like a roadway or a major highway can either unify a community, give it identity or separate them. Given the example of the landfill special districts, a landfill can be a regional landfill that serves the entire county or solid waste can be treated as a recycling center that's in a neighborhood somewhere. So, I put these images like that to demonstrate that natural habitat, parks, open space, trails, community services, they exist across all different types of community. It just a matter of character and scale and design and appropriateness to that community.

So where I'm headed with this is that everything goes in the right place, but there should be a place for everything. So when we're considering policies and regulations and the mapping, I'm suggesting our preferred land use plan identify those for one of every square inch of private

property in the county would be identified as one of the four communities. So this map at the end of this process would identify every piece of private property within a particular community type and then in addition to that on the left we have I'm calling land use districts like natural habitat parks open space those also need to be identified and planned out in the future and so I'm suggesting to organize all of this information that we're going to be dealing with is a series of tables that have definitions of these different types of communities and the different districts that each of these community types have different design guidelines that that accompany them very to get towards the regulations and to really define what these communities are really like and essentially what belongs in zoning districts.

We can look at using this series of tables to organize all this information. We can allocate what type of zoning districts would belong in the different types of communities like rural residential would belong in a rural community. You don't put rural residential in an urban community. Urban type housing goes in an urban community for example. And then the types of public services that you might find in these different kinds of communities. In an urban community, a family might have an option. Students might be able to walk to one or more elementary schools in a higher density urban neighborhood, but in a rural community, you're probably going to have to send your kids on a bus, for example., we can organize zoning and development regulations according to the type of community in which they which they are. And I filled out all these tables not to make recommendations about these metrics or anything just to show an example of how it can be done. These numbers didn't come from anywhere. I didn't make them up. But I just wanted to show the series of these tables that I'm suggesting to help organize the information, to have conversations around what type of community do people see themselves in now and in the future, and to use this system to properly allocate the mix of land uses and the regulations that are appropriate for these types of communities and the different types of land uses that that serve them. And then we can also look at subdivision standards that are appropriate for different community types. I'll take the sidewalk for example. In downtown urban areas, we have a 10- or 12-foot wide sidewalk. In a rural area, we probably don't have any sidewalk at all. So what I'm suggesting is for these regulations, we ask for different settings for the different type of community because what we have now is very much a one-size fits-all kind of code. Similarly we can look at roadway standards and the community overlay Agua Fria and other communities who have an overlay district. We can use this very similar format to help facilitate our conversations and identify gaps and regulations and I believe make that very explicit connection between the goals and the vision of the plan of what type of community or communities do we see ourselves in the future and how do we regulate it

I'm almost finished just very briefly -- the schedule, we are in the public participation plan right now today is essentially kind of, I'm calling it, a light kickoff with staff and community organizations. We hope that the planning document will itself will come to you in a few more months when we have a draft and ask for your comment and feedback and ultimately February maybe March ask the Board of County Commissioners to adopt the plan and then the very next day it's implementation of the plan and discussing more of the details like I'm discussing here about land uses and community types and districts and regulations and Herbert's charts and tables and things like that. We'll look at different mapping activities and surveys and a number of outreach techniques and methods we can use to help. And then beyond that the SGMP revisions itself we are hoping to hire PlaceMakers back to conduct the events that we're contemplating in the public participation plan. And there'll be a lot of events that staff can do within our own capacity and resources, but I know that we're going to need some help from

outside to help in the future for multiple days much more complicated type of strategies and so on. Then beyond that and during that the SLDC revisions we're always revising the SLDC but one of the results of the SGMP will be recommendations on how to revise the code so that it's more consistent with the goals and the community really getting the development that they want. Some of the next steps as I mentioned we're working with PlaceMakers in finalizing the participation plan. myself and staff are busy interviewing and on the web and collecting planning documents from different agencies and organizations. We don't want to repeat work that has already been done. We want to leverage the work that has already been done. I don't want to reinvent the affordable housing plan with this. We already have an affordable housing plan. This should be a resource to point to the housing plan. And similarly with transportation, utilities, parks that we have an open space plan. So, one of my one of my objectives is to have a very lean plan, not repeat what's already been done, maybe not 300 pages, but you know, maybe a hundred, get to it quickly. Then, of course, community outreach once the participation plan is done. and we have an inventory of planning documents and the surveys that are available we'll go ahead and conduct those outreach events and then begin drafting the document itself. I put this as journey of a thousand miles that begins with a single step because we are on a long journey a couple years at least and we're just at the very, very beginning stages of this and wanted you to be aware of it because I'll just end with this. One of the reasons we were doing this is, I said to unify the plan and the code and state law says the planning and zoning commission will adopt a plan that is consistent with the zoning with the regulations. And so I'm really keeping an eye on that. Hopefully, to make life a lot easier for a lot of us and communicate to the community our interest in engaging them and finding real workable solutions so we can avoid difficult situations like multiple variance requests in traditional communities that were not built based on modern day zoning standards. They were built on tradition. So as one lot at a time goes there go the traditions.

Thank you all very much. I know it was a little long, a lot to digest. I wanted to focus a little more on the content of the plan itself and invite you to our process and engaging the public. And this won't be the last time you hear from us, I promise because we'll be asking you to make a recommendation to the Commission to adopt the public participation plan and then the Sustainable Growth Management Plan itself.

CHAIR AABOE: Thank you, Mr. Foster. Just to be clear, there's no action we take until you have developed the public participation plan and you're requesting approval of that.

MR. FOSTER: Exactly.

CHAIR AABOE: Thank you.

MR. FOSTER: Between now and then, I would like all of you to come to our events and take an active role in formulating the plans.

CHAIR AABOE: I have a couple of questions. One of the things that concerns me in thinking about the impact of the community focused nature of dividing the county into different types of community is those things that are in the public interest. People who already live somewhere and already got theirs, might not be interested in what's best for the community because it impacts them. I you know we get in the existing growth management plan that we were informed of the renewable zone that subsequently this large commercial solar facility was placed in. And so the concern I would have is by saying this community is different from that community and we set our own goals, there may not be a countywide interests that are best served. So I wonder if you could speak to that a little?

MR. FOSTER: Yeah, you're absolutely right. It was a concern I have in identifying you're this community or that we want them to be self-identified. I can make the maps based on those tables and those definitions and those standards that I was talking about. In fact, I already did make a map. It's not hard to identify we have traditional community zones. We have traditional community overlays. So those are already established. I just want to emphasize I hear you. We will. I want to address that and just say that we're not – the intent is not to build the Berlin wall around these communities. We recognize that communities are interwoven. They overlap. It's a messy thing. Those borders are not real clean. So, we're cognizant of that. Nonetheless, it is one of the best practices in long range comprehensive planning. I think it leads to vision. I think it helps people start talking about the community that they live in. You know, where is your community? What is missing from your community? What do you what would you like to see happening? Well, where is the community? Is there a center to the community? So if the community is just this never ending sprawling landscape then it's hard to manage growth in that way.

CHAIR AABOE: Thanks. Any other questions or comments from Commissioners? Commissioner Brugger.

MEMBER BRUGGER: Thank you, Mr. Chair. It's a good presentation, and thanks. I'm glad that you were here for the entire Planning Commission meeting where we had a case study where we had a variance request in an overlay district as part of an approved plan. It's good to see that and I think you referenced that you intend to close the gaps between the aspirational issues and the Sustainable Growth Management Plan and the regulations and the SLDC. I've only been on this Commission for eight months, but I would concur there are gaps. So how do you plan to close them?

MR. FOSTER: Through a series of public engagement. The tables I'm suggesting is a platform for having those conversations and making the explicit connection between the regulations and the community that it lives in or the regulations that determine the form and design of the project and that it's appropriate to the character where it is. So toward answer your question that those tables for me are is a tool. But toward that end to what extent are current planning that deal with at least the specific land use issues on daily basis? How are they plugged into the process and how do you intend to plug the Planning Commission deals with it on a monthly basis into the process? Well, a couple of couple of ways we've talked this morning and earlier about steering committees. I would invite if some of the members could serve on the steering committee. I'm not so sure that about that. Maybe, maybe not. I've presented this to the staff a number of times, we have public hearing procedures for sure. I'm not certain I'm answering the question fully or fully understand the question itself.

MEMBER BRUGGER: You're getting there. The question is I would hope in the public participation process that the folks who deal closest with at least some of the issues that you would be addressed would be plugged into the process. So that's not a public hearing capacity where you have three minutes to talk. But in a steering committee or is that specific enough?

MR. FOSTER: I'll give you one thing that comes to mind of how we've been working together and try to answer some of these bigger questions. We have I think all the way back to 2024. Every year we have a spreadsheet of all the different types of permits that have been issued. So, I'm looking at that data to see out of all those permits, how many of them are for a zone change or a variance. There's a massive amount of those applications that are for a setback variance. We know something's going on with setback standards. They're not just not matching

what the community wants or what's already on the ground. There's a lot of applications for a zone change or a density variance. We'll know that something is happening there. So we would work together to kind of dig into the code and see where those disconnections are and if that reveals information about well maybe we need to change the setbacks or that particular community would need to look at their overlay to change the setback standards. That's an example of what I'm trying to get to, the details and use that information to create an accurate reliable map of existing land uses. We look at permit data. We look at aerial photography. We look at building footprints. So, we're coordinating with the GIS staff, land use staff, folks who do the development review. They're through the data, through steering committees and presentations like this. I'm not letting them go very far at all.

MEMBER BRUGGER: That's good, the looking at the number of variance requests and conditional use permits that have come before the body would that's a good strategy to explain why. And I'll just one last thing, just a micro issue, but okay I live in the micro. Through this process is maybe there a way that I never understood why this Commission doesn't hear subdivision requests in addition to variance and CUP, but that's a micro issue.

MR. FOSTER: We will be. Mr. Chair, I'm sorry I keep on dropping into informality very quickly I apologize. Mr. Chairman, members of the Commission, I already forgot what I was going to say. So, yes, good point. We are going to be looking at that later. The SLDC has a table of all who must hear what, and there's definitely some inconsistencies there like you pointed out and part of this is in future phases. We're going to look at even how can we improve the public hearing process, the pre-application meetings, neighborhood notification and our community plan and so on to make sure that we're all coordinated as best as we can.

CHAIR AABOE: Any other Commissioners have questions or comments?

MEMBER LA CRUZ-CRAWFORD: I just have one quick thing. It was my understanding that there was going to be some sort of interaction in and around the city. There were going to be sloohs or blues – some kind of acronym that, you know, it's kind of an EZA reborn or something like that. Whatever happened to that effort? Because I think the area around the City is, you know, an area of pressure and so I'm wondering if and perhaps you're not the right person to comment on this, but maybe I'm looking to staff.

MR. FOSTER: Thank you, Mr. Chairman, members of the Commission. I can address that a little bit. The extraterritorial zone, the ETZ, the border around the City where the County and the City have shared jurisdiction. I think I was – I can't speak as an authority on what happened. I know it was in place. It was disbanded and we don't have any such thing. The City is doing the very similar process right now to what we are they're looking at kind of quick fixes to their code then they're revising their general plan they're calling it Santa Fe Forward and then that will be recommendations for their future code revision so we are meeting with them coordinating with them as much as we possibly can understanding that we're different jurisdictions at a slightly different place in this process but we share the same community especially in those areas around the city.

And so I feel good that the communication is there at the staff level and what issues emerge and elevate to form into an ordinance and JPA and so on will result in this process.

MEMBER LA CRUZ-CRAWFORD: Great. Thanks very much. It brings up a question that I had because I was just kind of curious when you kind of brought it up because I mean the idea of kind of separating things into communities, right? And one of them you mentioned is urban. I'm assuming that really that ETX zone that you're talking about right now, right, that just outside of the City proper itself, that's like probably an urban correct community

or county community zone, right? Because it's dense, right? And the idea is essentially to kind of manage growth around that space, right? And try to keep denser growth amongst more call it urban even though it's kind of still rural one. Yeah, right. You know, so it's interesting and it seems like yeah, a large majority of the County is really going to be under the rural scenario, right? I believe so. So there's only little pockets throughout the county. I mean, outside of Santa Fe. Are there any are there any other urban areas I guess you guys have identified that are actually kind of dense enough, you know, like little towns or whatever that are that are there?

And then my last question and then I'll let it go, is just obviously water is always an issue. I just I know you're probably thinking about it, but just curious as far as like, you know, any mutual domestic water associations. We have one in the La Cienega are and other areas like that and just making sure that they're involved in this process since we are dealing with the growth.

MR. FOSTER: Yes, thank you, Mr. Chairman, Commissioners. Yes. A couple things about that. The urban community, I'm not married to that word. I know it might trigger a lot of people. I'm not talking about building the City of Santa Fe all over the county. And I think urban community, I think of a concentrated area, like a community center, not a whole city, an urban portion of a community that has higher density, greater more amenities, maybe even a bus stop because with a higher concentration of density and it's feasible to have a bus stop there. I just want to be clear. I'm not recommending urban, but think of an urban node or a community center. That's a little piece of urbanism within. I'd say one other comment is Santa Fe is largely rural, but if you look at the map, it is enormously contemporary community. Enormously the rural is being lost to cul-de-sac subdivisions. That's a big statement. Forgive me if I'm speaking out of bounds. I'm referring to the data, not Herbert's opinion. Look at the map. It's stunning.

MEMBER PIERARD: So would you consider Tesuque urban?

MR. FOSTER: Contemporary. The SGMP defines traditional and basically before the automobile and since the automobile, you look at the map and the pattern of development, it's obvious immediately.

CHAIR AABOE: Thanks very much. Appreciate it. Thank you.

6. **Petitions from the Floor** - None were offered.
7. **Communications from the Commission Members** - None were offered.
8. **Communications from the Attorney** - None were offered.
9. **Communications from Staff**

MR. SISNEROS: Thank you, Chair, Commission members., I would like to use this time to introduce our new Land Use Administrator, Michael Vos.

CHAIR AABOE: Thank you. We made you sit through the whole thing before you were introduced.

MICHAEL VOS: Thank you, chair and commissioners. Just to give a little bit background on myself, I've been on the job as land use administrator in the office for a week. So, starting to learn things. We have a great team. and to Commissioner Brugger's question earlier about current planners being involved, I sat through all of the meetings on public input today. So, I'm kind of a bridge between our current planning team and the long-range planning team.

I come to this position from the City of Albuquerque where I was a principal planner leading the regulatory planning team. So, I worked with their zoning ordinance in a similar

capacity interpreting the code and supervising the staff that did conditional uses and variances which in Albuquerque just go to a hearing officer. Their planning commission doesn't even see those, so a little bit different in processes. I come with that background of how different places do things and looking at how we can improve stuff here in the future and do things well for so you guys can do your jobs. I've also worked as a private sector consultant. Did a lot of work for developers in that capacity. So I know both sides of the table and have experience with the City of Rio Rancho as well.

I'm happy to be here and look forward to working more with you guys.

CHAIR AABOE: Great. And so if I could ask so what's going to be your role and involvement with us as a body? Is it if there is a code change you'll work, please help us understand that.

MR. VOS: Thanks, Chair. There's probably some of that to be decided. But the Land Use Administrator is by code the person who issues permits and does that sort of thing and gets it delegated down current planning staff on all levels work on that. I will be reviewing work, just like Dominic and John are providing input to you guys, once I have a better handle on the code. And I imagine I will be one of the ones that kind of prepares amendments to the code and works with our staff to do so when it's appropriate time.

CHAIR AABOE: So, you're going to be doing the administrative approvals and your involvement with us. We'll still be working with these folks, correct? Great. Thanks very much. Any other questions? Glad to meet you. Thank you. Welcome aboard. Thanks. And hope you're not commuting.

MR. VOS: I am commuting. I've taken the train every day except I drove today so I can get home at a reasonable hour.

CHAIR AABOE: That's good. Well, thanks very much. Anything else from staff?

MR. SISNEROS: Just an update. So, Commissioner Brugger mentioned about why subdivisions don't come forward to Planning Commission. That's per, I believe it's table 4-1 and Chapter 4. It's not required to. So, that goes straight to the BCC.

Just a little change of pace that you guys do know and are aware of. Next month you will be hearing a zone change case that was heard at the Hearing Officer last week. So just to change things up for you guys just a little bit and then an update on the Linea Solar Commercial facility project. We're trying to obtain third party reviewers at this time for both the fire and the environmental impact report. And so what we thought was going to be in November, possibly December Planning Commission, we're thinking probably it's going to be December Hearing Officer and more than likely January Planning Commission is right now the track that we're trying to go on for right now.

CHAIR AABOE: Great. Thanks very much, Commissioner.

MEMBER BRUGGER: Thanks, Mr. Chair. Mr. Sisneros. So, wow, so Atar isn't under contract for forever but for a while longer.

MR. SISNEROS: They're not unfortunately. I'm not an expert in the procurement process. But there is a process that has to be done and completed in order to obtain those services. And so we're trying to get a Atar back on for the review for Linea, but it does have to go out to bid to other agencies as well. So unfortunately that's out of our hands, but we we're working with our Finance Department on trying to get that identified and lined up.

MEMBER BRUGGER: I know everybody wants to leave. I just can't help myself. So whether it's Atar or somebody would be under contract to review future plans whether another battery energy storage or if there's changes or whatever or I would imagine somebody's going to inspect work that's done. So there'd be somebody on board.

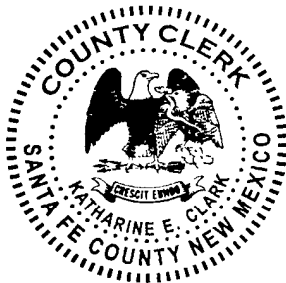
MR. SISNEROS: We're trying to work that out. Right now it's project specific. We don't have Atar they are not lined up as an engineered service that we have already on our list. And so we're trying to figure that out on how to be able to do that. Our new operations manager Timothy Sintas is working with staff on trying to figure that out and with Finance to try and figure out how we can obtain these services for a longer period of time rather than just project specific. But that's all trying to be worked out.

CHAIR AABOE: Yeah, it's my memory is that we probably brought them on under a small purchase, a \$60,000-ish purchase and then to get something over 60,000, you need to really have a request for proposals, which is a chunk of time. So small purchases wind up biting you later if you find qualified candidates. Thanks. Anything else from staff?

10. Next Planning Commission Meeting: November 20, 2025

11. Adjournment

Upon motion by Member Trujillo and second by Member Mier, and with no further business to come before this Commission, Chair Aaboe declared this meeting adjourned at approximately 5:50 p.m.



Approved by:

Erik Aaboe, Chair
Planning Commission

ATTEST TO:

KATHARINE CLARK
SANTA FE COUNTY CLERK

Respectfully submitted by:
Karen Farrell, Wordswork

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
PAGES: 26

I Hereby Certify That This Instrument Was Filed for
Record On The 24TH Day Of November, 2025 at 08:44:19 AM
and Was Duly Recorded as Instrument # **2071947**
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office

Deputy County Clerk, Santa Fe, NM