

**TRANSCRIPT OF THE
SANTA FE COUNTY
SLDC HEARING OFFICER MEETING**

Santa Fe, New Mexico

September 11, 2025

1. A. Call to Order: This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer was called to order by Santa Fe County Hearing Officer Taylor Hartstein on the above-cited date at approximately 3:00 p.m.

Staff Present:

Alexandra Ladd, Land Use Administrator
Dominic Sisneros, Building & Development Services
Destiny Romero, Build & Development Services

B. Approval of Agenda

HEARING OFFICER HARTSTEIN: Note that the agenda calls for one matter today and that is case #25-5160, the matter of Gilbert and Rosalba Baca who I understand are represented by their agent, Benito Martinez.

I'd like to confirm with the staff that there are no amendments to the agenda.

DOMINIC SISNEROS: Hearing Officer Hartstein, there are no amendments to the agenda.

HEARING OFFICER HARTSTEIN: Thank you and in that case I will approve the agenda.

My name is Taylor Hartstein. I am the hearing officer appointed in this matter by the Board of County Commissioners pursuant to Sustainable Land Development Code, Chapter 3, Section 5. And I am going to call now case #25-5160. And because there is only one matter today, we shouldn't need to impose special procedural rules including rules regarding time limits. That may change depending on how things proceed. Thank you. At this time I'd like to ask for the staff presentation.

2. Public Hearings

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

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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.

DESTINY ROMERO (Case Manager): Thank you, Hearing Officer Hartstein. Before I get started, Mr. Sisneros will be handing out Exhibit H to make part of the record. Staff had issues uploading it prior to the meeting but would like it to be part of the record.

HEARING OFFICER HARTSTEIN: Thank you. And I will admit this into the record as Exhibit H to the staff's the staff's memorandum dated August 18, 2025, which is already on the record in this matter.

MS. ROMERO: Thank you. Hearing Officer Hartstein, 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, Table 9-12-3 Dimensional Standards Village of Agua Fria Traditional Community.

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.

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. The applicants received letters from the City of Santa Fe and the Agua Fria Community Water Association advising that upon approved lot division, all three lots will be served by the city of Santa Fe Sanitary Sewer System and the 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 recreational vehicle is hooked up to utilities and is being used as a dwelling. Per Ordinance 1996-11, recreational vehicles do not qualify as a dwelling unit. Staff also discovered approximately 5 mounds of fill material and an unpermitted accessory structure Conex container on the property.

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

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 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 Hearing Officer finds that the application has met the variance criteria and recommends approval of the variance, staff recommends the following conditions at a

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minimum be imposed. Hearing Officer Hartstein, staff would like to impose a 14th condition.

HEARING OFFICER HARTSTEIN: Okay. What's the 14th condition?

MS. ROMERO: 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.

HEARING OFFICER HARTSTEIN: Can you give me the citation one more time?

MS. ROMERO: It is ordinance 2023-04.

HEARING OFFICER HARTSTEIN: Thank you. And is that for the recreational vehicle or is that for other vehicles?

MS. ROMERO: That's for additional abandoned or inoperable vehicles.

HEARING OFFICER HARTSTEIN: Thank you.

MS. ROMERO: Hearing Officer Hartstein, may I enter the conditions into the record?

HEARING OFFICER HARTSTEIN: 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. [Added above]

MS. ROMERO: Hearing Officer Hartstein, for the record, staff met with the applicant and agent Wednesday, September 10, 2025, and the applicant is aware of these issues and will be working with Santa Fe County to come into compliance with conditions 11, 12, 13, and 14 prior to Planning Commission. Staff will conduct a site visit once the applicant and agent notify staff that those conditions have been met.

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 Hearing Officer 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.

HEARING OFFICER HARTSTEIN: Thank you. My first question, just to clarify, and I think you touched on this at the beginning, is that if this were a request or if they had decided to do a two-lot subdivision rather than a three-lot subdivision meaning that the .77 acre property would have one dwelling per I think it's .385 acres; would that be consistent with SLDC 9-12-3 such that no variance would be required?

MS. ROMERO: Mr. Hartstein, yes, that is correct. If they wanted to come in for a two-lot subdivision, that would be allowed per our SLDC requirements.

HEARING OFFICER HARTSTEIN: Okay. But the variance request that we actually have here is for a three-lot subdivision, right?

MS. ROMERO: Yes, sir.

HEARING OFFICER HARTSTEIN: Okay. Do you know whether the recreational vehicle, that was identified during the staff visit on September 3, 2025, is still connected to utilities and is still being used as a dwelling?

MS. ROMERO: As of yesterday when we met with the agent and the applicant, it was still connected. They were advised of it and they were going to work on disconnecting it.

HEARING OFFICER HARTSTEIN: Understood. And as of the September 10th meeting, was the fill material still on the property to your knowledge?

MS. ROMERO: Yes, sir. It is. They will be working to submit an after the fact permit for the Conex container and the five mounds of fill prior to moving any of those.

HEARING OFFICER HARTSTEIN: Okay, understood. And just to clarify, there's no dispute that the property is served and if it were subdivided into three lots would continue to be served by sewer and water; correct?

MS. ROMERO: Yes, sir. They received both letters from City of Santa Fe sewer and the Agua Fria Village water.

HEARING OFFICER HARTSTEIN: Okay. Thank you very much.

MS. ROMERO: Thank you.

HEARING OFFICER HARTSTEIN: And I'll excuse the staff. And at this time, I would like to invite the applicants or their agent to present testimony on their own behalf.

BENITO MARTINEZ: Thank you, Mr. Hearing Officer. Benito Martinez, agent for Gilbert and Rosalba Baca.

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

MR. MARTINEZ: Mr. Hearing Officer, staff, I see that we have no one else joining us online and so therefore everybody that is interested in this is here and present.

Enough information is said. We know the size of the subject property. The intent, family transfer which does not meet the density requirement because of the family transfer to family members that is the children of Rosalba/Gilbert Baca wish to have a site in which to potentially build a home or place a residential dwelling be it a manufactured home or otherwise.

I do want the record to show that this property prior to the Caja de Oro Grant Road which is to the direct west of the subject property was widened and through the rights of government, through the bundle of rights, and those rights being limited by government and more specifically the rights to police and that is not law enforcement but that is land use, the right of Santa Fe County government to enforce a land development code. In this case, the Santa Fe County Sustainable Land Development Code and escheat taxation and then eminent domain. Through the right of eminent domain, Santa Fe County took a portion of the subject property for the widening of Caja del Oro Road. And on the north side is the Santa Fe River and a portion of property was taken on the north side for the same purpose of eminent domain for the betterment of public use. I will tell you that north of that is the Romero Park, unobstructed of course because it is County land and then to the west is the roadway.

This property was greater than 1 acre and we would not have had to go through this process. So as part of the record I just wanted to identify that the parcel is substandard in terms of size right now but the County did exercise eminent domain and took those portions of property which put us in the position today.

There are no environmental, no physical impacts in a negative manner that would obstruct the betterment of the Baca family potentially u developing these sites for the purpose of residential use. Benefit is that a site value in the Agua Fria Village area for property taxation is in the range of 90 to \$120,000 per site. That is a tax benefit to Santa Fe County to the tune exercising the taxable value of a 33 and a 3rd percent multiplied against your tax rate in this area of about \$28 per thousand is about \$900 to about \$1,100 per year that the County will be receiving from net new valuation on the first year not subject to yield control. And then, thereafter, the County's going to benefit those property taxes for distribution to governmental units including education, schools, city, county general obligation bonds that are voted in by taxpayers during the electoral process.

And with that said we are prepared to address those violations and or permitting related issues in order to be entire conformance. There's really not much more, everything else is put in the record. This is a hardship case. The median priced homes in the City of Santa Fe and surrounding peripheral Santa Fe County, for that matter, are in the range of \$550 to \$750,000 depending on what range. The median is really not a reliable source of information because you have Las Campanas and then you have trailer parks on Airport

Road. So the median, in my opinion, is heavily weighted on the high end; median incomes in the range of \$30 to \$40,000 per family. It simply does not meet the debt service ratio for possessing a home in Santa Fe County. A \$38,000 income does not support a \$650,000 home. Thus, this is a hardship case. It is a health and safety issue that we have and ask this, you, Mr. Hearing Officer, to find in favor of knowing that your recommendation is going to be taken forward to the Planning Commission and the Baca family has resided in this traditional historic village which is the oldest in the country of its nature and have been there from the beginning and interestingly enough I'm in front of the Frederico Vigil fresco which has specific dates, Guadalupe de Hildalgo Treaty which ended the Mexican-American war. These families were in these locations at that time. It is extremely important that this body and Santa Fe County and the public recognize that because of the economic hardships that we have in terms of median income versus median priced home that this is these are the only opportunities that these folks are allowed to possess home ownership in the community that they have resided in for centuries. I stand for questions.

HEARING OFFICER HARTSTEIN: Thank you. I was going to ask whether the Ranchitos de Baca were –

MR. MARTINEZ: Please give me one minute. I have a hearing impairment, Mr. Hearing Officer.

HEARING OFFICER HARTSTEIN: Certainly, please take the time you need.

MR. MARTINEZ: Please, sir.

HEARING OFFICER HARTSTEIN: Is this better?

MR. MARTINEZ: Please go ahead, sir.

HEARING OFFICER HARTSTEIN: Excellent. I was saying that I was going to ask if the Ranchitos de Baca private road referred to this Baca family. It sounds like that is the case; is that right?

MR. MARTINEZ: I defer to Mr. Gilbert Baca applicant. [Mr. Baca nods in the affirmative from the audience.] That is correct, yes.

HEARING OFFICER HARTSTEIN: All right. You mentioned the eminent domain seizure of a portion of the property. Do you know when that occurred?

MR. MARTINEZ: That occurred I believe, Mr. Hearing Officer, members that are here present, some 12 years ago. [Speaking to Mr. Baca] How long ago was the Caja del Oro Grant Road widened? It might have been more in the range closer to 20 -- when they did when the s Santa Fe County did the bridge. [Speaking to staff] Do you all have any information relative to that?

HEARING OFFICER HARTSTEIN: In any event, my question is did that occur before the –

MR. MARTINEZ: The Sustainable Land Development Code?

HEARING OFFICER HARTSTEIN: I was just going to say did that occur before Gilbert Baca and Rosalba Baca acquired the property?

MR. MARTINEZ: It happened before and the reason is that when Mr. Baca senior, Gilbert's father passed away, this property was conveyed to Gilbert and Rosalba Baca upon his death.

HEARING OFFICER HARTSTEIN: Okay. Was there any, if you know, was there any compensation associated with that taking, that eminent domain taking, however many years ago it was to the prior owner Mr. Baca's father.

MR. MARTINEZ: And, Mr. Hearing Officer, members that are present, through my experience, I am former elected official Santa Fe County and I'm aware that there must be compensation market value for what was taken at that time.

HEARING OFFICER HARTSTEIN: Okay.

MR. MARTINEZ: And if I may expand a little bit, Mr. Hearing Officer, is fee simple title and interest that is non-encumbered. somebody that owns a property through a warranty deed, joint tenants or otherwise, the rights that are possessed in a bundle of rights which are the right to sell, lease, use, give, enter or refuse are limited by government and it's very simple to understand as I used to instruct this. Pete Rose was a great slugger. Cincinnati Red and sluggers sell, lease, use, give, entry, or refuse is slugger, the rights, bundle of rights are limited by government. Pete, police escheat tax eminent domain so it's easy to remember that that way for the students there back in the day for them to remember this and so eminent domain government's right to take and they did. If they hadn't we would not be in this situation that we are in today.

HEARING OFFICER HARTSTEIN: Understood. When the property was transferred, when it was conveyed following the death of Mr. Baca's father, was that was that purchased from the estate or was that that was the property transferred as part of the estate process?

MR. MARTINEZ: I'd like to defer and/or what has occurred is Mr. Baca along with his siblings had a settlement because there were multiple properties to be distributed and Mr. Baca ended up compensating his siblings in a financial manner and acquired this property because my understanding is that the additional siblings did not have the resources in order to do the same in reverse. So he essentially bought out in terms of in monetary relationship the equity portions of those siblings.

HEARING OFFICER HARTSTEIN: Understood. That clarifies a question for me because the warranty deed which is Exhibit B, it says purchased from the estate, and so I just wanted to clarify that.

MR. MARTINEZ: Correct.

HEARING OFFICER HARTSTEIN: It also, the warranty deed states that prior to or at the time of the warranty deed Gilbert Baca and Rosalba Baca were residing at 3993 Agua Fria Street, is that in the same the same area as this property?

MR. MARTINEZ: It's within, Mr. Hearing Officer, members that are present, within 500 feet. It's located on the corner of Agua Fria and Lopez Lane. And Ranchitos de Baca is a road that is running north and south near the intersection of Lopez and Agua Fria within 600 feet.

HEARING OFFICER HARTSTEIN: Okay. And does Mr. Baca and/or Rosalba Baca, do they still own that property or did they own that property at the time?

MR. MARTINEZ: Mr. Hearing Officer, members that are present, yes, he owned it prior to and still possesses interest in that property.

HEARING OFFICER HARTSTEIN: All right. Does Gilbert Baca or do Gilbert Baca and Rosalba Baca own any other residential property in Santa Fe?

MR. MARTINEZ: I'll yield.

HEARING OFFICER HARTSTEIN: And Mr. Baca, I just ask that you be sworn in as well. Yes, just prior to testifying if you would just be sworn in. Thank you

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

GILBERT M. BACA: Yes. Gilbert N. Baca.

HEARING OFFICER HARTSTEIN: Your address as well, please.

MR. BACA: 3993 Agua Fria. I'm the same way. I have a little bit of a hearing so bear with me.

HEARING OFFICER HARTSTEIN: Absolutely. The question was whether you own any other residential properties in Santa Fe.

MR. BACA: Yes, I do. Right before the 35 there's a 2280 on the right hand side, I own that.

HEARING OFFICER HARTSTEIN: Okay. And I think you said you still live at 3993 Agua Fria.

MR. BACA: Yes, I do. It's the first -- as you turn off Agua Fria on Camino Oro, it's the first house on the right.

HEARING OFFICER HARTSTEIN: Okay. So that's a total of three properties. The one you live in, the other one you just mentioned, and then the one that's before the proceeding today.

MR. BACA: Mm-hmm.

HEARING OFFICER HARTSTEIN: All right. Who lives at 2232 and 2235 Ranchitos de Baca? Who currently resides at 2232 and 2235 just for the record, Ranchitos de Baca?

MR. BACA: 2280 is a rental I have and 2235 is my father's old dwelling and that's rented also.

HEARING OFFICER HARTSTEIN: And do those two dwellings, does that does that include the RV as well as the physical dwelling?

MR. BACA: Excuse me.

HEARING OFFICER HARTSTEIN: Does that include the recreational vehicle as well as the structure on the property?

MR. BACA: Yeah.

HEARING OFFICER HARTSTEIN: Okay. And so the undue hardship claim is in relation to your children and their ability to build on the property, right?

MR. BACA: That is correct.

MR. MARTINEZ: That is correct.

HEARING OFFICER HARTSTEIN: If the variance were to be granted, is that that building on the property for your children, is that something that would happen imminently or is that something that would happen sometime down the road in the future?

MR. BACA: As quickly as possible.

HEARING OFFICER HARTSTEIN: Okay. Okay. So the second prong of the variance test and I'll just read it, is quote, Where due to extraordinary and exceptional situations or conditions of the property the strict application of the code would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the owner. And so my understanding is -- I guess the question I have is in addition to the hardship on the family, is there anything that arises from the special conditions of the property that satisfies that that variance factor and I understand that Mr. Martinez

addressed this issue of the taking the eminent domain issue. Anything other than that eminent domain issue that specifically arises from the conditions of the property.

MR. MARTINEZ: Mr. Hearing Officer and members that are present now, I've already identified and I think we've covered is the financial side which is median price versus median income. Now, you're speaking specifically to the subject site which is level in grade, probably no more than 1 to 5 percent slope. So, we've got no problem there. It is rectangular in shape in terms of nature. Access is superior. Easement is greater than what code requires for emergency vehicle ingress/egress, utility easements, and the like. And utilities are at property line and/or already on site. and if I may, there was a – you'll notice that there is two addresses subject to this application and there was a second dwelling besides the existing structure, Mr. Gilbert Baca's father's original residence and the second home was a trailer that was moved. Mr. Baca approached me to say we want to make this right and thus the application for the transfer in a family relationship scenario.

But the property is conforming in terms of size in terms of shape, shall I say, rectangular. It's level and possesses no grading drainage any other outside or interior influence physical functional. Economic is the only concern that we have and I hope that answered your question.

HEARING OFFICER HARTSTEIN: I think it does I think that generally speaks to its readiness to be used for additional dwellings. Right. My question was more to and I just want to make sure I have everything on the record that speaks to undue hardship. And so as to undo hardship, we have the economic situation. We have the fact of the prior exercise of eminent domain that reduced the size of the property. And then there was another encroachment or incursion as to a different part of the property that you discussed earlier which also decreased its size. Anything else that goes to undo hardship in this case?

MR. MARTINEZ: Well, you know, I'm going to be very frank with you. The other undue hardship is the cost of a permit nowadays and everything else related to it. I think it's water under the bridge. But the notification process I believe that this is – I was here when the original, in office, when the original land development code in 1981 was very aware of it and the first land development code of Santa Fe County in the first place. And so I believe that the Sustainable Land Development Code of Santa Fe County is doing more harm than it is helping. For example, we've got piles of gravel that are sitting on property, very neatly positioned in piles along next to piles of fill. And these are going to be used on site for those purposes. And yet we've got to file another permit for those.

Just like property tax, I can't complain against my neighbor because he's less in value. But the fact is when we talk about it, we say that there's an equitable system going on and in fact I find contrary there too. The container, the only information that I can find in the Sustainable Land Development Code of Santa Fe County for containers is for disposal that is noxious materials, contaminants, those types of u harmful constituents. And so a container, we're going to follow that. But these are just more costs associated.

You know, the public notice for neighborhood meeting, we need to notify everybody within 500 feet. We did so. Nobody showed up because everybody knows this man has stood up for his community for his entire life. He's been in the village of Galisteo, this is not relevant to this case, but it is relevant to your question. In order to

feed his family, he has been in the valley of Galisteo for the last four days till the middle of the night because of a water leak because these people need their water. A lot of times he does this gratis. He does this for free. He'll do continual work whether it be water, sewer, gas, whatever utility there possibly is because he's worked in all of these divisions, City of Santa Fe, gas, water, PNM, you name it. And he'll stand up for anybody. This is the reason nobody is here because we had the endorsements from, and you're aware of this, our Agua Fria Village Traditional Historic Association unanimously and in their letter to us they reminded this body that there was an eminent domain taking and it would have met the minimum criteria at the time and without any hearing involved. It would have been administrative. Mr. William Mee from the Historic Traditional Village of Agua Fria. Mr. Raymond Romero from the Agua Fria Village water, same thing. It was unanimous. Nobody showed up to their neighborhood meeting. Nobody has showed up today because this man and his nature of the way he runs his life is helping others.

HEARING OFFICER HARTSTEIN: Understood. And I appreciate that additional detail.

MR. MARTINEZ: Thank you. I will yield.

HEARING OFFICER HARTSTEIN: All right. And I am also glad that you touched on the Conex container and on the fill material and the gravel and that's all for potential construction of a new dwelling on that property.

MR. MARTINEZ: Yes, Mr. Hearing Officer, members that are present, what we envision is an easement assuming that we do find that we have favor from this body and or the Planning Commission and/or the Board of County Commissioners. There will be an easement coming off horizontally to Ranchitos de Baca which enters this property and we will have an easement on the north side at minimum 20 feet for emergency vehicle access ingress/egress, minimum of 20 and turnaround, and that gravel and that dirt – there is a portion of property on the east side that is a belly, that is a swell, that that dirt, that fill was going to be used for and it again is positioned if we have ortho imagery present to view you will see that they are positioned right in the areas in which they're going to be used. So I find it highly unusual that we have to be permitted for those.

We were told also in another discussion that there was a public nuisance for the vehicles that are parked there. All of them have air in the tires. Most of them have registration. I don't know where in the code registration comes into play, but it was mentioned that these vehicles aren't registered.

HEARING OFFICER HARTSTEIN: So that gets to my next question and that question is the vehicles do belong to you, Mr. Baca, or do you belong –

MR. BACA: Yes, sir.

HEARING OFFICER HARTSTEIN: Okay.

MR. BACA: They belong to me.

MR. MARTINEZ: He's got a large family.

HEARING OFFICER HARTSTEIN: And are those vehicles used by your family?

MR. BACA: No, they're just -- they're actually work trucks and there's two I lent to a friend about a month ago and he wrecked it. So, it's parked there. One I use to haul materials in my jobs and the middle Ford Ranger, my grandfather gave me

that when I started driving. And there's a little Toyota there that I did a job and the man couldn't pay me so he gave me the little car.

HEARING OFFICER HARTSTEIN: Understood. Moving on, my next question is if the variance that's requested were granted and if the three subdivision variance were granted, are you prepared to comply with the now 14 conditions that have been set out by the staff in this matter?

MR. BACA: Mr. Hearing Officer, members of the folks present, yes.

HEARING OFFICER HARTSTEIN: I wanted to circle back just to the one question regarding building the dwellings for your children. What are the ages of those two children right now?

MR. BACA: My son is 29 years old. My daughter – my son lives in Colorado. My daughter lives in Arizona. She's 25.

HEARING OFFICER HARTSTEIN: I guess their plan would be to return in order to live in those dwellings or would that be some future that's for them you know in the future or is that's imminent for them?

MR. BACA: Yeah, that will be for them. But one day they can have a place in the town but it's a beautiful city.

HEARING OFFICER HARTSTEIN: Yeah, and I understand the generational importance of that to your family.

Mr. Martinez and Mr. Baca as well, have you considered requesting a two-dwelling subdivision that would be in compliance with the code as it stands? And this is just for informational purposes for me; it's fine either way.

MR. MARTINEZ: Mr. Hearing Officer, members that are present of the County and the public and applicant, we are aware that this could have be done administratively. We have two children involved in this request and we wish for them to possess those individual lots. We'll go through the process up to the Board of County Commissioners, see what results. And in the event which has been discussed with Santa Fe County land use code -- excuse me, land use employees, we will if this is unsuccessful approach the second option which is two lots.

HEARING OFFICER HARTSTEIN: Understand. And this again is just for informational purposes and again to make the record as complete as possible.

All right, that's all the questions I have for the applicants and their agent. Is there any cross-examination from staff?

MR. SISNEROS: Hearing Officer Hartstein, so I do want to mention that there we do have a gentleman online now, William Mee from the Agua Fria Village Association is online and is wanting to speak in the public comment portion.

HEARING OFFICER HARTSTEIN: All right. And my understanding if he's a member of the community is that he would be an individual with standing is that right? He's within 500 feet of the dwelling or in any event he's community member.

MR. SISNEROS: Yeah, Hearing Officer Hartstein, he's a member of the community but also the Agua Fria Village Association is one of the certified organizations or registered organizations that was noticed.

MR. MARTINEZ: Let me correct that, he is president of the Agua Fria Village Historic.

HEARING OFFICER HARTSTEIN: Okay. And is he so he speaking on behalf of the Agua Fria Village Historical Organization?

MR. SISNEROS: He's just -- he's just identified that he's wanting to speak on the subject.

HEARING OFFICER HARTSTEIN: Okay. Preliminarily, I'm going to treat him as a member of the public without standing to engage in cross-examination himself. We can revisit that if it becomes an issue. but that's my preliminary determination for that.

So please at this time we'd like to invite him to speak. And we'd like him first to be sworn in and to state his name and his address.

MR. SISNEROS: Mr. Mee, please unmute your mic and if you can please be sworn in.

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

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

HEARING OFFICER HARTSTEIN: All right. And at this time, we'd like to invite you to make a statement.

MR. MEE: Well, basically, Hearing Officer, I, you know, I hadn't heard that they had our letter in the hearing. So I just wanted to bring that to your attention. We still support this particular variance and we're hopeful it will go through. And that's basically all I have to say on the subject.

HEARING OFFICER HARTSTEIN: All right. And I guess are you familiar with the family history and the standing in the in the community of Mr. Baca and I think the things that Mr. Martinez was kind of attesting to before. Is that something that you adopt, if you were present for that?

MR. MEE: Oh, yes, very much so. And like Mr. Martinez was saying, I mean, Gilbert Baca, you know, if there's a leak in the water company in the middle of the night and he's there for hours, you know, until it's fixed and, you know, he's just a great member of our community.

HEARING OFFICER HARTSTEIN: Understood. Thank you for your statement. Do you have anything else at this time? If not, I am happy to excuse you if you have anything else to say. I'm happy to hear that as well.

MR. MEE: No, thank you. I'm good.

HEARING OFFICER HARTSTEIN: Thank you very much. We appreciate your participation. So I'll excuse the witness and at this time I'd like to ask the staff if they have any cross-examination for the applicants or their agent.

MR. SISNEROS: Hearing Officer Hartstein, staff does not have any questions or cross-examination for the applicant at this time.

HEARING OFFICER HARTSTEIN: All right. And I'll note as Mr. Martinez noted that there's no one else from the public in the room to make a comment. My understanding is that we've addressed all of the members of the community who've joined us on video conference. And so at this time, I guess, I'll give the applicant and the agent one last opportunity to get the last word in in accordance with the procedural regulations for these for this hearing.

MR. MARTINEZ: Thank you, Mr. Hearing Officer, members that are present, I want to thank you in advance for what every recommendation you do make. I think enough has been said in terms of economic, physical, functional, obsolescence and I think that this process is not as friendly as it should be in the community in which

everybody in the world comes to visit because we're being pushed out. It is a literal problem.

I am a former founder of the Santa Fe Community Housing Trust some 40 years ago. The reason we did this is to give those folks underprivileged and median- and low-income the opportunity to have home ownership otherwise we lose them and I think this is the primary focus that we are looking for three versus two and everything else that has been said has been documented. We appreciate it.

I want to thank Santa Fe County through the land development staff members. They are thorough. They're doing their job and knowledgeable. I will say things have changed since I was in the game and that's a while back and they're doing their best to help us. They've been helping us when we do have questions. They're always available. Destiny has been very helpful. So, I want to comment and congratulate them for trying their best and adhering to the code that they have to enforce, which is difficult because if they bend for one, they got to bend for all.

I do appreciate it and we hope that you find in favor of at least a positive recommendation. Thank you for your time.

HEARING OFFICER HARTSTEIN: All right. Thank you very much, Mr. Martinez. At this point, I will close the public hearing and I will instruct everyone present that I will compose a written findings of fact and conclusions of law within 15 business days of this hearing making a recommendation.

And at this point, I would like to close the hearing and go off the record and just say thank you everyone for your participation and for your presentations today. Thank you.

3. Next Scheduled Meeting: October 9, 2025

4. Concluding Business

A. Adjournment

Hearing Officer Hebert adjourned the hearing at approximately 3:41 p.m.

Approved by:

Date: 10/10/2025 Taylor Hartstein
Taylor Hartstein, SLDC Hearing Officer

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SLDC HEARING OFFICER M ta Fe County
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I Hereby Certify That This Instrument Was Filed for
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Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy _____ County Clerk, Santa Fe, NM

Deputy

