

**Henry P. Roybal**  
Commissioner, District 1

**Anna Hansen**  
Commissioner, District 2

**Robert A. Anaya**  
Commissioner, District 3



**Anna T. Hamilton**  
Commissioner, District 4

**Ed Moreno**  
Commissioner, District 5

**Katherine Miller**  
County Manager

**DATE:** November 16, 2017

**TO:** Santa Fe County Planning Commission

**FROM:** Miguel "Mike" Romero, Development Review Specialist Sr. **MR**

**VIA:** Penny Ellis-Green, Growth Management Director **VEG**  
Vicki Lucero, Building and Development Services Manager **VL**

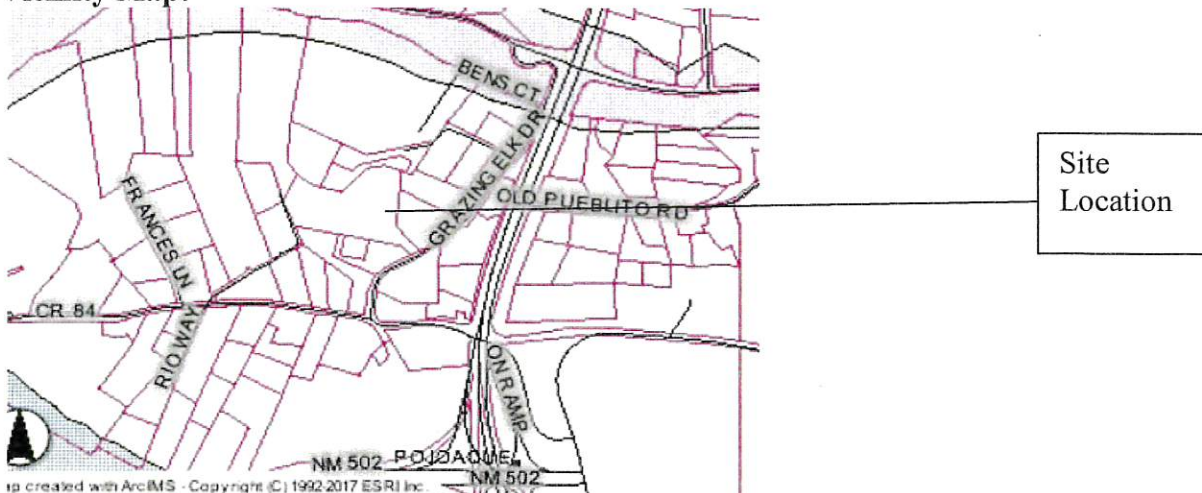
**FILE REF.:** CASE # V17-5150 Archdiocese of Santa Fe Variance

**ISSUE:**

Nuestra Señora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe (Applicant), Jake Rodriguez, Agent, requests a Variance of Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) of Ordinance 2016-9, the Sustainable Land Development Code to allow an (8) ft. cross with base on top of the roof of an existing church bringing the height of the church from 41 ft. 2 in to 49 ft. 2 in.

The property is located at 9 Grazing Elk Drive within the Pojoaque Valley Community District Overlay (PVCD), within Section 7, Township 19 North, Range 9 East, (Commission District 1).

**Vicinity Map:**



## **SUMMARY:**

On September 28, 2017, the Application was presented to the Hearing Officer. The Hearing Officer recommends that a determination be made that the placement of the cross is exempted from the requirement of obtaining a variance as no development permit is required and therefore no deviation from the dimensional requirements of the SLDC (PVCD) is implicated.

However, as stated in Appendix A-Rules of interpretation, Definitions, and Acronyms, the definition of Development states as follows: any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving excavation or drilling operations; the storage, deposit or extraction of materials, public or private sewage disposal systems or water supply facilities; any change of use; the division, reconfiguration or platting of a parcel of land.

Chapter 8, Section 8.2.1 of the SLDC states, "No land shall be used or occupied and no structure shall be designed erected, altered used or occupied...except in conformity with all of the zoning regulations, standards, and procedures, compliance with all sustainable design and improvement standards..."

The County has consistently applied height restrictions to all development including but not limited to buildings, walls, fences, wireless communication facilities, religious symbols, signs, light poles and fixtures.

The Applicant is the owner of the property at 9 Grazing Elk Dr. as indicated by the warranty deed recorded in the records of the Santa Fe County Clerk on May 8, 1969. The Applicant is requesting a variance of Chapter 7, Table 9-13-2: Dimensional Standards to allow an eight (8) ft. cross with base to exceed the 24 ft. height limitation. Chapter 7, Table 9-13-2: Dimensional Standards; PVCD TC illustrates that the maximum height within the PVCD TC is 24 feet.

The Applicant proposes to install an eight (8) ft. cross with base on top of an existing church. The Applicant states the church was built in 1965 and is approximately 41 ft. 2 in. in height. The height of the proposed cross with base is (8) ft., bringing the total height of the church to 49 ft. 2 in. The Applicant states the church was built in the early 1960's and was designed in what was then a contemporary style that is not typical of a New Mexico church building. The Applicant further states that the building was not designed or built to include a cross on the roof. The Applicant states that the cross is the universal symbol of Jesus Christ in the catholic faith and its placement on a church is typical of most catholic churches worldwide. Most catholic churches in New Mexico are marked with a cross on top of the building.

## **Staff Response:**

Prior to 1981, the County did not have any height restrictions and the Applicant would have been able to place an 8 ft. cross on top of the church. The County Land Development Code was adopted in 1981 and identified this area as a Traditional Community which had a height limit of (24) ft. The property is currently zoned Traditional Community and is within the Pojoaque Community District

Overlay in accordance with the Santa Fe County Sustainable Land Development Code Zoning Map adopted by Ordinance No. 2015-12. The Pojoaque Community Planning Committee reviewed the standards for the Pojoaque Community District in accordance with the SLDC in 2015 and no changes were made to the maximum height permitted within the Traditional Community. SLDC Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) illustrates that a maximum height within the PVCD TC is (24) ft. Staff has determined that by adding the 8 foot cross with base on top of the roof of the existing church would modify the height of the building and is considered a man-made change to the building. Because the church was not designed or built to include a cross on the roof, the Applicant will have to provide architectural plans demonstrating the design of support features on the building for the construction of the cross.

The Pojoaque Community Strategic Plan provides the underlying policy for height regulation in the PVCD. The Pojoaque Community Strategic Plan states; The Pojoaque Valley Community Strategic Plan supports the preservation and enhancement of the viewshed of the Pojoaque Valley and advocates for the appropriate integration of new development into the landscape, including the use of design features and landscaping to minimize visual impacts.

Prior to the SLDC, height restrictions were also regulated for both residential and non-residential uses. If an application was submitted requesting to exceed the height requirements of the code the Applicant would have to apply and proceed through a variance process in order to be granted approval of the proposed height.

The applicable requirements under the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9 (SLDC), which governs this Application are the following:

Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community).

Zoning District	PVCD TC
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	36
Maximum building size (commercial)	2,500 sq. ft.
Lot coverage residential and non-residential (maximum, percent)	40

Appendix A-Rules of interpretation, Definitions, and Acronyms of the SLDC, the definition of Height states as follows;

*Addition (to a structure).* A completely new structure or new component attached to an existing building or structure.

*Construction.* the act of adding an addition to an existing structure; erection of a new principal or accessory building or structure on a lot or property; the addition of walks, driveways, or parking lots; or the addition of appurtenances to a building or structure. This also includes grading, excavation or

construction of roads.

*Structures.* the vertical dimension measured from any point on the upper surface of a structure to the natural grade or finished cut grade on any building elevation, whichever is lower, directly below that point. The vertical depth of fill material from the natural grade, with or without retaining walls, shall be considered as a component of the structure; this depth shall be included in determining the structure height. Chimneys and solar panels may extend three feet (3') beyond the height limitation.

*Antennas and Support Structures.* Antenna and support structure height means the vertical distance, as measured from the lowest point of intersection with the natural grade around the perimeter of the base of the antenna or structure to the highest point of the tower, including all antennas, other attachments, or structures, when towers are mounted upon other structures.

*Signs and Other Structures.* Sign and other structures height shall be measured from the adjacent grade to the highest point of the sign or structure.

Chapter 4, Section 4.8.2 states:

A development permit shall be required for any of the following activities:

4.8.2.1. Construction. For construction or renovation of, or an addition to any structure.

Chapter 4, Section 4.9.7.1, Variances, Purpose, states:

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 and undue hardship on the owner. The granting of an area variance shall allow a deviation from the dimensional requirements and standards of the Code, but in no way shall it authorize a use of land that is otherwise prohibited in the relevant zoning district.

Chapter 4, Section 4.9.7.4, Variance Review criteria states:

A variance may be granted by only a majority of all the members of the Planning Commission (or the Board, on appeal from the Planning Commission) based upon the following criteria:

1. where the request is not contrary to public interest;
2. 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
3. so that the spirit of the SLDC is observed and substantial justice is done.

Chapter 4, Section 4.9.7.5 Conditions of approval.

1. The Planning Commission may impose conditions on a variance request necessary to accomplish the purposes and intent of the SLDC and the SGMP and to prevent or minimize adverse impacts on the general health, safety and welfare of property owners and area residents.
2. All approved variances run with the land, unless conditions of approval imposed by the Planning Commission specify otherwise.
3. All approved variances automatically expire within one year of the date of approval, unless the applicant files a plat implementing the variance or substantial construction of the building or structure authorized by the variance occurs within that time.

The Applicant addresses the Variance Criteria below as followed and Staff provides its interpretation of how the proposal meets or fails to meet the variance criteria:

The Applicant has addressed the variance criteria as follows:

1. Where the request is not contrary to the public interest;

**Applicants Statement:** The church building is already constructed, and is a parish home for the catholic community in the Valley, and the surrounding communities of San Ildefonso and Nambe.

**Staff Response:** It was determined that Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe was constructed between 1964 and 1965. At that time Santa Fe County did not have land development regulations. Therefore the church is legal non-conforming. Prior to 1981, Santa Fe County did not regulate height restrictions on buildings. The SLDC now regulates height.

2. 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 and undue hardship to the owner;

**Applicants Statement:** The church was built at a time when zoning (if it was adopted) allowed the 41 foot height that exists now. The current parish community members are aware of the significance of the Cross to their faith, and wish to mark the parish home with the Cross. At this time, they are able to install a Cross and not allowing its installation will be an exceptional hardship to the parish community.

**Staff Response:** Prior to 1981, Santa Fe County did not regulate height of buildings and therefore Applicant was able to build a church exceeding the current (24) ft. height restriction. The church was not constructed with a cross at that time and now needs to meet height requirements. The church does however have the option to place the cross in the front of the building or on the façade of the building not to exceed height requirements. The request for the variance is not due to extraordinary

or exceptional situations or conditions of the property, therefore, it does not meet this variance criteria.

3. So that the spirit of the SLDC is observed and substantial justice is done.

**Applicants Statement:** The parish is aware of the value of the SLDC to their community. The Cross is planned and designed to be a simple addition to the building with minimal visual impact to the surrounding properties and the community.

**Staff Response:** Installing an (8) foot cross to the existing 41 ft. 2 in. roof would change the height significantly. However, the church could place the cross on the front of the building or on the façade of the building and accomplish the objective of having a cross on the building without increasing the height of the building.

As required by the SLDC, the Applicant presented the Application to the Technical Advisory Committee (TAC) on May 18, 2017, at the regularly scheduled monthly meeting, which satisfied the requirements set forth in Chapter 4, Section 4.4.4.3, Pre-application TAC Meeting.

The Applicant also conducted a Pre-Application Neighborhood Meeting on August 1, 2017, as required by the SLDC, Chapter 4, Section 4.4.4 Pre-Application Neighborhood Meeting.

Notice requirements were met as per Chapter 4, Section 4.6.3., General Notice of Application Requiring a Public Hearing, of the SLDC. In advance of a hearing on the Application, the Applicants provided an affidavit of posting of notice of the hearing, confirming that public notice posting regarding the Application was made for fifteen days on the property, beginning on September 13, 2017. Additionally, notice of hearing was published in the legal notice section of the Santa Fe New Mexican on September 13, 2017, as evidenced by a copy of that legal notice contained in the record. Notice of the hearing was sent to owners of land within 500' of the subject property and a list of persons sent a mailing is contained in the record.

This Application was submitted on May 26, 2017.

#### **RECOMMENDATION:**

Staff recommends denial of a variance of Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) of Ordinance 2016-9, the Sustainable Land Development Code to allow an (8) ft. cross with base on top of the roof of an existing church bringing the height of the church to 49 ft. 2 in. However, the church does have the option to place the cross in front of the building or on the façade of the building so it does not increase the height.

This matter went before the Hearing Officer for a hearing on September 28, 2017. The Hearing Officer recommends that a determination be made that the placement of the cross is exempted from the requirement of obtaining a variance as no development permit is required and therefore no deviation from the dimensional requirements of the SLDC (PVCD) is implicated.

However, the definitions of "Construction" and "Addition (to a structure)" in Appendix A to the SLDC support application of height standards to the addition of the cross. Chapter 4, Section 4.8.2 of the SLDC states that a development permits is required for construction of a cross on a roof of a building. Construction means, in part, the act of adding an addition to an existing structure. An addition to a structure means, in part, a new component attached to an existing building or structure. The church was not designed or built for the addition of a cross on the roof. Furthermore, the cross is not free standing. Accordingly, the cross needs to be added to the building through the use of architectural design and construction of stabilizing anchors or supports. Staff believes that the cross and its anchors and supports will be integrated into the building and is therefore the addition of a new component to the building. Accordingly, addition of the cross is construction subject to the requirement for a development permit and dimensional requirements of the SLDC.

If the decision of the Planning Commission is to approve the Application, you may consider adopting the Hearing Officer's finding of fact and conclusion of law in the written recommendation.

**EXHIBITS:**

1. Applicant's Request
2. Pre-Code Warranty Deed
3. Aerial of Site and Surrounding Area
4. Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community)
5. Noticing
6. Elevation of church
7. Hearing Officer Final Order/Meeting Minutes



J A K E   R O D R I G U E Z

ARCHITECT

May 11, 2017

Santa Fe County  
Land Use Dept.  
102 Grant Ave.  
Santa Fe NM 87501-2061

Variance Request for:

Nuestra Senora de Guadalupe del Valle de Pojoaque,  
Catholic Parish of the Archdiocese of Santa Fe  
9 Grazing Elk Drive  
Santa Fe, NM 87506

Variance Committee Chair and Members,

I am submitting this variance request on behalf of Monsignor Jerome Martinez y Alire, Pastor, and the members of this Catholic community in Pojoaque. The request is to allow that a cross be installed on the top of the church roof.

The church was built in the early 1960's and was designed in what was then a contemporary style that is not typical of a New Mexico church building. It is a roof-dominated "A" frame building. The building was not designed or built to include a cross on the roof. The Cross, which is the universal symbol of Jesus Christ, the catholic faith and typical of most catholic churches worldwide. Most catholic churches in New Mexico are marked with a Cross on top of the building.

The parish is currently beginning a construction project to replace the original roofing with new metal roofing. It is an opportune time to install the Cross on top of the church, which has led to this request.

The parish request meets the review criteria noted in 4.9.7.4 in the SLDC.

1. Where the request is not contrary to the public interest;

The Church building is already constructed, and is a parish home for the catholic community in the Valley, and the surrounding communities of San Idelfonso and Nambe.



1424 Sec  
Santa Fe, N

) 505.660-3327

[jrarchitect@me.com](mailto:jrarchitect@me.com)

NBB-8



- 2 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;

The church was built at a time when zoning (if it was adopted) allowed to the 41-foot height that exists now. The current parish community members are aware of the significance of the Cross to their faith, and wish to mark the parish home with the Cross. At this time, they are able to install a Cross, and not allowing its installation will be an exceptional hardship to the parish community.

3. So, that the spirit of the SLDC is observed and substantial justice is done.

The parish is aware of the value of the SLDC to their community. The Cross is planned and designed to be a simple addition to the building, with minimal visual impact to the surrounding properties and the community

The parish looks forward to present this variance request to the Board. Attached are copies of the Deed, Plat, Site Plan and Building Elevations

On behalf Msgr. Jerome, and members of the Parish, we thank you for your consideration of this request.

Sincerely



Jake Rodriguez, Architect

Enclosures: as noted.

CC: Msgr. Jerome Martinez y Alire, Pastor

NBB-9

WARRANTY DEED

PABLO SENA and JOSEFA G. SENA, his wife, for consideration paid grant to THE ROMAN CATHOLIC CHURCH OF THE ARCHDIOCESE OF SANTA FE, a corporation sole, Edwin V. Byrne, Archbishop, the following described real estate in Santa Fe County, New Mexico:

A portion of Exception 140, P.C. 188, Pojoaque Pueblo Grant, within Section 7, T. 19 N., R. 9 E., N.M.P.M. more fully described as follows: Beginning at Angle Point No. 9 of said P.C. 188 a point on the most Northerly side of a public road and the most Southerly point of the Ruben and Blanche Quintana property. Thence S. 64 degrees 57' W. 59.56 feet; thence N. 32 degrees 35' W. 62.75 feet; thence N. 78 degrees 22' W. 617.10 feet; thence N. 21 degrees 37' W. 195.60 feet; thence N. 23 degrees 45' E. 157.6 feet; thence S. 41 degrees 20' E. 59.9 feet to Angle Point No. 17 of said P.C. 188; thence S. 57 degrees 59' E. 77.82 feet to A. P. No. 16; thence S. 75 degrees 08' E. 165.99 feet to A. P. No. 15; thence N. 45 degrees 10' E. 205.92 feet to A. P. No. 14; thence N. 79 degrees 47' E. 100.32 feet to A. P. No. 13; thence S. 69 degrees 29' E. 76.80 feet; thence S. 03 degrees 09' W. 362.00 feet; thence S. 45 degrees 12' E. 188.75 feet to the point and place of beginning. All as shown on plat of survey by William E. Fields for Sacred Heart Parish, and recorded in the Santa Fe County Clerk's office under Reception No. 264,176.

with warranty covenants.

WITNESS our hands and seals this 18<sup>th</sup> day of July, 1963.

Pablo Sena

Josefa G. Sena

STATE OF NEW MEXICO }  
COUNTY OF SANTA FE } ss

18<sup>th</sup> The foregoing instrument was acknowledged before me this day of July, 1963 by Pablo Sena and Josefa G. Sena, his wife.

My Commission Expires:  
3/30/66

Cludio S. Sena  
NOTARY PUBLIC

316,797

1969 at 4:12 P.M. by  
me and attested by me, 265, 24  
of the records of Santa Fe County.

Witness my hand and seal this 18th day of July, 1963.

Pablo M. Olmos  
Clerk

EXHIBIT

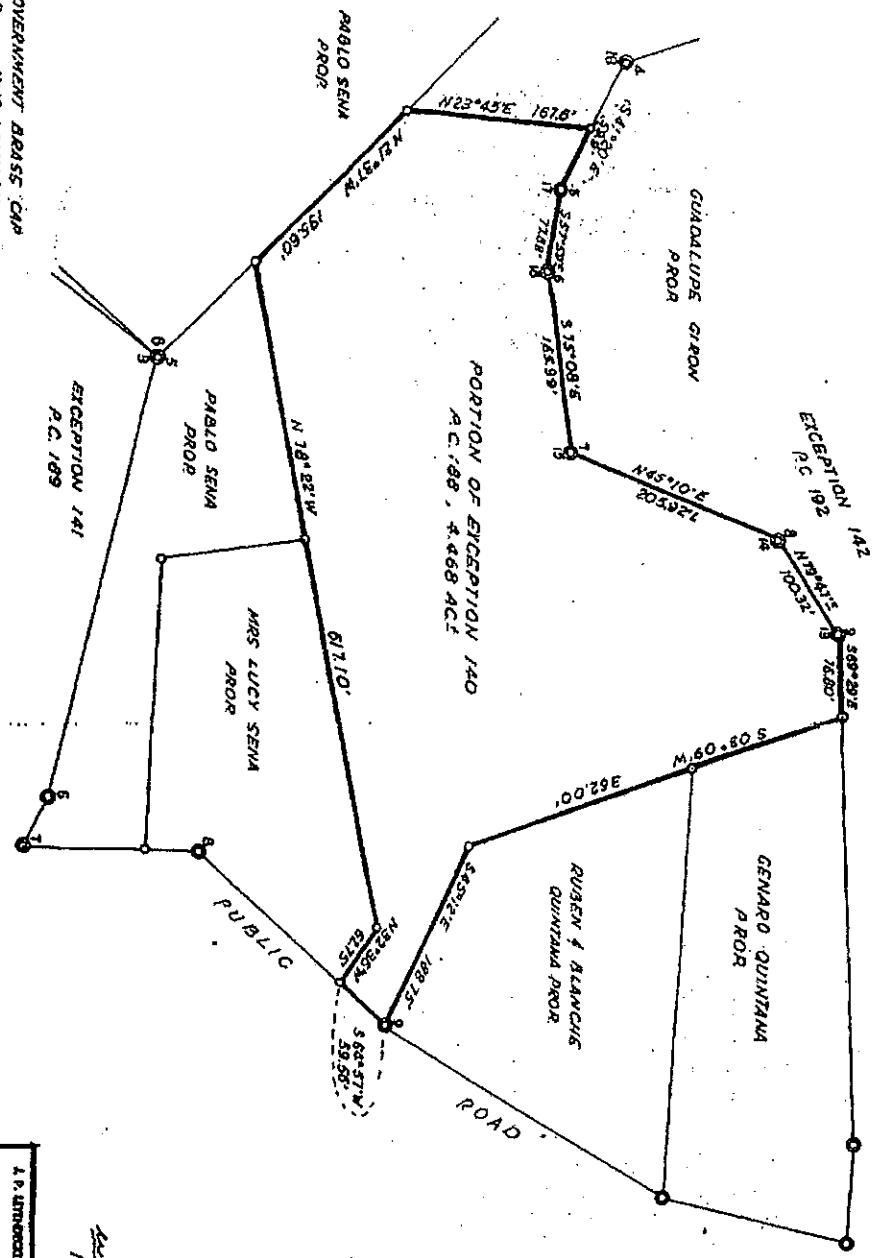
2



NBB-10

PLAT OF LAND AS SURVEYED  
FOR  
SACRED HEART PARISH  
WITHIN THE POUQUOE PUEBLO  
GRANT, S. 7, T. 19 N., R. 9 E., N.M.P.M.

GOVERNMENT BEARS CAP  
I.R. OR HUB WITH ACK



SCALE: 1"=100'

APPROVED BY  
3-13-63  
Title Santa Fe Abstract  
A Title Company Abstract  
No. 57721  
This plat recorded in Santa Fe County Clerk's  
office April 9, 1963 Exception No.  
564,176

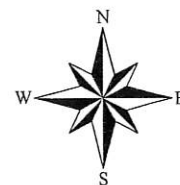




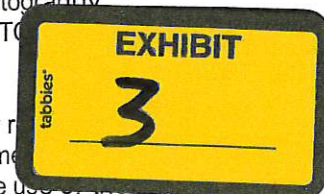
## Legend

- ROADS
- DRIVEWAYS
- Parcels

1:3,000  
1 inch represents 250 feet  
0 65 130 260 390 520 Feet



2015 Orthophotography  
2 FOOT CONT



This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of this information. User are solely responsible for confirming data accuracy.



September 19, 2017



**c. Density Bonus.** Density may only be increased to one dwelling unit per .33 acre with community or public water and public, not private, wastewater and if the development is clustered in accordance with the standards of this Code.

**d. Setbacks.** A minimum of 10 feet is required between neighboring dwelling units. Where zero lot lines exist, new development on neighboring lots requires a 10 foot minimum setback between property line and structure.

**Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community).**

Zoning District	PVCD TC
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	50
Lot width (minimum, feet)	50
Lot width (maximum, feet)	n/a
Height (maximum, feet)	24
Height (maximum, feet), hay or animal barn, silo	36
Maximum building size (commercial)	2,500 sq. ft.
Lot coverage residential and non-residential (maximum, percent)	40

**2. PVCD Public/Institutional (PVCD PI); Purpose.** This district accommodates governmental, educational, and non-profit or institutional uses, including public or community parks and recreation facilities, and public, non-profit, and institutional residential uses, but excluding any such uses of an extensive heavy industrial character.

**a. Use Regulations.** Uses permitted, conditional and prohibited as identified in Chapter 8 and Appendix B of this Code with exceptions identified on PVCD Use Table.

**b. Dimensional standards.** As identified in Chapter 8 of this Code, Traditional Community, except as prescribed in PVCD Table 9-13-3.

**Table 9-13-3: Dimensional Standards PVCD PI (Public/Institutional).**

Zoning District	PVCD PI
Density (# of acres per dwelling unit)	.75
Frontage (minimum, feet)	40
Lot width (minimum, feet)	n/a
Lot width (maximum, feet)	n/a
Height (maximum, feet)	48
Lot coverage residential and non-residential (maximum, percent)	40

#### 9.13.4. PVCD Overlay Zones.

**9.13.4.1. PVCD Rural Commercial Overlay (PVCD O-RC); Purpose.** The Rural Commercial Overlay allows development in the O-RC which shall be compatible with existing land use patterns, existing residential areas, land ownership



NBB-13

The newspapers of **New Mexico** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web ([www.PublicNoticeAds.com](http://www.PublicNoticeAds.com)), not scattered among thousands of government web pages.

**County:** Santa Fe  
**Printed In:** Santa Fe New Mexican  
**Printed On:** 2017/09/13

LEGAL #83182

CASE #V 17-5150 Archdiocese of  
Santa Fe Variance

#### NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held to consider a request by Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe, Applicant, Jake Rodriguez Architect, (Jake Rodriguez) Agent, request a variance of Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) of Ordinance 2016-9, the Sustainable Land Development Code to allow a (8) ft. cross with base on top of the roof of an existing church bringing the height of the church to 49 ft. 2 in. The property is located at 9 Grazing Elk Drive within the Pojoaque Valley Community District Overlay (PVCD), within Section 7, Township 19 North, Range 9 East, (Commission District 1).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 28th day of September 2017, at 3:00 p.m. on a petition to the Santa Fe County Hearing Officer and on the 16th day of November 2017, at 4:00 p.m. on a petition to the Santa Fe County Planning Commission.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Hearing Officer/Planning Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land Use Administrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or presented in person at the hearing.

Published in the Santa Fe New Mexican on September 13, 2017.

Public Notice ID:



NBB-14

CERTIFICATION OF POSTING

I hereby certify that the public notice posting regarding a Site Development Plan  
Case # V17-5150 was posted for 15 days on the property beginning the  
13<sup>TH</sup> day of September 2017 \*\*

Jose Carlos Ortiz  
Signature

\*Photo of posting taken from a public road must be provided with affidavit.

**\*\*PLEASE NOTE:** Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 15 days. It is the Applicant's responsibility to ensure that the notice is on the property for the full 15 days. Posted notice shall be removed no later than seven (7) days after a final decision has been made on the application.

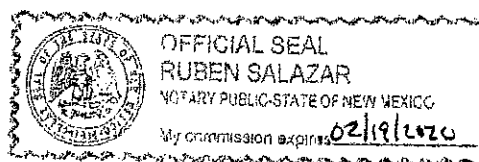
STATE OF NEW MEXICO }  
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 12 day of  
September, 2017, By Jose Carlos Ortiz

Ruben Salazar  
Notary Public

My Commission Expires:

02/19/2020



NBB-45





NBS-16





Owner Name	Mailing Address	Mailing City	Mailing State	Mailing Zip
MONTANO, ALEX F & ANTOINETTE	PO BOX 3814	SANTA FE	NM	87501
SENA, PABLO MRS	2 GRAZING ELK	SANTA FE	NM	87506
SENA, LUCY	02 GRAZING ELK DR	SANTA FE	NM	87506
MONTROYA, FERNIE	04 CAMINO GIRON	SANTA FE	NM	87506-7129
GIRON, ORLANDO J & TRESBAN C	01 CAMINO GIRON	SANTA FE	NM	87501
SENA, LUCY	02 GRAZING ELK DR	SANTA FE	NM	87506
HUERTA, ANTONIO & ALL OTHERS	31 COUNTY RD 84	SANTA FE	NM	87506
ABRUMS, ALICIA A & RICO R VALDEZ	PO BOX 578	RANCHOS DE TAOS	NM	87557
ROMAN CATHOLIC CHURCH	4000 ST JOSEPH PLACE NW	ALBUQUERQUE	NM	87120
ORTIZ REVOCABLE TRUST JOSE F	7A CAMINITO SENA	SANTA FE	NM	87506
OUR LADY OF GUADALUPE CATHOLIC	CHURCH	SANTA FE	NM	87501
MARTINEZ, MARGIE A	PO BOX 408	RANCHOS DE TAOS	NM	87557-0408
SENA, JOSEPH DAVID ROBERT	3 GRAZING ELK DR	SANTA FE	NM	87506
PADILLA, PATRICK A & PAULA ANN	9 OLD PUEBLITO RD	SANTA FE	NM	87506
QUINTANA, MARYS	17 GRAZING ELK	SANTA FE	NM	87506
RIVERA, TONY A & SYLVIA C (CO-TRUSTEES)	7 PUEBLITO ROAD	SANTA FE	NM	87506
SEXTON, HAROLD & SYLVIA	6 FRANCES LN	SANTA FE	NM	87506
GARCIA, BARBARA	18057-B US 84-285	SANTA FE	NM	87506
GARCIA, BARBARA	18057-B US 84-285	SANTA FE	NM	87506
ORTIZ, JOVANNA Q	37 COUNTY RD 84	SANTA FE	NM	87506
ERVIN, RUSSELL R & ROSINA M	10 CAMINO GIRON	SANTA FE	NM	87506
GIRON, FERN	04 CAMINO GIRON	SANTA FE	NM	87506-7129
GIRON, FRANCES C	13 CAMINO GIRON	SANTA FE	NM	87506
HERRERA, PAUL V & LESLIE A	3 CAMINITO SENA	SANTA FE	NM	87506
GIRON, LEROY A	10 EL PUEBLITO	SANTA FE	NM	87506
QUINTANA, RICHARD & BERNADETTE	3508 QUESTA DR	LOS ALAMOS	NM	87544
VAUGHN, CARLOS & JENNIE	23 GRAZING ELK	SANTA FE	NM	87506
APODACA, ANTHONY A & PABLITA R	33 CR 84	SANTA FE	NM	87506
GARCIA, LEROY M & BARBARA	18057-B US 84-285	SANTA FE	NM	87506
BUSTOS, JOSE JR & LINDA BRITO	44 COUNTY RD 84	SANTA FE	NM	87506
VALDEZ, SUZANNA R & NIEVES A UHL	40 A CR 84	SANTA FE	NM	87506
TRUJILLO, MARGARITA B MRS	28 A GRAZING ELK DR	SANTA FE	NM	87506

NBB-18



Nuestra Señora De Guadalupe  
Del Valle De Pojoaque

Established 1959

Serving the communities of:

Pojoaque  
Nambé Pueblo  
El Rancho  
Nambé

June 30, 2017

Re: Neighborhood meeting & Variance Request for:

Nuestra Senora de Guadalupe del Valle de Pojoaque Catholic Parish  
9 Grazing Elk Drive  
Santa Fe, NM 87505

Dear Jose Jr. & Linda Brito Bustos or Latest Landowner,

You may have noticed the recent construction at our Church building. We are doing some needed repairs that include a new metal roof for the main church building. We requested to install a Cross at the peak of the roof when we applied for the building permit for the project.

The building height restrictions in the County Zoning Ordinance did not allow us to include the cross in the construction permit, because the height of the overall building exceeds the allowable building height of twenty-four feet. The existing building height is approximately 41.5 feet. The new Cross would add an additional height of 8 feet. The proposed Cross is a simple in design and will mark the building as a place of worship. It will be located at the roof peak above the stained glass windows that face Grazing Elk Drive. A drawing of the proposed cross design is also available for view at our parish office during normal business hours.

We are requesting a variance from the County to allow us to install the new Cross. As part of that process we are inviting you to a Neighborhood meeting to present our plans and design for the new cross.

That Neighborhood meeting will be on:

August 1, 2017 at 6:30 pm in the Parish Center.

We are inviting you to attend that meeting to view the details of the proposed Cross, and offer any comments.

Thank you,

The Rev. Msgr, Jerome Martinez y Alire J.C.L.  
Pastor

CC: SF County  
Parish File

*This is the  
letter that  
was sent  
with mail out*

*NBB-19*

9 Grazing Elk Drive . Santa Fe, NM 87506 Phone 505-455-2472 Fax 505-455-3849

email: ologpojoaque@gmail.com

JAKE RODRIGUEZ

ARCHITECT

August 7, 2017

Santa Fe County  
Land Use Dept.  
102 Grant Ave.  
Santa Fe NM 87501-2061

Re: Pre-Application Meeting -Variance Request for:

Nuestra Senora de Guadalupe del Valle de Pojoaque,  
Catholic Parish of the Archdiocese of Santa Fe  
9 Grazing Elk Drive  
Santa Fe, NM 87506

Mr. Romero & County Land use Staff,

A pre- application meeting for the pending variance request was held on August 1, 2017 @ 6:30 pm at the parish meeting hall.

Transmitted for your record are the following items

1. The letter noting the meeting date and time and mailed to adjacent property owners with 500 feet of the church property.
2. The mailing list of property owners notified.
3. A copy of the notice of pre-application and copy of mailing receipt.
4. The sign-in sheet noting community members that attended the meeting.
5. A copy of the materials discussed and distributed.
6. Minutes of the meeting, noting concerns. No objection to the proposed cross was noted.

Please let me know if you any questions. In addition, the parish is requesting information on the next step in the variance request consideration.

Sincerely



Jake Rodriguez, Architect

Enclosures: as noted.

CC: Msgr. Jerome Martinez y Alire, Pastor

1424 Second St.  
Santa Fe, NM 87505

(Tel) 505.660-3327  
[jrarchitect@me.com](mailto:jrarchitect@me.com)

NBB-ZD

Nuestra Señora de Guadalupe del Valle de Pojoaque

9 Grazing Elk Drive

Santa Fe, New Mexico 87506

August 1, 2017

Meeting Began 6:30 pm

Minutes of Proposed Cross Variance

1. Opening Prayer

2. Monsignor Jerome Martinez y Alire - Introduction:

- a. A letter was mailed on June 30<sup>th</sup> to the surrounding community inviting them to attend a neighborhood meeting this evening.
- b. The current Pojoaque church was built in 1965, before the County had height restrictions on Buildings. For whatever reason, it did not feature a cross on top of the roof, which is customary for Catholic Churches. The present County Zoning Ordinance did not allow us to include the cross in the construction permit for the roof repair. The height of the overall building exceeds the allowable building height of twenty-four feet. The existing height is approximately forty-one feet five inches. The new cross would add an additional height of eight feet. This cross will mark the Building as a place of worship.

3. Jake Rodriguez - Architect

- a. Zoning code has height restrictions
  - i. Building height: 24'- 0"
- b. Plan is to place 6 foot cross on the peak
  - i. Building height w/ cross: 47'-10"
- c. White pedestal to match stain glass frame
- d. Metal (iron or aluminum) cross
- e. Low level lighting on cross (everyone was in favor)

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f. Design of cross was displayed for everyone to see.

4. There will be approximately two to three more meetings

a. The next meeting is with county staff and hearing officer at the court house.

b. Planning commission is last meeting and approval.

c. A meeting will take place in September and one in October.

5. Open to comments

a. Orlando Jiron - I reside near the church and support the installation of the cross and am hopeful it will become a reality.

b. Leroy Garcia - I'm impressed with the workers and work done on the new roof.

c. Regina Romero - Do we have a cross? Has it been designed? I know someone who does this type of work - Gil Romero.

d. Anthony Apodaca - I am disturbed that presently there is no cross; however, I am pleased there are plans for one to be placed.

e. Monsignor commented on Santa Maria de La Paz cross being eight feet.

f. Deacon John stated that passing along the highway the church is not visible.

g. Jake Rodriguez invited all to look at the plan. He also suggested that maybe have plan assessable to the parishioners for viewing when they attend Mass.

g. The following individuals who were in attendance at this meeting were in favor of the cross:

Clara Spinks

Ramona Gonzales

Jake Rodriguez

Anthony Apodaca

Elvira Archuleta

Deacon John Archuleta

Florence Medina

Orlinda Ortiz Roybal

Beverly A. Herrera

Marcos G. Herrera

Jose Carlos Ortiz

David Ortiz

Gerard Martinez

Monica Ortiz

Donna Martinez

Susie Martinez

Maria-Elena Robinson

Jerome J. Martinez y Alire

Margie Tapia

Leroy Garcia

Orlando Giron

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Tres Giron

Johnny R. Roybal

Norman Archuleta

Regina Romero

Barbara E. Romero

Tim Merrigan

Nelson Salazar

Loyola Trujillo

Betty Jacques

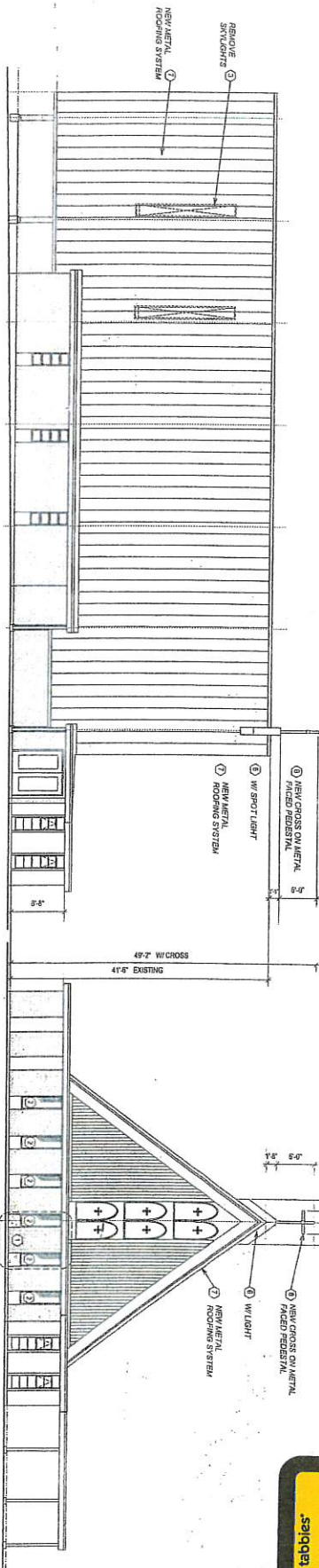
Closing Prayer

Meeting Adjourned at 7:12pm

Submitted By: Maria-Elena Robinson

*NBB-23*

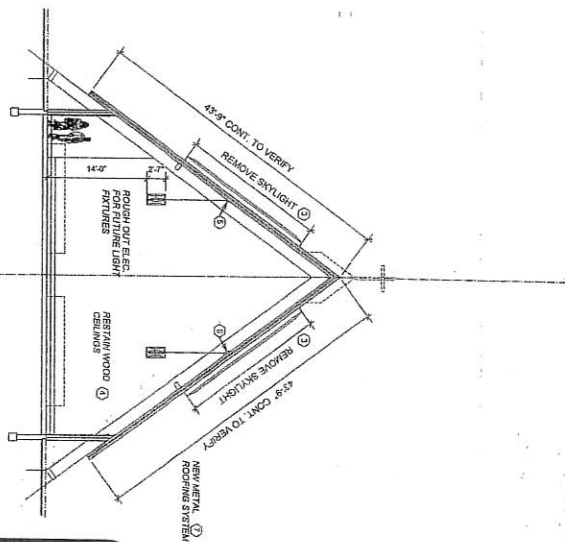
# WEST ELEVATION



# MAIN ELEVATION

RE-BUILD NEW WALL  
W/ NEW WINDOWS

# EAST / WEST SECTION @ NAVE



- KEYED FLOOR PLAN NOTES:**
1. REBUILD BRICK-FACED INFILL WALL. SEE DETAIL.
  2. INSTALL NEW INSULATED ROOF DECKS UNDER ROOF WITH OSB/CLAY TILE. CLAY TILE AS SELECTED BY OWNER. SEE DETAIL.
  3. INFILL NEW WOOD T & G DECKING @ OLD SKYLIGHT OPENINGS. ALIGN T & G TO MATCH ADJACENT WOOD DECKING.
  4. RE-SEAL / STAIN EXISTING CEILING DECKING AND BEAMS @ INTERIOR OF NAVE, SANCTUARY, AND MARTIRIO.
  5. INSTALL ELECTRICAL JUNCTION BOXES AND CONDUIT FOR FUTURE CEILING LIGHT FIXTURES. RUN CONDUIT TO EXTERIOR @ NORTHSIDE OF THE BAY BETWEEN THE EXISTING ROOFS.
  6. INSTALL NEW METAL ROOF SYSTEM AND CONDUIT FOR EXTERIOR SPOT LIGHT FIXTURES. RUN CONDUIT TO EXTERIOR @ NORTHSIDE OF THE BAY BETWEEN THE EXISTING ROOFS.
  7. INSTALL NEW METAL ROOF SYSTEM & DECK INSULATION @ STEEP PITCH ROOF. SEE ROOF PLAN & ELEVATIONS.
  8. INSTALL NEW CROSS AT SOUTH END OF ROOF ROOF. SEE ROOF PLAN, ELEVATIONS & DETAIL.

EXHIBIT

6

tabbles

NBB-24

ELEVATIONS / SECTION  
1/8" = 1'-0"

Sustainable Land Development Code  
Hearing Officer Meeting  
September 28, 2017  
CASE NO. V 17-5150  
Nuestra Senora de Guadalupe del Valle de Pojoaque,  
Catholic Parish of the Archdiocese of Santa Fe, Applicant

**RECOMMENDED DECISION AND ORDER**

**THIS MATTER** came before the Sustainable Land Development Code (SLDC) Hearing Officer for hearing on September 28, 2017, on the application of Nuestra Senora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe (Applicant) for a variance from Table 9-13-2 (Dimensional Standards: PVCD TC (Traditional Community)) of the SLDC to allow an eight (8) ft. cross with base on top of the roof of an existing church bringing the height of the church from 41 ft. 2 in. to 49 ft. 2 in. The property is located at 9 Grazing Elk Drive, within the Pojoaque Valley Community District Overlay (PVCD), within Section 7 Township 19 North, Range 9 East (Commission District 1). The Hearing Officer, having reviewed the application, staff reports, and having conducted a public hearing on the request, finds that the application for a variance was unnecessary, that the need for a development permit for a sign (the proposed cross) is exempted by the SLDC and the proposed sign does not otherwise require a development permit.

1. On May 26, 2017, the Applicant submitted an application for a variance from Table 9-13-2 of the SLDC to allow an eight (8) ft. cross with base on top of the roof of an existing church bringing the height of the church from 41 ft. 2 in. to 49 ft. 2 in.



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2. The property is located at 9 Grazing Elk Drive, within the Pojoaque Valley Community District Overlay (PVCD), within Section 7 Township 19 North, Range 9 East (Commission District 1).

3. Table 9-13-2 provides for a maximum height in this district of 24 feet. The Church was built prior to the enactment of the County Land Development Code in 1981 which, for the first time, imposed a height restriction of 24 feet for this area of the County.

4. At the public hearing before the Hearing Officer on September 28, 2017, County staff recommended denial of the Applicant's request for a height variance for the cross. Staff initially indicated that the cross could be considered a sign but later clarified that the definition of a sign excludes a religious symbol on a place of worship. The proposed cross is therefore not a sign that is regulated under the SLDC.

5. A variance is not required unless a development permit is required under Section 4.8.2 of the SLDC.

6. Signs require a development permit (Section 4.8.2.8) but here the cross is excluded as a sign which would require approval under the SLDC. The legislative intent of excluding religious symbols on places of worship under the definition of a sign appears to be that the County intended that such religious signs be exempted from the development approval process.

7. The application and the staff report did not specify why a development permit would be required in this circumstance if not for sign construction.

8. The only other provision arguably applicable to the sign placement (if legislative intent is disregarded) is Section 4.8.2.1 under the section on the activities requiring a development permit.

9. Section 4.8.2.1 requires a development permit for "construction or renovation of, or an addition to any structure."

10. Addition (to a structure) is defined in Appendix A of the SLDC as "a completely new structure or new component attached to an existing building or structure."

11. Clearly, the cross is not a completely new structure. The question then is whether under the definition, it is a "new component" to the building. The cross will be attached to an existing building but does not have the characteristics of a component.

12. The word "component" is not defined in Appendix A of the SLDC. It is defined as "a constituent part" in Merriam-Webster's Collegiate Dictionary (10<sup>th</sup> ed.) and the plain meaning of component is more in line with an integral part of a building.

13. A cross is not an integral part of a building. A cross meets the definition of a sign under the SLDC – "a symbol[s] ... placed ... on a building ... for the purpose of ... identifying or calling visual attention to any place, structure ... or activity." However, a religious symbol such as the proposed cross, is exempted as a sign, therefore not requiring a development permit for a religious symbol on a place of worship.

14. At the public hearing, many individuals were in attendance in support of the variance; ten individuals spoke in support of the variance, including landowners in close proximity to the church; no one spoke against the variance.

WHEREFORE, the Hearing Officer hereby recommends that a determination be made that the placement of the cross is exempted from the requirement of obtaining a variance as no development permit is required and therefore no deviation from the dimensional requirements of the SLDC (PVCD) is implicated.

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IT IS SO ORDERED.




Nancy R. Long  
Hearing Officer

Date: 10-18-17

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

SLDC HEARING OFFICER O  
PAGES: 4

I Hereby Certify That This Instrument Was Filed for  
Record On The 20TH Day Of October, 2017 at 10:40:05 AM  
And Was Duly Recorded as Instrument # **1839290**  
Of The Records Of Santa Fe County

Deputy  )  
Witness My Hand And Seal Of Office  
Geraldine Salazar  
County Clerk, Santa Fe, NM



NBB-28

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

**Santa Fe, New Mexico**

**September 28, 2017**

**I.** This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Nancy Long on the above-cited date at approximately 3:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

**Staff Present:**

Vicki Lucero, Building & Development Services Manager  
Tony Flores, Deputy County Manager  
John Michael Salazar, Development Review Specialist  
Mike Romero, Development Review Specialist  
Paul Kavanaugh, Building & Development Services Supervisor  
Rachel Brown, Deputy County Attorney  
Jaome Blay, Fire Marshal

**II. Approval of Agenda**

HEARING OFFICER LONG: I will approve the agenda noting that the item in blue, which is case C. under Public Hearings has been tabled. So if anyone is here for that one, that case has been tabled.

**III. Public Hearings**

- A. CASE # V17-5150 Archdiocese of Santa Fe Variance.** Nuestra Señora de Guadalupe del Valle de Pojoaque, Catholic Parish of the Archdiocese of Santa Fe (applicant), Jake Rodriguez, Agent, requests a Variance of Table 9-13-2: Dimensional Standards: PVCD TC (Traditional Community) of Ordinance 2016-9, the Sustainable Land Development Code to allow an eight-foot cross with base on top of the roof of an existing church bringing the height of the church from 41 feet 2 inches to 49 feet 2 inches. The property is located at 9 Grazing Elk Drive within the Pojoaque Valley Community District Overlay (PVCD), within Section 7, Township 19 North, Range 9 East, (Commission District 1)

MIKE ROMERO (Case Manager): Good afternoon, Hearing Officer Long. The applicant is the owner of the property at 9 Grazing Elk Drive as indicated by

**NBB-29**



the warranty deed recorded in the records of the Santa Fe County Clerk on May 8, 1969. The applicant is requesting a variance of Chapter 7, Table 9-13-2: Dimensional Standards to allow an eight-foot cross with base to exceed the 24-foot height limitation. Chapter 7, Table 9-13-2, Dimensional Standards, illustrates that the maximum height within the PVCD TC is 24 feet.

The applicant proposes to install an eight-foot cross with base on top of an existing church. The applicant states the church was built in 1965 and is approximately 41 feet 2 inches in height. The height of the proposed cross with base is eight feet, bringing the total height of the church to 49 feet 2 inches. The applicant states the church was built in the early 1960s and was designed in what was then a contemporary style that is not typical of a New Mexico church building. The applicant further states that the building was not designed or built to include a cross on the roof. The applicant states that the cross, which is the universal symbol of Jesus Christ in the Catholic faith and its placement on a church is typical of most Catholic churches worldwide. Most Catholic churches in New Mexico are marked with a cross on top of the building.

And for the record, the applicant did address the variance criteria and staff did respond to the variance criteria as well that the applicant addressed.

Recommendation: Staff recommends denial of a variance of Table 9-13-2, Dimensional Standards, PVCD TC of Ordinance 2016-9, the Sustainable Land Development Code to allow an eight-foot cross with base on top of the roof of an existing church bringing the height of the church to 49 feet 2 inches. However, the church does have the option to place the cross in front of the building or on the façade of the building so it does not increase the height.

Staff requests the Hearing Officer memorialize findings of fact and conclusion of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on November 16, 2017.

I stand for any questions.

HEARING OFFICER LONG: Thank you for the report. So the cross is considered part of the roof, or is it considered a sign? How is a cross part of the roof height, is what I'm asking.

MR. ROMERO: The cross would be, as indicated, an eight-foot addition to the roof, exceeding the height limitation. So it would be an addition to the roof itself.

HEARING OFFICER LONG: I understand that it would be on the roof, but I'm trying to figure out how a cross is not a sign? Or is it considered a sign that's subject to height limitations? Do we know, or Vicki, can you provide any insight?

VICKI LUCERO (Building & Development Services Manager): So Hearing Officer Long, the cross in a sense could be considered a sign, but signs are not allowed to exceed the height in the proposed zoning district. In this case it's on top of the building and we would take the total height from the top of the cross to the natural or finish cut grade and in total it exceeds the 24-foot height limitation in that district.

HEARING OFFICER LONG: So even if it were considered a sign it would still have to meet height limitations.

MS. LUCERO: Correct. Yes.

HEARING OFFICER LONG: Thank you. All right. Is the applicant's agent present? Would you come forward please. Just come up to the podium and our recorder will start by swearing you in, please.

*NRB-30*

[Duly sworn, Jake Rodriguez testified as follows:]

JAKE RODRIGUEZ: Jake Rodriguez. I've got a visual aid here that might be helpful to you. Can I place it -

HEARING OFFICER LONG: Yes. You can show the visual aid to me.

MR. RODRIGUEZ: This is the front elevation of the church that faces the road, and this is the side elevation. So it's a roof-dominated building. The aid I have is actually this second page that shows the larger scale detail of the cross, which is this portion up here. So this where my finger is pointed to is the tip of the existing - the top of the existing ridgeline and so what we're proposing is a small pedestal that's about 24 inches above the ridgeline, and then the cross itself. The cross itself is six feet tall. I am 5'10", so the cross is two inches taller than me, and the reason for the size is because it's proportioned to the elevation of the building.

We've designed it to be a fairly simple cross. It would be constructed out of metal. It would be a painted finish, probably a light color. Part of the reason for this pedestal is that there are historic stained glass windows that are on the face of the building and they are encased in a white cased opening or stucco finish, and part of the reason for that pedestal is to visually extend that stucco framework around the stained glass to make it seem like it's part of the cross structure.

The overhang at the face of the building is about two feet, so these stained glass windows and that stucco surround is about two feet back from the overhang, and so the pedestal that we're planning is also a couple of feet back, so that visually it would be on the same plane.

HEARING OFFICER LONG: As the windows.

MR. RODRIGUEZ: As the windows below. So that's the design intent and that's what we're requesting is to allow this cross on the pedestal.

HEARING OFFICER LONG: And you did the design, I take it.

MR. RODRIGUEZ: Yes.

HEARING OFFICER LONG: To your knowledge, was there ever a cross on top of this church, since it was built?

MR. RODRIGUEZ: Not to my knowledge. I have Monsignor Jerome who is the pastor at the parish. He may have other information that I'm not aware of. There was and there is hidden behind the trees a small structure that has a bell and a small cross but it's really not visible from the road and it's not really marking the building as a Catholic church.

HEARING OFFICER LONG: And you heard the staff recommendation that you could put the cross on the face of the church and not add to the height of the roof. Did you consider that?

MR. RODRIGUEZ: We had talked about that in fact and we had reviewed that design idea with the parish and the parishioners but their decision and their intent and their request was to try to get the cross on top of the building, which is more typical of the way that crosses are placed on Catholic churches.

HEARING OFFICER LONG: All right. Thank you. Are there - is there anyone in the audience that would like to speak to this request? Father Jerome - how many - I know we have a lot of people here and I assume many of you are perhaps with the church. And you all certainly don't have to speak, but can I ask how many are here in support of this variance request by a show of hands? [Approximately 30 people raised

their hands.] Okay, many hands are raised of the individuals that are here today. How many of you would like to speak to this request, so I can get an idea of timing. You don't have to commit. If there's something that you want to be said that wasn't said you certainly are welcome to get up and let me know what you're thinking, but it looks like about four, so I think we're good. Thank you. All right you may proceed. Anyone that knows they want to speak please stand and we'll swear you all in at once and raise your right hand.

[Those wishing to speak were placed under oath.

[Duly sworn, Monsignor Jerome Martinez testified as follows:]

MONSIGNOR JEROME MARTINEZ: I'm Monsignor Jerome Martinez. I'm the pastor of the parish of Nuestra Señora de Guadalupe del Valle de Pojoaque. It's a long title. I am privileged to serve the five communities of the valley, which include Nambe Pueblo, Nambe Sacred Heart, Pojoaque, Pojoaque Pueblo and El Rancho on the way to Los Alamos. All told, we serve about 900 registered households that make it perhaps the largest single denomination in the valley. The church in Pojoaque is the seat of the parish or the mother church and its roots go back to the early 1600s. It was one of the missions that was established by the Franciscan priests to serve the community. Later on the Pueblo was abandoned and the church was rebuilt on the site where the headquarters of the Pueblo are now and it began to show real difficulties in the forties and it had structural problems because of adobe issues.

And so it was taken down and the church was rebuilt on the site where it is now in 1965. I happen to know the pastor and the bishop who approved the design but I have no idea why they didn't put a cross on it because that is usually the universal sign of a Catholic church because it reminds us of the price that Jesus paid for our salvation.

So they're both dead so I can't ask the question as to why they didn't do that, but we sought to correct that by putting a cross on top of the church. Since the church is already beyond the height regulation - I think that's 24 feet, we thought that having six more feet on top would not be anything that would be over the top, so to speak. Most Catholic church in New Mexico have - I would say almost universally, almost every Catholic church in New Mexico has a cross on top, and that's true of Santa Fe, the churches in Santa Fe, the Catholic churches in Santa Fe as well as the churches up north in Santa Fe County and Rio Arriba County area.

So we're concerned to put that up and make it a sign of our faith and to let it speak for itself. We could put the cross in front but it would be almost unseen against the stained glass windows. It would not be seen. It would be almost invisible against the background of the church itself. So that's what we propose and want to have you approve that.

HEARING OFFICER LONG: Thank you very much for your testimony.  
No questions.

[Previously sworn, Anthony Apodaca testified as follows:]

ANTHONY APODACA. My name is Anthony Apodaca. I live at 33 County Road 84, about 100 yards away from the Catholic church. I'm for the cross being up there. We're one of the closest residences to the church and I know there's a few others and they were sending out mailers or whatever to ask our opinion if the cross would be a nuisance or something that would be discouraged, and just the opposite. I've never seen a Catholic church in New Mexico that doesn't have a cross on top of it and

we're all for it, me and my family and we live about a hundred yards from it. So I hope that helps in this matter.

HEARING OFFICER LONG: That does help to know that you live nearby and that you do not find that this would be offensive to you or a problem. So thank you for coming.

[Previously sworn, Orlando Giron testified as follows:]

ORLANDO GIRON: My name is Orlando Giron and I rise in total and unconditional support of the proposed project of erecting the cross at Our Lady of Guadalupe in Pojoaque. I live probably less than 100 yards as the crow flies from the church and I would like nothing better than to have – be able to look at that cross has been proposed. I do want to mention that there are two alternatives and I firmly believe that the cross, because of what it symbolizes should be most conspicuous and built in a very conspicuous place. I do not support building it on a side wall or even on the front wall because it should be, in my opinion, well above the existing building. And I hope that the first option prevails and that we don't have to go back to the second option. Thank you.

HEARING OFFICER LONG: Thank you, Mr. Giron.

[Previously sworn, Harold Sexton testified as follows:]

HAROLD SEXTON: My name is Harold Sexton. My wife was born in the house where we live 82 years ago. We can see the church from the backyard, about .3 miles away. We definitely support the new proposal. We think it would add to the ambience to the church, and the church is set out in a country setting where it really wouldn't affect anybody anyway, and we definitely support it and think it's a wonderful idea.

HEARING OFFICER LONG: Thank you. And Mr. Sexton, did you say your first name was Carl?

MR. SEXTON: Harold.

HEARING OFFICER LONG: Oh, I'm sorry. Thank you.

[Previously sworn, John Archuleta testified as follows:]

JOHN ARCHULETA: John Archuleta. I'm the deacon there at the Catholic church and I was born and raised in the valley and all the churches that we've had, even the one that was replaced had crosses at the highest point. As you drive by on the highway, 84/285, the only thing that you can see if you're really looking for a church is the top part of it. So a cross up there would really signify that it is a holy place, a Catholic place for people to come and worship. All the buildings on the east side are way, way above the height of what would be the cross. So I don't think it would be any obstruction to anything.

HEARING OFFICER LONG: Thank you for your comments.

[Previously sworn, Dora Garduño Aragon testified as follows:]

DORA GARDUÑO ARAGON: Hello. My name is Dora Garduño Aragon, and I'm here to protect our church there in Pojoaque of course, but I am a traveler all over the United States in our motorhome. And when I'm out of my jurisdiction I look for that cross where I'm supposed to go to church. And I find all those crosses and at home, there's not a cross. And I want to feel at home. And it would be home for everybody else. Thank you.

HEARING OFFICER LONG: Thank you. Is there anyone else that wants to speak to this application, either in favor or against?

[Previously sworn, Margie Tapia testified as follows:]

MARGIE TAPIA: Good afternoon. My name is Margie Tapia and I'm a lifelong resident of the Pojoaque Valley, so I remember the old church up on the Pojoaque Pueblo as I made my first communion there, and as the years went by we have baptized, confirmed, married and had burial services in Nuestra Señora de Guadalupe. And it would be a great honor and privilege to have a cross on top of our church that people could see from the main highway. Thank you.

HEARING OFFICER LONG: And you said that you remembered the old church – before this was built?

MS. TAPIA: Yes. Right.

HEARING OFFICER LONG: On the same site?

MS. TAPIA: No, no. Upon in the Pojoaque Pueblo. So I saw that one go away and the new church erected down in the valley.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Marcos Trujillo testified as follows:]

MARCOS TRUJILLO: Good afternoon. My name is Marcos Trujillo, and I'm a member of the Nuestra Señora de Guadalupe Catholic parish in the Pojoaque Valley, and there are five churches in the valley, starting from San Ildefonso Pueblo, Nambe. Three of those churches have crosses on top of them beyond the height limitation. Our main church, which is an A-frame in Pojoaque does not have a cross on top of it, which shows me that that is the essence of our religion and it would be wonderful to drive by the church and see cross on top of it calling, not only members of the parish in Pojoaque but anybody that would want to visit from outside the parish. The essence of our religion is a cross and the resurrection and that should be a conspicuous sign in the main church, which is what is being proposed today. Thank you for your attention.

HEARING OFFICER LONG: Thank you for your comments.

[Previously sworn, Johnny Roybal testified as follows:]

JOHNNY ROYBAL: My name is Johnny Roybal. I live about half a mile away from the church. I definitely would like to have this variance approved. When they built this church in 1965 I was in the church council and because of lack of money or ignorance, we didn't put up a cross. Anyway, I believe that this falls under freedom of speech, religion. We are expressing our beliefs, therefore it's our constitutional right to put up a cross. Thank you.

HEARING OFFICER LONG: Thank you.

[Previously sworn, Harry Montoya testified as follows:]

HARRY MONTOKA: My name's Harry Montoya. I'm also a parishioner there with Nuestra Señora de Guadalupe and for all the reasons that have been stated already I support, definitely, the request to grant this variance, and certainly, in terms of what it states, protection of religion, that's what we're looking at in here in terms of the protection of our culture, our religion and traditions as Catholics. And I humbly request that you grant this variance to our parish.

HEARING OFFICER LONG: Thank you. All right. If there's no one else that wishes to speak with this I did indicate that there were many individuals in the

audience that are here in support that didn't speak but I know that you are in agreement with the comments that were made; so I thank you for coming to this hearing this afternoon, and I will make a recommendation. I don't make the final decision. And does this case go to the County Commission?

MS. LUCERO: Hearing Officer Long, this case will actually go forward to the Planning Commission.

HEARING OFFICER LONG: To the Planning Commission.

MS. LUCERO: If I could just make one more comment in regards to your question earlier about the sign?

HEARING OFFICER LONG: Yes. Thank you.

MS. LUCERO: So a cross – basically, the definition of a sign excludes a religious symbol on a place of worship. So this cross would not be considered a sign.

HEARING OFFICER LONG: Thank you for looking that up. I was curious about that. All right, so the next step will be the Planning Commission and I will issue my recommended decision, that's usually in about two weeks. Thank you all for your attendance this afternoon. I appreciate it.

MR. RODRIGUEZ: I'd like to thank you on behalf of Monsignor Jerome and all his parishioners for your consideration in this request.

**III. B. CASE # V17-5210 Ross Bee Variance. Ross Bee, applicant, JenkinsGavin Inc. Colleen Gavin Agent, request a variance to the requirements set forth in the Sustainable Land Development Code (SLDC) of Chapter 7, Table 7-13: Rural Road Classification and Design Standards (SDA-2 and SDA-3) to allow an existing roadway to exceed 9 percent grade and a variance of Chapter 7, Section 7.17.9.2.4 to allow disturbance of 30 percent slopes in six separate areas. The property is located at 40A River Valley Rd. and is zoned Rural Residential (RUR-R) and Traditional Community (TC) within Section 32, Township 19 North, Range 10 East, (Commission District 1) [Exhibit 1: Supporting Material]**

MR. ROMERO: Thank you, Hearing Officer Long. The applicant, Ross Bee, is the owner of the property at 40A River Valley Road as indicated by the warranty deed recorded in the records of the Santa Fe County Clerk on January 9, 2017, as Instrument No. 1814386.

The applicant's intention is to construct a 2,500 square foot accessory structure on his property, but, a portion of River Valley Road doesn't meet the off-site road requirements per Chapter 7, Table 7-13: Rural Road Classification and Design Standards. Therefore, the applicant is requesting a variance to allow approximately 215 feet of the existing road to remain at a grade of up to 15 percent, which exceeds the required 9 percent grade as indicated in Table 7-13. The applicant is also requesting a variance of Chapter 7, Section 7.17.9.2.4 to allow disturbance of 30 percent slopes in six separate areas in order to meet the minimum two ten-foot driving lanes, a 20-foot driving surface. The current SLDC allows for three separate disturbances with a maximum area of 1,000 square feet per disturbance. The applicant's engineer has provided a plan and profile for

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