

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**PLANNING COMMISSION**

**Santa Fe, New Mexico**

**May 20, 2021**

1. This meeting of the Santa Fe County Planning Commission called to order by Chair Charlie Gonzales on the above-cited date at approximately 4:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for video and audio meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

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

**Members Present:**

Charlie Gonzales, Chair  
Frank Katz, Vice Chair  
J. J. Gonzales  
Leroy Lopez  
Susan Martin  
Rhea Serna

**Member(s) Excused:**

Steve Krenz

**Staff Present:**

Vicki Lucero, Building & Development Services Manager  
John Lovato, Development Review Specialist  
Roger Prucino, Assistant County Attorney  
Jaome Blay, Fire Marshal  
Daniel Fresquez, Media Manager

2. **Approval of Agenda**

Vicki Lucero noted that there were no changes to the agenda. Member Katz moved approval and Member Serna seconded. The motion carried by unanimous [6-0] voice vote.

SFC CLERK RECORDED 07/08/2021

3. **Approval of Minutes: April 18, 2021**

Member Katz moved to approve the April minutes as submitted. Member Serna seconded and the motion passed by unanimous voice vote.

4. **Old Business**

- A. **CASE # 20-5080 John Stanton Variances.** John Stanton, Applicant, Mario Madrid, Agent, requests a variance of Chapter 7, Section 7.17.10.4.1 (Disturbance of 25% Slope) to allow a driveway to access buildable area and disturb 4,842 square feet of 25% slope, a variance of Chapter 7, Section 7.17.10.1.1 (Building Area Analysis 50/50), a variance of Chapter 7, Section 7.17.9.2.1, to allow a 3,500 square foot residence and a 319 square foot studio to be constructed on a ridgetop, a variance of Chapter 7, Section 7.17.10.6 (Ridgetop/Ridgeline Setbacks) to allow for the main residence and studio to be constructed on the ridgetop with no setback, a variance of Chapter 7, Section 7.17.9.2.7 (Significant Trees), to allow removal of 11 significant trees to accommodate the driveway and residence, and a variance of Chapter 7, Section 7.17.4.1, (Rock Outcroppings) to allow the removal of one (1) visual rock outcropping. The site is within the Residential Fringe Zoning District. The property is located at 21 Ridge Road via Old Santa Fe Trail within Township 16 North, Range 10 East, Section 21. SDA-2 (Commission District 4)

Case Manager John Lovato read the case caption and gave the following staff report:

JOHN LOVATO (Case Manager): Thank you, Mr. Chair. Summary: On March 18, 2021, this case was presented to the Santa Fe County Planning Commission. The Planning Commission tabled the case so that the Applicant could provide a slope analysis showing the entire site, fire turnaround, structures, and total disturbances on the driveway. The Commission also wanted elevations of the proposed structures illustrating the north, south, east, and west, elevations on both structures. In addition, the Planning Commission wanted a more detailed Visual Impact Analysis with a 3-D rendering of the building imposed on the ridgeline.

Recommendation: The applicant meets the criteria established in the SLDC and therefore the Hearing Officer recommends the Application should be approved with the conditions recommended by County staff as stated.

Staff Recommendation: In order to construct any residence on the property a variance request is necessary. This causes peculiar and exception practical difficulties, or exceptional and undue hardship on the Applicant/owner. Based on this proposal minimizing the amount of cuts and fills and disturbance of the terrain and minimizing the visibility if the residence, the spirit of the SLDC is met. Therefore, staff recommends approval of the variances requested, subject to the following conditions Mr. Chair, can I enter those conditions into the record?

CHAIR GONZALES: Yes, you may.

[The conditions are as follows:]

1. Substantial construction of the buildings or structures authorized by the variance shall occur within one year of the date of approval or the variances shall expire.
2. The Applicant shall provide a plan showing the limits of disturbance and provide a construction fence along the limited area.
3. The Applicant shall submit a stabilization plan for all disturbed areas that includes re-seeding of native vegetation.
4. The Applicant shall submit a Grading and Drainage plan at the time of permitting.
5. The Applicant shall submit a landscape plan for County approval.
6. The Applicant shall submit a Geo-Technical Analysis prior to development. Sprinkler systems as required shall be approved by the Santa Fe County Fire Department, prior to allowing any occupancy to take place. It shall be the responsibility of the installer and/or developer to notify the Fire Prevention Division when the system is ready for testing. Fire sprinkler system shall meet all requirements of NFPA 13D Standard for the Installation of Sprinkler Systems.
7. Fire apparatus access driveways shall have an approved, all weather driving surface, capable of supporting the imposed load of fire apparatus. Minimum gate and driveway width shall be 14' and an unobstructed vertical clearance of 13'6".
8. In addition to an emergency vehicle turnaround, emergency turnouts shall also be required.

MR. LOVATO: Mr. Chair, I just want to also let you guys know I did a little site visit again, just to get some better visuals on this property and I have a little presentation I want you guys to follow along with me on.

All right. Commission Members, I just want to kind of get you situated with the bearings of this property. So if you look at this image here, it's called the Stanton Neighborhood Property. So you see the green structure with the pitched roof there. I have my cursor right over it. As I go into the next page, I want to show where this is in reference to the Stanton property. You can see the red roof here and I have illustrated the neighbor's house from the previous image. Also the Stanton property where this house is going to go.

As I go further on down, it's the Stanton residence. You can see the little edge of the residence, the rendering that they did, and then down below to your right-hand side is the neighbor's green-roofed property or house. Down below that you can see kind of the face of the mountain and all the development that's occurred on this mountain. I know visibility is a concern for the Commission. As I go down further, this is Mr. Madrid drawing, and I just want to illustrate on this top corner – there's the north, south, east and west arrow.

Now, this side right here, it's called the west-facing slope, that's to the City of Santa Fe and Old Santa Fe Trail and I-25. I want to show that the Stanton residence is actually following the contours of this existing hillside or this ridgeline and that is for two reasons. One, to minimize cuts and fills, and two, to meet the height requirements,

because if he were to situate this any other way we'd have stepped levels. I also want to illustrate that there's some rock outcroppings with these blue arrows that are pointing to various rock outcroppings that surround the Stanton residence in the center here.

Going further down, I just wanted to kind of get some photos for you guys to take a look at so you can understand the way this hillside works. That's the whole ridgeline in the background with the house in the center is halfway up. The Stanton residence is approximately in this location. So this is from Old Santa Fe Trail. Further on down, I just wanted to show you again more of the locations where this is situated. And as we go down you can kind of get the picture of some of the residences that are on the hillside. And another residence. This is across the way from the Stantons on the opposite ridgetop, but adjacent too.

Again, there's the green structure, pitched roof; the Stanton residence is further north on this, and there's the structure across the way as well. This is a tramway that actually goes up to an existing structure that's up on the hillside, so the idea is there's a garage down below, a tram that takes you up to the actual site. This is approximately northwest of the actual Stanton residence.

This is below the Stanton residence, there's another house right here, and just some pictures, visuals, for you guys to get the idea of the site.

Now, the way they've laid it out, this would be facing – if you were to look out, that would be the city backside here. The way this hillside curves is like this and in a sense where it kind of follows the contour. And the main portion of the house would be actually facing southwest, southeast, sort of direction. The applicants have illustrated in their draw sense.

This would be actual dead center of the residence, so you would get this view of more towards the Ortiz Mountains or backside. Cañada de los Alamos is over here to your left. So just some images to orientate you. Again this would be – the shorter side of the house facing the City of Santa Fe down below, and that would be probably the I-25 corridor and Old Santa Fe Trail location. And again, that's the side – Cañada de los Alamos is on this left-hand side here.

So I just want to orientate you guys and show you some visuals. Hopefully that helps and I stand for any questions.

CHAIR GONZALES: Okay. Thank you, John. Does the Commission have any questions of John or staff? Okay, John, I guess not at this time yet. So Mr. Madrid are you going to make a presentation for the applicant?

[Duly sworn, Mario Madrid testified as follows:]

MARIO MADRID: Mario Madrid, 50 El Llano Road, Santa Cruz, New Mexico.

CHAIR GONZALES: Please proceed.

MR. MADRID: Okay. Can I share my screen now?

CHAIR GONZALES: Yes, you may.

MR. MADRID: See if I can find where I want to go. Are you all able to see my screen?

[Mr. Madrid experienced a delay in sharing his screen.]

MR. MADRID: You're not seeing the visual impact analysis document?

CHAIR GONZALES: No. It's not coming out.

MR. MADRID: Okay, this is a visual impact analysis that I had prepared for the variances. So you can see this from my cursor, this tack is the location of the Stanton residence, Stanton project. So somewhere down in here, the little thing, the little white line is Santa Fe Trail, so it does this curve around before it connects at Cañada de los Alamos. So right around there, around one of those corners, is the first photo that I took, #1, and then a little bit further down Old Santa Fe Trail is #2, #3, #4, #5, and then not back till I believe that's where they sell different items, #6. Number 7 is also the interstate. Numbers 8 and are off of the interstate and then #10.

Okay, so photo #1, this is photo #1, close to Cañada de los Alamos. Right where my cursor is, there's a flag. It would be what Mr. Stanton calls the east wing of the home. This would be the southeast corner, right where my cursor is. You can see that flag in the trees.

CHAIR GONZALES: Are those PVC pipes flagged? Is that what you're using.

MR. MADRID: Yes. They've been at the site but they can't stay up on their own. That area catches breeze almost all the time. So it's approximately about the same elevation, so this would be the corner, the apex, between the corner of the east and west wings, right here.

So this was done with a professional photographer and a 300 mm zoom lens. So this is just zoomed in. I believe it's the same location, just zoomed in a little bit closer. There's the flag in the tree line and there's the apex of the east and west wings.

So location #2, this is the home a little bit to the north. Flags aren't visible. The trees are breaking them up.

This is location #3, and again, they're hard to find but this would be the southwest corner and this would be the apex between the west and east wings. I'm not quite sure, I was guessing on elevation with respect to contours, so it looks like I got this corner pole elevation off a little bit. Zoomed in a little tighter, same location.

This is location #4. Location #4 nothing was visible. I thought that there was a possibility for it but there wasn't.

Location #5. This is the green pitched roof home a little bit below the Stantons and we should be seeing flags right about here. I believe there's one in the trees. Zoomed in a little tighter it's hard to find it.

And that's location #6 at the vending area. Zoomed in a little tighter, that's the home a little bit below the Stantons.

Location #7, it should be right around here. Most all the homes are difficult to spot at that distance.

Location #8, there it shows where it should be. Down here is the green pitched roof down below. Zoomed in a little tighter, that's where I think the flagpoles were. When I zoom into the original photo I can barely see it, but it's a 25 megabyte – that quality of photo comes out to be a 25 megabyte file and I don't have software that can manage a file that size.

Location #9, there's the green pitched roof down below and the Stanton residence should be in here somewhere. Hard to see the poles. Probably right there. Probably able to see three corners right there on the south side of the home. Zoomed in a little tighter, there they are.

Location #10, green pitched roof down below, and in there's three poles. This is the house to the north. I believe I was able to make out one pole in the original photo. That was location #10. There's visibility also from the exit at Eldorado, the opposite side to Eldorado, but it's far away. You get confused as to which ridge you're looking at. And that's all I had unless somebody wanted to take a look at the original photos, which I said are 25 megabytes apiece.

CHAIR GONZALES: Okay, Mr. Madrid, I have a question for you. How did you pick your ten sites for your photos?

MR. MADRID: From up at the top, at the Stanton project, I looked down and through the trees with binoculars I could see the road. So I knew approximately what locations at the road the project would be visible.

CHAIR GONZALES: Okay. Thank you. Do any of the other Commissioners have any questions?

MEMBER KATZ: I do.

CHAIR GONZALES: Frank, please do.

MEMBER KATZ: I think you submitted in this round some nice photos of the site as to the various directions that I found helpful. County you show us those?

MR. MADRID: The photos from the professional photographer.

MEMBER KATZ: The photos from the site that were part of the materials we got this go-round. I don't think we got them last time.

MR. MADRID: Okay. Those are Mr. Stanton's development.

MEMBER KATZ: Yes, from the proposed development.

MR. MADRID: Those were Mr. Stanton's photos.

MEMBER KATZ: You can't show them to us?

MR. MADRID: I don't have them. No.

MEMBER KATZ: Staff, can you show them. Somehow we have them in our materials so we should be able to see them.

MS. LUCERO: Mr. Chair, Commissioner Katz, let me see if I can pull those up.

MEMBER KATZ: What I was asking, Mr. Stanton, is do you have the photographs that you put up on your computer and can you share those with us?

[Throughout the meeting there was considerable feedback from Mr. Stanton's connection.]

JOHN STANTON: They're on a different computer.

MEMBER KATZ: That's not very helpful. Maybe you can share them, Vicki. Go back to what you were doing and we'll just do side planks and look at it.

MS. LUCERO: Okay, Commission Member Katz, let me share those again. Can everyone see that?

CHAIR GONZALES: Only part of it. They're kind of long for vertical.

MEMBER KATZ: Okay, this is the west view and it's pretty clear – it shows due west is where the city is and you don't really see much of the city. Next one. This is the south view and you don't see much development, many houses or roads or anything facing due south.

MR. LOVATO: Mr. Chair, Mr. Katz, if I can interrupt. Vicki, if I could share my screen I think I rotated them enough to do so.

CHAIR GONZALES: Thank you, John.

MR. LOVATO: Can you see the screen?

MEMBER KATZ: Yes.

MR. LOVATO: Okay. Here's that image, the first image.

MEMBER KATZ: I want the views from the house, not of the house.

MR. LOVATO: Okay.

MEMBER KATZ: Okay. There's the view from the southwest, from the west end, and you see not the city, but you see a fair number of houses, the highway, and then even in the greater distance a bunch of houses. And this is pretty much southwest, which is pretty much face-on – it is. It's perpendicular to the west façade, which is the longest façade. So this is the biggest piece of the house and this is the most visible direction that you're seeing it. Let's go on to the next one if we could.

This is the west showing that basically, if the house were built here – and I think that's the west end that we're seeing. If that was the west side and if that was the long façade, the city wouldn't see it at all, and that's good.

Let's go a little further if we might. Then this is, I believe, the south from the middle of the house and very little development is visible so it would be visible from very little development. Let's move on.

This then is the southeast. This is – again, very little development that you can see; very little development that could see the house. Is there one more? The view to the east from something that I can't read. Can anyone else read that?

MR. LOVATO: Mr. Chair, Member Katz, it says view from the east from the east end of the house.

MEMBER KATZ: Okay. And there's like no visibility on the east. So that the façade that has the greatest visibility that these pictures show, really the only façade that has visibility is the façade that is the largest façade. Thank you for showing us those. That's all I have right now.

CHAIR GONZALES: Thank you. Any other Commissioners have any questions? Okay.

MEMBER SERNA: Commissioner Gonzales, I have a couple of quick questions.

CHAIR GONZALES: Sure.

MEMBER SERNA: I was wondering about the revegetation plan and the replanting of some of the trees? Is there any considerations for using graywater or any plan for drought conditions that would affect being able to properly water the new vegetation or new trees?

[Duly sworn, John Stanton testified as follows:]

MR. STANTON: John Stanton, 1550 Hazelwood Road, Clarksville, Tennessee. The plan is to use the water from the runoff from the roof into cisterns and then that would be pumped out over time to help alleviate – to water the vegetation to grow more trees.

CHAIR GONZALES: Okay. Anything else? Rhea, any more questions? Okay, I have a couple for the engineer. Mario, my concern, how was the driveway going to impact, the drainage going to impact to the existing road?

MR. MADRID: Okay, there's going to need to be a culvert crossing right off of Ridge Road, Ridge Drive, to start the driveway. Okay, shortly after that culvert, probably a 12-inch culvert, is a drop inlet that takes the drainage from the west side of the drive and outlets it to the east side of the drive. I'm going to say unless we do something, the way it is now, most of the driveway is going to drain down the road and into that culvert.

CHAIR GONZALES: You mentioned the drop inlet. Are you guys going to build one or is there an existing one there?

MR. MADRID: There's an existing one there. Like shortly after the drive there's a – it's not really a drop inlet structure, it's just shaped with rock a little bit before it inlets the culvert. The existing culvert.

CHAIR GONZALES: So it doesn't have a grate on top of it.

MR. MADRID: No.

CHAIR GONZALES: I guess also on that note, I was noticing on your plans on Sheet 103, you're showing some one-to-one cut slopes and one-to-one fill slopes. Are you going to stabilize those?

MR. MADRID: Yes, the contractor is going to have to stabilize them with rock, utilizing rock that he gets out of the site to help those. As far as holding soil on them for revegetation, it would be difficult.

CHAIR GONZALES: Okay. Maybe with matting but those are steep slopes. Okay, another question that comes up – a couple things come up is that there is a blue line that's kind of showing like it kind of like it looks like a cul-de-sac, an old cul-de-sac or a property lien or something and it shows up on the drawings.

MR. MADRID: That's the current boundary for the Stanton project. I'm not familiar with what happened, what the necessity was for that change. It was a straight line but I believe the way they cut Ridge Drive there wasn't an offset. There wasn't a proper offset. It encroached. The drive encroached slightly so they revised the boundary to give some more property that they had taken for the drive. So that's why it did that S-curve.

MR. LOVATO: Mr. Chair, Commissioner, so that is the property boundary and as I look at the survey plat, when I've looked at it, what happened was is that the roadway was inadequately laid out within the easement and so they had to [[ and adjust the easement so that way it was more in tune with the actual roadway. So that's probably what you're seeing there.

CHAIR GONZALES: Okay. Well, that makes more sense. And you guys kept the legal lot of record, and that's all, to your likings, right?

MR. LOVATO: Mr. Chair, that is correct.

CHAIR GONZALES: Okay. Let's see. On one of your sheets you're showing, under keynote, you show a number 2 and a number 4. Number 2 you're calling out driveway turnaround; number 4 you're calling out example of Fire Department turnaround. Can you explain what you're doing there?

MR. MADRID: Okay. When trying to meet the Fire Department requirements for a turnaround, that's what I've shown on the drawing, and if you follow the line work, it is huge. It doesn't fit. That's what I'm trying to convey is that the Fire Department requirement for a turnaround doesn't fit. It would require – I guess I could make it fit but it would be with massive retaining walls and just a lot of creativity to make



it fit. So that's what I was trying to convey. So what the Fire Department wanted for the site or was willing to accept is the 14-foot width, and considering it's within the 150-foot length, the vicinity of 150 foot, they were okay with it just with a smaller turnaround. I guess they would drive up the drive and back out the drive.

CHAIR GONZALES: Okay. Thank you. Let's see. Another question: Have you figured out the type of the foundation? I guess you're going to have to hammer for it? I mean you guys can't blast up there. Have you figured that out?

MR. MADRID: No. That's a contractor function. There's some places there that seems like there's anywhere in the vicinity of 12 to 18 inches of soil, but yes, he's going to hit rock. He has some experience. It's Key and Clay with Clay Custom Homes. So he has come experience with getting through rock.

CHAIR GONZALES: You're probably talking about a track hoe with a hammer on it, right?

MR. MADRID: Something like that. Hammer and chisel of some sort. And no, he's not planning on blasting.

CHAIR GONZALES: Yes. Right. That's not allowed anymore. It used to be at one time. Okay, another question I have is on Sheet C-106, you're showing your house plan in profile, and I'm just kind of confused because you're showing your stationing on the plan going from left to right, or large to small. However, on the profile station sheet you're showing it from left to right or small to large. Is that a drafting error or is that what you're intending on doing?

MR. MADRID: Tell me again which sheet that was.

CHAIR GONZALES: That was sheet C-106.

MEMBER KATZ: What is it in our materials?

CHAIR GONZALES: Yes. Yes.

MEMBER KATZ: What page?

CHAIR GONZALES: I just wrote down C-106. I didn't write the exhibit number.

MR. MADRID: C-105, on a grading plan?

CHAIR GONZALES: Yes, it's you shows your plan in profile, your house grading plan in profile. You're showing your –

MR. MADRID: I have. Okay. I have it. The stationing is from right to left.

CHAIR GONZALES: It doesn't seem to be matching up.

MR. MADRID: Yes. Yes. It's right to left, but the profile is =

CHAIR GONZALES: The opposite.

MR. MADRID: It's flipped. But it's still conveying the right stationing. In other words, 20 in the plan view is still 20 on the profile. You'd be looking at the north. You'd be positioned at the north looking south and that's the profile that the house would have.

CHAIR GONZALES: Okay. Vicki's sharing it there.

MR. MADRID: It's essentially the north side of the home. The cut that's taking place.

CHAIR GONZALES: So which one is it? The house is flipped or the other one's opposite?

MR. MADRID: I guess – I understand your question, is just that to me it made sense keeping it this way. Running the stationing in the plan view the way I did and

the profile this way, because to me, I'm positioned at the north side of the home looking south at it, and the profile is reading left to right.

CHAIR GONZALES: Okay. Well, you're building it. As long as you can understand the plans.

MR. MADRID: On the roadway, the way I had done it with the driveway, it was the way you're suggesting and I did it that way. But I had to flip – I had to rotate the plan view to get it to work right and I think that caused some confusion.

CHAIR GONZALES: Okay.

MR. MADRID: I just basically kept the north arrow the same on this plan view and did the stationing so it would read left to right as if I was looking south.

CHAIR GONZALES: Okay. I just wanted to get an explanation on that. Okay, and the elevation of 8,130, finished floor, is going to be for the entire structure. Correct?

MR. MADRID: Yes.

CHAIR GONZALES: Okay. Do any other Commissioners have any questions of the applicant? Okay, this is a public hearing. I'll open it up for questions. Does anybody have any questions on this case, for or against it? Speak up.

MS. LUCERO: Mr. Chair, I gave everybody the ability to unmute themselves so they'll need to do that before they speak and anyone who's on the phone will have to press star 6 in order to unmute themselves.

CHAIR GONZALES: Okay. Anybody out there want to speak? Please come forward. Anybody there?

MR. MADRID: Mr. Chair, could I add something?

CHAIR GONZALES: Sure.

MR. MADRID: From the engineering perspective.

CHAIR GONZALES: Sure.

MR. MADRID: What I've shown on the drawing is surface water retention ponds. And the more I think about it, the more it's going to be harder to retain water on that slope, the more dangerous it's going to be to try to retain water on that slope. And it's going to be a huge burden on the owner and the contractor to try to build that retaining edge of the pond heavy enough. And it's probably going to have to be lined so that there's no infiltration that can start to erode that bank. So what I'm – I think the owner, Mr. Stanton is on board with my line of thinking is that we'd rather put the roof drainage into a cistern. And I'm just thinking that perhaps the 100-year storm is a little unrealistic. Like maybe we can keep some retention ponds for that drainage, but I think the more important thing is to try to capture the ten-year volume, to put the ten-year volume into a cistern.

MR. LOVATO: Mr. Chair, Commissioners, I don't think that's going to work. We have design standards to design for a 100-year storm event. Pre- and post-drainage calculations cannot change from any standpoint, so that would be a variance request if you were to do something as such, or he designs as such. So we might have to bring this back forward if he is not in agreement with one of the conditions, which is to be condition number – for an adequate grading and drainage plan. It's noted in condition #4 that the Applicant shall submit a grading and drainage plan at the time of development permitting. So part of that would be that he has to meet the standards of the Santa Fe Sustainable Land Development Code, in particular that section with drainage.

MR. MADRID: Yes, so I believe I have. I'm just thinking there's a better way.

CHAIR GONZALES: So what you want to do, Mario, is meet with staff at the time of your building permit and go over your calcs and your volumes and so forth. But keep in mind that if you're going to try and change that you don't want to come for another variance. So you want to try and work with them as much as you can through the permit process.

MR. MADRID: Okay.

CHAIR GONZALES: On that.

MR. MADRID: That's all.

CHAIR GONZALES: Okay. Again, it's open to the public. Any questions, comments from the public? I don't see anything else so I'm going to close the public hearing. Any discussion or what's the pleasure of the Commission?

MEMBER KATZ: I have some discussion, Mr. Chair.

CHAIR GONZALES: Frank, please do.

MEMBER KATZ: I would like to compliment the engineer and the owner and the applicant for shoe-horning this house into a very difficult site. I guess there are a bunch of variances being asked for. I'm not really concerned about the outcroppings. I think that's going to be necessary. And the trees, likewise, and the driveway's steepness. The ridgetop is the part that concerns me the most – the visibility – which is why I asked that we look at the pictures to show what you're looking at from the site and therefore what's looking at the site.

It's a bit of a puzzlement. John, if you could show us page 76 of the materials, that would help us be able to see what I'm talking about.

MR. LOVATO: Mr. Chair, Commissioner Katz, just give me one moment so I can get that material up.

MEMBER KATZ: I appreciate it. And somewhat what I'm talking about is sort of perhaps a hierarchy of what's important. Trees are important; rock outcroppings are important, all of that. I appreciate that but my sense is that the visibility is the hardest part. Okay. There you go. And so that shows, that first picture. You're showing what I wanted to focus – that's the southwest view. That's where the most development looks at the house. So if you could go back to page 76 again. Okay. There you go. If you're standing where number 2 is and looking up at the house you just see the whole, long façade of the house. You see the west wing and you see the east wing, both.

You see the whole long sweep of it, and that may be what has to happen. But my concern is – if you can scroll up one page. Okay. There we go. And what you have is you have the house there facing as you see, and there are a couple of places where there's a little bit of a – I'm not really good on colors. Orange-red, which is where the house is, and a little bit of the yellow-green. I don't know; I'm color-blind so I can't really tell. But most of it's in the gray area, which is less than the 25 percent slope. And if you took the house and swiveled it essentially 90 degrees, and slewed it where you have the open space. And I think that they talked about that. If you use the northwest access instead of the – the north-south access instead of the east-west access, there is space where you would have no greater disturbance of steep slope, but the long side of the house would not be facing the southwest but would be facing largely east and west, and not visible to most anyone.

What you see here on the drawing where the house is the west end of the house; that's a very short end, that would be getting that view. In order to do that you would probably have to make it a two-story house, although you can see to the north in that area there's an area where the lines are further apart, so there's sort of a flatness up there. And at the bottom of that north-south access, again, there's space where the lines are further apart. But there would have to be excavation and probably what would be the south end of the house could be at grade but the north end would be dug in, probably, I would think, with a second floor.

I don't know. That's a way of doing it so it's not visible. It sort of depends on what's most important. And I don't know how other people feel. I'm not sure entirely how I feel. But I would like some discussion on that – the longest façade, the whole face of the house is visible in the one direction that you really see it, the southwest.

MR. STANTON: May I say something?

CHAIR GONZALES: Sure.

MR. STANTON: This is the owner. My original plan was a square house that would [audio problems – feedback] The original plan I came up with two years ago was a square house, two stories, and it was dug into that one small area there. The problem is, you're not allowed to build a two-story house at that elevation on a ridge.

MEMBER KATZ: You would require an exception and in fact you might not have to do a two-story house. You might have the southern part of it lower and then stairs up to an on-grade but up to a higher level.

MR. STANTON: The other thing is my wife just had a knee replacement and is 66 years old and is not interested in a two-story house. She's kind of limited [audio difficulties]

MEMBER KATZ: I think what you have done in the design you have is very admirable. I love the fact that it's on one story. I'm a little bit older – okay, a lot older than your wife and I am appreciating a house with no steps. Wish I had one. What you've designed here is the minimal disturbance, I think. It's one story. I think there are many virtues to it. I don't know. I'm curious to hear from the other members of the board and if they're satisfied I will not pursue further various ways that it could work out to not have it so visible.

A square house, you're going to have a long façade visible. You have a narrow house and if the narrow house was swiveled 90 degrees counter-clockwise the visible side would be very small, with the southern end of it on-grade and then the northern end of it a little higher. That would be the short end. But can I hear from the other members of the Commission?

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: J.J.

MEMBER J.J. GONZALES: Yes. I agree with Frank on that. I personally would like to see a smaller house. I'm not the fan of building on steep slopes. Overlook is a very steep area, and I think they could put in a smaller house. I don't know how many people are going to reside there but I assume it's going to be Mr. Stanton and his wife, and then they want to build an accessory building, a studio. And I'm concerned about having a turnaround for the Fire Department. I think it's going to be challenging for the fire apparatus, and also a liquid waste disposal system. Those are things that are going to

take a lot of space. And that would be much of a disturbance. So I kind of agree with Mr. Katz, and I'll listen to other members, see what they thing. Thank you.

CHAIR GONZALES: Okay. Any other members?

MEMBER SERNA: Mr. Chair, I would also like to add my comment.

CHAIR GONZALES: Please do.

MEMBER SERNA: I agree with Commissioner Gonzales. When this originally came before the Commission I also questioned why this couldn't be a smaller house. And I know that the applicant's agent at one point stated that the owner should be allowed to construct his dream home, and if he can't do his dream home then it wasn't fair, basically, for the owner. But I'm also in agreement that given how difficult this site is to develop and the lack of developable area, and also with regards to the Fire Department and the turnaround, and drought issues, that are going to continue to be facing us across the West, this could be an area that would be susceptible for possible forest fires. So anyway, I also just wanted to express my concern and also my agreement with Commissioner Gonzales that why can't this be a smaller house?

CHAIR GONZALES: Okay. Thank you.

MR. MADRID: Mr. Chair.

CHAIR GONZALES: Yes.

MR. MADRID: In regards to moving, rotating the home, the first design that I got from Mr. Stanton, I was trying to fit it into slopes of 30 percent or less, and I had to tweak the east wing and west wing and the angle to get it to fit just right. So when part of the SLDC requirements is a 14-foot height requirement to the top of the roof from existing ground. So that southwest corner, that's the one that comes into question very much. I'm not sure what contour it's on but the roofline has to stay below 14 feet. So when you start moving these edges of the home, perimeter of the home to different contours it may not fit.

The other thing is – I wasn't made aware of this but Mr. Lovato stated that the area was subdivided in 1973, so these other people in the neighborhood, they've built their homes to a certain size, and I'm not sure – I don't think Mr. Stanton's home is any bigger than anybody else's home over there, but there was one – homeowners had questions that we addressed and the biggest one was drainage. They weren't concerned about the size of his home. That was all I had. Thank you, Commissioner.

CHAIR GONZALES: Thank you. Any other Commissioners? Okay. I'll speak. In my career, I do this. This is what I inspect, the City and the County over the years. I've seen a lot of these things. I don't like to see a lot of disturbance of steep slopes as well, especially for septic or houses. But there is ways of getting things done and you can see that these guys did try to build going with the contours with what they're proposing, however the size of the house. One thing that we can say, as far as visibility is that there's a lot of houses out there where after they were built were visible, and they had to be screened after the fact with trees. So another way of screening things is that after the structure is built you can add trees afterwards to help screen it.

When I was working at the County I did have that issue with an actress over by Wilderness Gate area, and she cut in a driveway without a permit and part of her penalty was for her to come back and add additional trees to screen the driveway cut. That happened a few years ago. So there is options out there to do this but I just thought I'd throw that out there, where there is ways to hide a house after it's been built as well.

MR. MADRID: On more thing, Mr. Chair, is today, before the meeting, just to see what percent slope these 30 percent overs would disappear at, and there's – I believe there's a little encroachment – there's slightly encroached areas, but they disappear after 35 percent.

CHAIR GONZALES: Could you repeat that again?

MR. MADRID: Okay, when I redo the analysis, instead of using the limit of 30 percent, I redo the analysis at 35 percent, and all those red slopes of anything over 35 percent go away.

CHAIR GONZALES: So are you saying that you're doing it in bigger contours, and that slopes disappear? Is that what you're saying?

MR. MADRID: No, I'm just saying how close the 30 percent limit is for some of these smaller areas that the home is on.

CHAIR GONZALES: I see what you're saying. Okay. Okay, any other.

MR. STANTON: If I could make a comment.

CHAIR GONZALES: Okay, let me see – does the Commission have any more comments? Discussion? Okay, John. Go ahead.

MR. STANTON: Okay. This house looks like it's a long house and a narrow house because it is. I tried to follow the contours and limit how much we cut into the soil. It is a three-bedroom house. It has room for myself – my wife and I and our two sons to come and visit and spend time [[ So it has two guest rooms, living room, a bedroom for us and a kitchen area. It doesn't even have a dining room in there. My house, as I said, we preferred a more square house. I'm not real excited about having a long house myself, but it's the only way I could accommodate the house to the contours and try to maintain as much as I could the requirements of not building over 14 feet high, not having two stories for my wife who has knee problems and to try to allow my children to come and visit us out there in our house while we're living out there. I don't want to have to put them in a motel, so they can come and stay with us.

It's difficult to design a house by committee and it sounds like what you guys are saying is, well, make your house smaller. Don't worry about guests. Make it square. Go ahead and build it where it has steps in it, which is inconvenient for my wife. I don't know. We've had this land since 2007. I've been trying to get somebody to build on it for the last three years, since 2018 at this point and I've redesigned the house four times to try to accommodate all the rules and requirements. It's only visible from the southwest, from the highway, which is 4 ½ miles away. It's not on a ridgetop, it's just on a ridge. There are houses above my house and houses below my house that are considerably larger. So it would be very onerous for me to try to redesign this entire house and eliminate my family from being able to come and visit us or make it difficult for my wife – my wife is having difficulty going up and down stairs in the house we are currently living in. That's all.

CHAIR GONZALES: Thank you, John. Okay. What is the pleasure of the Commission?

MEMBER KATZ: Mr. Chair, a couple of things I would point out. If the house were on two levels, certainly the portion that the Stantons mostly live on – the living room, the kitchen, the master bedroom suite, could all be on one level, and on the second level could be space for those other two bedrooms for those young sons. Or there could be a guesthouse that would be a separate building that would obviate the problem

of the height and such. So I think there are other ways. I don't think that – but I recognize the virtue of the design of Mr. Stanton and I just leave it to the board, the Commission, to figure out what they want to do.

MR. STANTON: One more comment. The requirements of the neighborhood do not allow me to have two separate houses or structures, other than a small art studio on that property. I'm not allowed to have two houses or a guesthouse on that property, based on the neighborhood requirements.

CHAIR GONZALES: Thank you, John. Any other discussion by the Commissioners? Discussion or a motion? Anybody there?

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: J.J.

MEMBER J.J. GONZALES: Yes. I would move to approve Case # 20-5080, with conditions.

CHAIR GONZALES: J.J., would you take a friendly amendment on that?

MEMBER J.J. GONZALES: Yes, I would.

CHAIR GONZALES: I would like to add an amendment that additional trees may be required for additional screening if the structure is highly visible from the public roadway.

MEMBER J.J. GONZALES: That would be good. I agree with that.

CHAIR GONZALES: Thank you. Okay. We have a motion and a friendly amendment. Do we have a second? Okay, any other motions, discussion?

MEMBER J.J. GONZALES: Motion dies for lack of approval.

CHAIR GONZALES: Yes, motion dies for lack of approval. Any other motions, discussion? Frank, anything?

MEMBER KATZ: My curiosity is where the rest of the Commission is. I don't hear – they didn't like J.J.'s motion. What are their concerns? Are there changes they want or what's going on?

CHAIR GONZALES: Rhea, Susan, do you have anything to say?

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: J.J.

MEMBER J.J. GONZALES: I have a comment. My motion was based on Mr. John Lovato's excellent presentation. He did a lot of work. He did excellent photos. He went above and beyond, I think, what they've ever done for projects that come before us for variance. So Mr. John Lovato did a remarkable job on presenting this case. And that's my only comment. That's why I made the motion for approval. Thank you.

CHAIR GONZALES: And I agree on that 100 percent.

MEMBER KATZ: I also agree he did a great job, but that's not a basis for deciding whether this size house should be built.

CHAIR GONZALES: Yes.

MEMBER KATZ: I recognize the virtues of what Mr. Stanton has done but this is just maybe not the site for them.

MR. STANTON: Is the County willing to purchase my property then at the price I paid for it [poor audio connection]

MEMBER J.J. GONZALES: Mr. Chair, I don't think that's a proper comment from the applicant.

MR. STANTON: I've had this property for 15 – since 2007. Fifteen year, fourteen years.

MEMBER J.J. GONZALES: Our discussion is about a motion that was not accepted.

CHAIR GONZALES: Let's continue our discussion. I'm kind of at a loss for words here. What do we do next here?

MEMBER MARTIN: Mr. Chair, I'd like to second J.J.'s motion with conditions and hear further discussion.

CHAIR GONZALES: Susan, does that include my friendly amendment?

MEMBER MARTIN: Yes. Yes. Including your amendment.

MR. LOVATO: Mr. Chair, I think a new motion might be in order.

CHAIR GONZALES: Yes. J.J., would you like to repeat your motion?

MEMBER J.J. GONZALES: Yes, but before I repeat my motion, I would just like to say that if this case is denied, the applicant can also appeal it to the Board of County Commissioners. So it's not like it's denied forever. I think there's an appeal process. But I will make the motion again, to approve Case #20-5080, with conditions and the friendly amendment. Thank you.

CHAIR GONZALES: Okay. Susan?

MEMBER MARTIN: I'll second that motion.

CHAIR GONZALES: Okay. Can I get a roll call vote?

**The motion passed by unanimous [5-0] roll call vote with Member Katz abstaining.**

CHAIR GONZALES: Thank you. Thank you all very much, and again, John and staff, you did a great job, and thank you all. Let's continue.

**4. B. Possible Action on the Findings of Fact and Conclusions of Law for Case # 20-5080, John Stanton Variances**

CHAIR GONZALES: Is this correct, Vicki?

MS. LUCERO: Yes, Mr. Chair. Since there was an amendment made to the conditions – I don't know. I would defer to our Attorney Prucino to see if we could take action on that and just make that change, or if we need to develop a new final order to come back next month.

CHAIR GONZALES: Yes, sir. Could you give us some direction there? [Attorney Prucino was not successful in unmuting and was unable to join the meeting by audio.]

MR. STANTON: For what it's worth, I have no issue with [poor audio]

MEMBER KATZ: Can't we just verbally add the condition that you wished to add, Charlie?

CHAIR GONZALES: That's what I thought.

MR. STANTON: That's fine with me.

MEMBER SERNA: Mr. Chair, can the Attorney add his comments into the chat, since we can't hear him?

CHAIR GONZALES: Let's see what he's doing here. I don't see anything



coming through yet, do you, Vicki?

MS. LUCERO: I don't, Mr. Chair. Let me put the call in info up on the screen so that Roger can have that information to call in if he needs it. Here's the call-in number and I'll scroll up to the access code here.

CHAIR GONZALES: I don't see anything coming through.

MEMBER KATZ: Is there some reason why we can't just put this over till next month and do the findings there, since we can't seem to get it done now?

CHAIR GONZALES: I'd be fine with that.

MS. LUCERO: That's fine if the Commission would like to table that item, we can bring it back next month with the correction.

CHAIR GONZALES: Do we need to make a formal table? A motion for tabling?

MS. LUCERO: Yes, I believe you do, Mr. Chair.

CHAIR GONZALES: Okay. Frank, do you want to make that?

MEMBER KATZ: Yes, I'd move to table till next month so we can get it done right.

CHAIR GONZALES: Okay, so there's a motion to table B. Possible Action on the Findings of Fact and Conclusions of Law for Case # 20-5080.

MEMBER J.J. GONZALES: Mr. Chair, I would second that motion.

CHAIR GONZALES: Okay. Can I get a roll call please.

**The motion to table approval of the findings of fact and conclusions of law passed by unanimous [6-0] voice vote.**

CHAIR GONZALES: Thank you all for attending, and again, thank you staff and thank you to the applicant.

**5. Petitions from the Floor**

None were offered.

**6. Communications from the Commission Members**

None were presented.

**7. Communications from the Attorney**

Mr. Prucino responded through the chat function that the Attorney had nothing to add.

**8. Matters from Land Use Staff**

MS. LUCERO: Mr. Chair, I just wanted to give you an update in regards to the Gerald Ohlsen Variance, off of Coyote Mountain Road. This was the case that you heard, I believe it was back in February and there was a great deal of opposition from the Coyote Mountain community, which included Mr. Terhune. And that case did go on an

appeal to the County Commission, last week I believe. And the decision of the County Commission was to deny the appeal and uphold the Planning Commission's decisions to grant the variances.

CHAIR GONZALES: Thank you. Did he use his NASA survey?

MS. LUCERO: He did. He did. And he showed some slides that he had put together. So yes, he did.

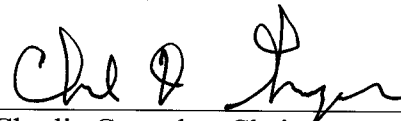
CHAIR GONZALES: Thank you.

**9. Next Planning Commission Meeting: June 17, 2021**

**10. Adjournment**

Upon motion by Member Serna and second by Member Katz, and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 5:30 p.m.

Approved by:



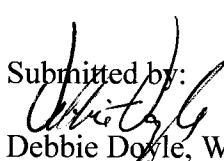
Charlie Gonzales, Chair  
Planning Commission

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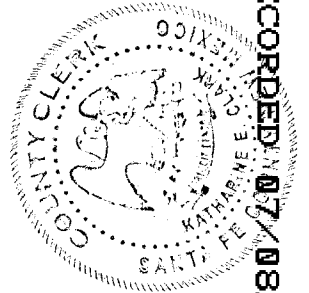
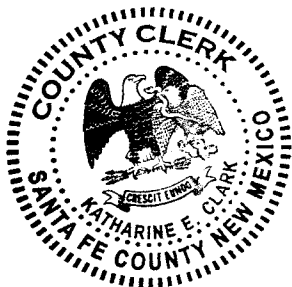


KATHARINE CLARK  
SANTA FE COUNTY CLERK

Submitted by:



Debbie Doyle, Wordswork

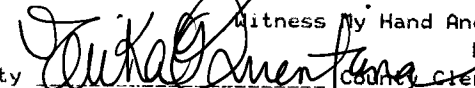


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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

PLANNING COMMISSION MI  
PAGES: 18

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County Clerk, Santa Fe, NM