

**TRANSCRIPT OF THE  
SANTA FE COUNTY**

**SLDC HEARING OFFICER MEETING**

**Santa Fe, New Mexico**

**January 9, 2025**

1. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Marilyn Hebert on the above-cited date at approximately 3:00 pm.

**Staff Present:**

Jordan Yutzy, Building & Development Services Manager  
John Lovato, Building & Development Services Supervisor  
Dominic Sisneros, Building & Development Services  
Kenneth Quintana, Development Review Specialist  
Maggie Valdez, Development Review Specialist  
Roger Prucino, Assistant County Attorney

**B. Approval of Agenda**

HEARING OFFICER HEBERT: At this time I would ask the staff if there are any changes or additions to the agenda.

JORDAN YUTZY (Building & Development Services Manager): Hearing Officer Hebert, yes. Staff would like to table item A, Case #24-5250 due to a notification error made by staff.

HEARING OFFICER HEBERT: And that is the James and Jeanette Wood Case. Is that correct?

MR. YUTZY: That is correct.

HEARING OFFICER HEBERT: Thank you. And there are no other changes? That's it.

**Public Hearings**

A. Case# 24-5250. James and Jeanette Wood **TABLED**

**B. Case #24-5310. Christine Stricker, Applicant, requests a Variance of Chapter 8, Table 8-9: Dimensional Standards Residential Fringe (RES-F) to allow three primary residences on a parcel of land consisting of 5.033 acres. The subject property lies within the RES-F zoning district which allows for one dwelling per five acres. The property is located at 23 Saddle Rd. SDA-2 (Commission District 4)**

SFC CLERK RECORDED 01/29/2025

HEARING OFFICER HEBERT: At this time I will call the first case we'll hear which is Case #24-5310, and it's Christine Strieker, and it's a request for a variance of the dimensional standards to allow three primary residences on a parcel of land consisting of 5.033 acres. Ms. Valdez, I have an initial question again. It goes to the notice. If you look at Exhibit H which is the posting and the publication and the mailing. When I look at the notice that was published it says that the request is to allow two primary residences on a parcel of land. And it's actually three, the way I understand it. It's the primary and then a duplex which contains two different residences. Is that correct?

MAGGIE VALDEZ (Case Manager): That is correct. So when we did do the posting and finally looked at it we decided that it would be considered three structures instead of the two. Instead of two dwellings it would be three because of the top and the bottom.

HEARING OFFICER HEBERT: Well, my concern is that anyone reading this notice is going to think that there was just two residences involved and in fact it's three residences involved. I would ask legal if they have a problem with that or if they think that's an issue that satisfies the public notice.

ROGER PRUCINO (Asst. County Attorney): I do think that it's a technical error. Whether it's substantive enough to warrant tabling and renoticing is a difficult issue, Madam Hearing Officer. My understanding is that it truly is two structures, two dwelling units, or I should say two structures is more accurate and three units because one of them is a duplex type structure. I'm also aware or have been notified that there have been no objections made to this particular application. So it's not an ideal situation but I'm not uncomfortable with – especially since this is a recommendation type quasi-judicial hearing I would be comfortable with your hearing it and making a recommendation based on the information presented to you.

HEARING OFFICER HEBERT: And physically, the structures aren't going to be any different than they appear whether it's allowed or disallowed, the way it appears to neighbors. I guess the only concern would be water usage, that sort of thing. All right. Well, we'll go forward and hear this. Okay. Thank you.

MS. VALDEZ: Thank you. Good afternoon, Hearing Officer Hebert. My name is Maggie Valdez. I'm a review development senior. Today I come before you with Case #24-5310, Christine Strieker Variance.

[Ms. Valdez read the case caption.]

The applicant is requesting a variance of Table 8-9: Dimensional Standards, to allow a residence and a two-story duplex that consist of two separate apartments on the property for a total square footage of 1400. The single-family home is 1309 square feet, and the property lies within the Residential Fringe Zoning District, RES-F, within the Sunlit Hills area. The RES-F district may be comprised of a variety of residential lot sizes, clustered housing and community open space, and can include limited agriculture use accessory to residential use.

The applicant states: This is a request to allow two guesthouses in a separate two-story residence at our property – which there was a correction there for three guesthouses – at 23 Saddle Rd, Santa Fe, New Mexico, 87508. The building is already there and



nothing new will be constructed. The residence has two guesthouses, one on the top and one on the bottom.

Table 8-9: Dimensional Standards, illustrates that the density of acres per dwelling are five acres, lot width minimum feet 100, and height 24 feet.

In the response to Section 4.9.7.4 the applicant has addressed the variance criteria as follows: the applicant has added the variance criteria and staff has responded to the applicant's comments.

Building and Development Services staff has conducted a site inspection on this property. Building and Development Services staff reviewed the variance application for compliance with pertinent SLDC requirements and found that the facts presented do not support the request for a variance to allow the accessory structure to encroach into the required setback. Specifically, staff found that there are other buildable areas on the property; the structure was constructed without permits. If the applicants would have consulted with staff prior to building the structure, staff would have advised the applicants of the setback requirements, thus avoiding this situation entirely.

Recommendation: Staff recommends denial of the variance request to allow an existing unpermitted accessory dwelling. The applicant's request for a variance does not meet the criteria for variances set forth in the SLDC.

If the Hearing Officer finds that the variance request has met the variance criteria and finds that the variance request is a minimal easing and recommends approval of the variance to allow an existing accessory dwelling staff recommends the following conditions. Hearing Officer Hebert, may I enter the conditions into the record?

HEARING OFFICER HEBERT: Yes, please.

The conditions are as follows:

1. The applicant shall obtain after the fact permits for primary residence, two sheds, and accessory dwelling.
2. The applicant shall obtain a Business License form Santa Fe County.
3. No further dwellings or accessory structures shall be permitted.
4. The applicant shall obtain a Short-Term Rental Permit.

MS. VALDEZ: This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommended order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on February 20, 2025. Hearing Officer Hebert, I stand for questions.

HEARING OFFICER HEBERT: Thank you, Ms. Valdez. I do have a couple of questions. In your recommendation on page 5 you refer to the unpermitted accessory dwelling unit and then again, a variance to allow the existing accessory dwelling unit. In fact there are two dwellings that are there. I just – I'm wondering whether or not staff considered the possibility of allowing one of those two dwellings, half of the duplex, to be considered an after-the-fact dwelling in conformity with the auxiliary dwelling rules.

MS. VALDEZ: Officer Hebert, so when I was working – when we were working on the variance for Ms. Strieker, she came in and she wanted to get – what she wanted to do was she wanted to get STR. So when we were looking into it we found that

she could only get for one. But then as the project went on we found out that she didn't meet variance because the other – how the structure was built on the property. It didn't meet setbacks. So it was turned over to us and when we do start our reports we have to look into it and at that time Ms. Strieker purchased this property with no permits on it. So there wasn't permits for the other structures when we looked into the case. So it was bought like this.

HEARING OFFICER HEBERT: What exactly are the issues with the setbacks, because I didn't see – it's on page 5 of your report.

JOHN LOVATO (Building & Development Supervisor): Hearing Officer Hebert, I don't believe there is. I think that is a typo from a previous memo that wasn't corrected.

HEARING OFFICER HEBERT: Okay. Thank you. Would staff recommend allowing the after-the-fact permitting of one of the two duplexes?

MS. VALDEZ: At this point, staff, we've discussed it and we have come to a conclusion that she would be able to do the after-the-fact permitting on the structures. On the duplex – I guess is that what we would call it and the home. And there also was another shed that I did mention in my report that would be after-the-fact permitting, because the property was purchased like that.

HEARING OFFICER HEBERT: Okay. But looking at the staff written report it recommends denial to allow the existing unpermitted accessory dwelling. So you're saying that staff has changed its recommendation on that?

MR. LOVATO: Hearing Officer Hebert, just to clarify there are three residences on 5.03 acres, whatever. It does not qualify for an accessory dwelling because it is two storied in height. Therefore it's brought before you as a variance of density for the three dwellings.

HEARING OFFICER HEBERT: And it also has two separate septic. Isn't that the case?

MR. LOVATO: Hearing Officer Hebert, that is correct. And so the reasoning for the denial is because of the variance for the density requirements. There is no way to go about it other than the denial and then bringing that structure into one single-family residence and then therefore it would be a density or turning it into an accessory structure which is allowed two stories. So the request would be for the applicant to convert it back into an accessory structure –

HEARING OFFICER HEBERT: That would not be habitable.

MR. LOVATO: Correct.

HEARING OFFICER HEBERT: I see. Okay. So that is staff's recommendation.

MR. LOVATO: Correct. And just to be noted, she did purchase the property this way, so it was just an error on that part.

HEARING OFFICER HEBERT: Yes. It's not the first one I've considered. Okay. Thank you. And Ms. Strieker, do you have anything you want to add to this?

[Duly sworn, Christine Strieker testified as follows:]

CHRISTINE STRIEKER: My name is Christine Strieker, 23 Saddle Road, Santa Fe, New Mexico, 87508.



HEARING OFFICER HEBERT: Ms. Strieker, is there anything that you'd like to add in response to any of my questions or anything that staff has said?

MS. STRIEKER: No. I purchased the property that way and I do have two guesthouses and I would like to rent those so I'm asking for the permit that would allow me to use those as guesthouses.

HEARING OFFICER HEBERT: Have you been using them as rental property since you purchased it?

MS. STRIEKER: The top one, yes. The bottom one, no. And that's why I came to ask for permission for the bottom one.

HEARING OFFICER HEBERT: I see. Okay. Thank you. Is there anything else?

MS. STRIEKER: No. Thank you.

HEARING OFFICER HEBERT: Thank you very much. Is there anyone here that wants to speak on this application, in favor or opposed? No? All right. In that case I'll prepare a recommended order on this within 15 business days. Thank you.

**C. Case# 24-5220. HDH FARMS LLC, Conditional Use Permit (CUP), HDH Farms, LLC, applicant and property owner, Dillon Steelman, and Agent, Kristen Thompson, request a CUP to allow a cannabis producer microbusiness up to 200 plants that will cultivate cannabis plants exclusively outdoors. The 15.247-acre site is zoned Residential Estate (RES-E). The site is located at 18 Loma Lane, within Section 7, Township 20 North, Range 9 East, SDA -2 (Commission District 1)**

MS. VALDEZ: Good afternoon, Hearing Officer Hebert. I'll be presenting for Brianna Ortega today. Good afternoon, Hearing Officer Hebert. My name is Maggie Valdez. I'm a development review specialist senior. Today I come before you with Case #24-5220.

[Ms. Valdez read the case caption.]

Summary: The applicant requests approval of a CUP to allow a 80,000 square foot existing grow area for the purpose of producing cannabis. The area will be located on a 15.47-acre parcel of land. The applicant is required to abide by New Mexico Regulation and Licensing Department. RLD, regulations pertaining to licensing and operating the grow site, including issues such as access, security and monitoring by RLD.

The applicant has obtained a New Mexico Cannabis Producer Microbusiness license, which allows a cannabis producer at a single licensed premises to possess no more than two hundred total mature cannabis plants at any one time. The applicant states that it is requesting approval of a Conditional Use Permit to allow an 80,000 square-foot grow area. The grow area is for the purpose of producing cannabis flowers.

The 15.247-acre property is within the Residential-Estate Zoning District. The Cannabis Control Division is responsible for regulating the adult-use marijuana program. Access to cannabis is through state-licensed cannabis businesses.

The property owner will be on site year-round to ensure proper site maintenance, preparation for planting, and off-season soil health management, though most of the activity will happen from April through November to include pre and post cultivation. The active growing season will run from May through October, lasting approximately six

months, depending on weather conditions and cultivation cycles. The business will not employ any additional staff. The work will be carried out by the property owner, as well as two other family members. The product will be transported to an off-site manufacturing and production facility and will not be open to the public.

In response to the CUP criteria, the applicant states the following: the applicant has addressed the CUP criteria and staff has responded to the application comments.

Applicable SLDC design standards, the applicant has addressed the applicable design standards as required by the SLDC.

Building and Development Services staff has reviewed the project for compliance with the permit SLDC requirements and has found that the facts presented support the request for a conditional use permit to allow an 80,000 square foot existing grow area for the purpose of producing cannabis; the use is compatible with the current development within the affected zoning district; the use will not impact adjacent land uses and the application satisfies the submittal requirements set forth in the SLDC inclusive of the conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

The reviewing comments from the State Historic Preservation Office and County staff have established findings that the application to allow an 80,000 square foot existing grow area for the site proposes producing cannabis outdoors is in compliance with state requirements. Standards identified in the SLDC Section 10.22, Ordinance 2021-03, and required design standards set forth in the SLDC.

Recommendation: Staff recommends approval of a Conditional Use Permit to allow a cannabis microbusiness up to 200 plants that will cultivate cannabis plants exclusively outdoors, subject to the following conditions. Hearing Officer Hebert, may I enter the conditions into the records?

HEARING OFFICER HEBERT: Yes, please.

The conditions are as follows:

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the Applicants in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. The approval of the CUP will allow for an 80,000 sq. ft. area to be utilized to cultivate cannabis plants as illustrated on the drawing that was submitted to staff.
3. The applicant shall obtain a Santa Fe County Business License.
4. The facility shall comply with requirements set forth by NMRLD for the collection and disposal of solid waste regarding unusable cannabis.

MS. VALDEZ: This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommended order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on February 20, 2025. Hearing Officer Hebert, I stand for questions.

HEARING OFFICER HEBERT: Thank you, Ms. Valdez. I don't believe I have any questions for you. I did have a question for the applicant if they're here to testify, or their agent. Yes, please. Would you come forward? Thank you.

[Duly sworn, Dillon Steelman testified as follows:]



DILLON STEELMAN: Dillon Steelman, 18 Loma Lane, Espanola, New Mexico, 87532.

HEARING OFFICER HEBERT: Thank you, Mr. Steelman. Do you live on this property?

MR. STEELMAN: Yes.

HEARING OFFICER HEBERT: You do. And I think your application indicated that you and perhaps family members would be the only employees. Is that right?

MR. STEELMAN: Yes, ma'am.

HEARING OFFICER HEBERT: And there's a proximity to a school that you estimate to be 1,685 feet away. What is that school?

MR. STEELMAN: It's the Tony Quintana elementary school. It's a little over 2 ½ miles from the premises.

HEARING OFFICER HEBERT: Okay. I saw an indication that it was 1,685 feet away but I think that would still be within the allowed distance under the state law. And finally, I just had – I was confused about the water. There was an indication that it would be 112,000 gallons a year, and then on Exhibit A there was a statement that it would be 561 gallons a year, and it seems like that's a huge difference. I don't know if you've got those figures. How much do you anticipate the water usage will be for this?

MR. STEELMAN: It's going to be closer to the first number that you had mentioned.

HEARING OFFICER HEBERT: Okay. Do you know how that translates into acre-feet? I'm just trying to get a grip on this usage.

MR. STEELMAN: I do not know how that translates into acre-feet. I am not using the irrigation water. I'm actually hauling water from Santa Fe County that I have a commercial account with.

HEARING OFFICER HEBERT: Okay. So you have a separate domestic well.

MR. STEELMAN: Yes, ma'am.

HEARING OFFICER HEBERT: Okay. Fine. Thank you.

MR. YUTZY: Hearing Officer, that would be about 1.3 acre-feet.

HEARING OFFICER HEBERT: Thank you. Those are the only questions I had. Do you have any other comments you want to make about this?

MR. STEELMAN: I don't think so. Thank you for your time.

HEARING OFFICER HEBERT: Thank you.

[Duly sworn, Ricardo Barela testified as follows:]

RICARDO BARELA: My name is Ricardo Barela and I'm at 16 Camino de Paz. I'm the neighbor to Mr. Dillon there. I'm on the north side of the river. I've lived at this property for 12 years and so I've seen a lot of what's been going on. Mr. Dillon, he's purchased it before. This is the first time we're aware of what's been going on and I can tell you – may I read my concerns with this?

HEARING OFFICER HEBERT: I'm sorry, Mr. Barela. What do you mean he purchased this before?

MR. BARELA: So I've owned the property, I've owned my house for 12 years and it's just been an agricultural residence area until Mr. Dillon purchased it and he's changed the way everything – just the noises, the smells. We're very concerned

about what's going on with our neighbor to the south. My concerns are we are against the CUP for the following reasons. We are raising a 15-year-old son and have stressed a drug-free life, including marijuana. We understand that it has been legalized but our responsibility to continue to impress upon our son that any type of drug, including the one that we recently realized is not acceptable.

If we agree to this it brings marijuana closer to our home environment and we are not comfortable with that. Number two: We are concerned about the security that will be used to protect these plants. We imagine that it will involve many lights and possible armed guards. We presume there will be cameras and razor wire that will look like a prison. I think this type of operation is best suited for a commercial/industrial area instead of agricultural/residential area.

The lights used for the security required will likely take away from the night sky we and our neighbors have grown accustomed to filled with stars and not dimmed by lights used to protect these plants.

We are in the agriculture area and depend on the water rights. We have many animals that require watering and do not want to have to worry about sharing water to hydrate these plants, especially in the desert we live in and this year is going to be a tough year because we don't have any snow, so it's going to be tough as far as water and these plants, they require, especially when they're budding and the flower's coming out, more than six gallons per – and there's going to be 200 plants. So I can tell you the cows that we raise, the sheep and the goats, they don't consume as much water as these plants are going to consume. We have fruit trees and animals and cows.

So the outdoor odors coming from these plants have been noticed by several of our neighbors and there is concern that the increased potency of the smells when these plants are in place. So these people, they go to work, they work in Los Alamos. They come home in the afternoon and they have to smell these plants all night long. Since they don't have refrigerated air, they have swamp coolers, these swamp coolers, they are just getting the smell and they're just – all night long. They can't even run their air conditioners because of these plants.

HEARING OFFICER HEBERT: Mr. Barela, excuse me but are there cannabis producing farms in your area?

MR. BARELA: No. None.

HEARING OFFICER HEBERT: But you're saying that you're already experiencing –

MR. BARELA: He's growing these plants there. He is growing these plants. So we've had to deal with it since 2024. So these plants are being grown on the premises.

So in conclusion, we do not support the CUP for the above reason and hope you will take these concerns seriously and consider the approved request. Now these plants were grown as a hemp and somebody – what they do is they park on my side of the road at night and they go over the river, they cross the river, they jump over the barbed wire, they go and they steal these plants. And then they just drop them all over the place in trying to get out. So there's been gunfire and yelling and it's just – we don't like it.

There's also another school that's a neighbor to mine and he gave me a letter. He couldn't be here but may I read this to you?

HEARING OFFICER HEBERT: Yes. Please do.



MR. BARELA: Okay. So I'm going to read you the letter from Camino de Paz. It's a Montessori secondary school farm. They have kids that milk and they're responsible for all the growing of the goats. There's about 200 goats that are on the premises. A couple cows, and they milk these. They turn the milk into ice cream and they sell it here in Santa Fe. And what he will – I am the director, Greg Nussbaum of the Camino de Paz School. Our school is located less than 200 yards from the proposal site on the north side of this cannabis. It's another school. It is against all ordinances to establish this adjoining or in a close proximity of the school property. We have served the local community for the past 25 years and have had scores of students and families devastated from the drug use. Our school front on State Road 76 runs to the river. The property is directly on the other side of Santa Cruz. Our river frontage is the common drug use and sales point. County police are called out to this point or run down to 76 to attend overdoses on a weekly basis. Simply look at your police reports.

Cultivating marijuana either indoors or outdoors in the neighborhood is inconceivable. There are countless programs and studies showing that marijuana industry has increased the potency of the THC and its effects far beyond the elevation studies of this led to the legalization. This is rogue industry that is on the verge of closure. The County Commissioners need to look beyond the short-term tax revenue gains to the long-term devastation of the community. I would encourage the Commissioners to listen to the PBS documentary, "Clearing the Smoke." Marijuana is not, nor will it ever be approved by the FDA. Smoking marijuana delivers four times the tar that cigarettes do. It is higher carcinogens and is more addictive than alcohol. Sincerely, Greg Nussbaum.

HEARING OFFICER HEBERT: Thank you, Mr. Barela.

MR. BARELA: Thank you. If you have any questions, please ask me.

HEARING OFFICER HEBERT: Well, I just want to go back to that 200 yards from this school with all the goats. It's 200 yards from –

MR. BARELA: It's 600 feet from the corner of the property to Dillon's

HEARING OFFICER HEBERT: From the corner of Mr. Steelman's property to –

MR. BARELA: Yes.

HEARING OFFICER HEBERT: Okay.

MR. BARELA: Yes.

HEARING OFFICER HEBERT: But he does have 15 acres so I don't know how that would fit into –

MR. BARELA: He does have 15 acres, so from the corner of his 15 acres to the corner of the school, which they have 11 acres, is 600 feet, exactly 200 yards.

HEARING OFFICER HEBERT: All right. Thank you. I'm going to ask the applicant to come back and explain to us about your security and whether you've had any problems as Mr. Barela described and what kind of lighting you're going to have.

MR. STEELMAN: Well, let me start by saying that there will be no sharing of water because I'm purchasing my water from Santa Fe County.

HEARING OFFICER HEBERT: Yes.

MR. STEELMAN: So the irrigation water, that's not an issue.

HEARING OFFICER HEBERT: Yes. I understand.

MR. STEELMAN: This is my family farm as well. We have animals – goats, chickens, cows. We have livestock guardian dogs that are on the property. As far

as the surveillance lighting goes, these are all downward shielded lights that don't affect the night sky whatsoever. They're all set on motion sensors, so only if something breaks the perimeter of the property do they come on. Cannabis is a photosensitive plant, which means any outside light could be detrimental to the plants' growing conditions, so we want to have minimal light pollution as well for the area. And even more so for myself in my home. I don't want to be looking out in a big field that's lit up with lights. We're very low impact.

We implement companion planting, composting, mulching and other techniques for water preservation and less impact on the landfill. We don't really take anything to the landfill other than our household garbage.

HEARING OFFICER HEBERT: Could you describe your security fencing for this proposed grow area?

MR. STEELMAN: So just like all the other properties there in the neighborhood, we have a livestock fence all around the whole 15 acres, and then around the immediate cannabis grow area there's a six-foot fence with tan shade cloth for privacy and vision-blocking directly around the cultivation area itself. There's no razor wire. There's no barbed wire.

HEARING OFFICER HEBERT: Is it locked or could there be access into that area?

MR. STEELMAN: It is all locked. Yes, ma'am.

HEARING OFFICER HEBERT: It is locked. All right. Thank you.

MR. STEELMAN: And the school is quite a bit farther than 200 – Camino de la Paz is quite a bit farther than 200 yards from the corner of my premises. It's about a mile from the property. Just a little bit less than a mile. It's nine-tenths of a mile from the property, from the very edge of my property to the edge of their property.

HEARING OFFICER HEBERT: Thank you. Are there any other comments, or does staff have any comments about this application? Yes, Mr. Barela. Come forward.

MR. BARELA: So under the tree, if you look at Google maps, you're going to see a big pond that's – when the acequia runs he's filling that pond up. And how do we know that it's not going to these plants? And when we were talking about just a cattle fence, you can go right through it, because I deal with it all the time. Just all these people at night, they just park and then they're crossing in and grabbing these plants. So I'm concerned about the water, the pond. We shouldn't have ponds on our properties. None of the residents have ponds but he has a pond and it's under that tree, and it's a huge pond. So how do we know that this water from our acequia that we're growing our tomatoes and watering our fruit trees and our animals are not going to these plants? We don't know. Thank you.

HEARING OFFICER HEBERT: Thank you. Mr. Steelman, do you want to address the theft issue of plants?

MR. STEELMAN: A pond was actually put in on that property in 1981. It's used as a sand trap for the irrigation ditch for everybody else farther down the ditch. I'm the first property on the Acequia de Sombrio. So when it gets diverted into our concrete ditch off of the Santa Cruz River there, there's quite a bit of sand in it, so they put that pond in well before I ever bought that property, as a sand trap to clear the sand out of the irrigation ditch so it's cleaner water for all – everybody using the water. We



don't use that water for the cannabis whatsoever. Cannabis – our cultivation technique requires clean water. We don't want fluctuating pH's. It's very important for us to have a good, clean source of water that's not the natural irrigation water off of the river. Potential contaminants in it.

HEARING OFFICER HEBERT: Have you had problems with theft at your property?

MR. STEELMAN: We did a hemp farm from 2018 when New Mexico signed on to the farm bill, we had hemp from 2018 until 2022. And hemp is cannabis as well. It looks just like marijuana. So we would have people who would hop our fence, but that – it was planted just like we were planting our alfalfa. There were no security measures whatsoever. It was not in a fenced area within the property. We planted it just like our alfalfa is planted, all the way down to the end of our rows, and we were using our irrigation water for hemp as it's federally legal.

HEARING OFFICER HEBERT: Is there anything else you'd like to add?

MR. STEELMAN: I don't think so.

HEARING OFFICER HEBERT: Okay. Thank you. Are there any other comments on this application?

MR. YUTZY: Hearing Officer Hebert, there's nobody on line wishing to speak.

HEARING OFFICER HEBERT: Okay. Well, again, I'll issue a recommended order in 15 business days. Thank you all.

**D. Case#24-5280. Reyes Huerta, Applicant, Vigil Design (Annette Vigil), Agent request a variance of Chapter 9, Table 9-8-7: Dimensional Standards Residential Estate (RES-E) setbacks to allow an accessory structure to encroach within the 50-foot rear setback. The subject property lies within the Residential Estate (RES-E) zoning district within the La Cienega/La Cieneguilla Community Overlay District which allows for one single-family residence per 2.5 acres. The property is located at 47 Sunset Road. SDA-2 (Commission District 3) [Exhibit 1: Three letters of opposition]**

MS. VALDEZ: Good afternoon, Officer Hebert. My name is Maggie Valdez. I'm a development review specialist senior. Today I come before you with Case # 24-5280, Reyes Huerta Variance.

[Ms. Valdez read the case caption.]

History: The applicant constructed a 30-foot x 70-foot accessory structure that encroached 31 feet on a 50-foot setback without obtaining a development permit from Santa Fe County. The structure does not meet the setback requirements outlined in the Sustainable Land Development Code.

Summary: The applicant is requesting a variance of Table 9-8-7-C, Setbacks, to allow a 30 foot x 70 foot existing accessory structure to encroach on the required 50-foot rear setback. The property lies within the Residential Estate Zoning District, within the La Cienega/La Cieneguilla Community Overlay District.

The applicant states, "I am asking for a variance for a 30 foot x 70 foot accessory structure that I placed on my property that was not permitted. The area it is on is the only

reasonable place to put it, due to terrain constraints. If the setback variance for the accessory structure is not approved, and we had to tear it down would create a financial burden due to material and timeliness of completing accessory structure.”

Table 9-8-7-C illustrates that the setbacks are 25 feet from the front property boundary and 50 feet from the side and rear property boundaries within the RES-E zoning district. The accessory structure encroaches onto the required 50-foot setback by approximately 31 feet.

In response to Section 4.9.7.4 the applicant has addressed the variance criteria as follows: The applicant has addressed the variance and staff has responded to the applicant’s comments.

Building and Development Services staff has conducted a site inspection on this property. Building and Development Services staff reviewed the variance application for compliance with pertinent SLDC requirements and found that the facts presented do not support the request for a variance to allow the accessory structure to encroach into the required setback. Specifically, staff found that: there are other buildable areas on the property, and the structure was constructed without permits. The applicants could have consulted with staff prior to constructing the structure, and staff would have advised the applicant of the setback requirements, thus avoiding this situation entirely.

Recommendation: Staff recommends denial of the variance request to allow an existing unpermitted accessory structure to encroach into the required 50-foot setback. The applicant’s request for a variance does not meet the criteria for variances set forth in the SLDC.

If the Hearing Officer finds that the variance request has met the variance criteria and finds that the variance request is a minimal easing and recommends approval of the variance to allow an existing accessory structure to encroach into the required 50-foot setback, staff recommends the following conditions be imposed. Hearing Officer Hebert, may I enter the conditions into the record?

HEARING OFFICER HEBERT: Yes, please.

Conditions:

1. The Applicant shall obtain an after-the-fact development permit from Santa Fe County for the construction of the existing structure.
2. The Applicant will close off existing driveway and enter at the east side of Sunrise Rd.
3. No further accessory structures shall be allowed on the property.
4. The Applicant will need to follow the Sustainable Design Standards and code requirements found in chapter 7, of the SLDC.
5. The Applicant shall obtain a building permit from CID.
6. The applicant shall clean up any debris left behind.

MS. VALDEZ: This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommended order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on February 20, 2025. Hearing Officer Hebert, I stand for questions.



HEARING OFFICER HEBERT: Thank you. Ms. Valdez, I'm confused. I'm looking at Exhibit D which is two pages and the top page is the aerial of the property. And then I'm also looking at Exhibit J which shows a drawing.

MS. VALDEZ: I put that drawing in there because – so it was recorded and it shows the dwelling. I still just stuck it in there. I apologize for that, Officer Hebert.

HEARING OFFICER HEBERT: No, I'm just trying to determine what structure we're talking about, how it appears on the aerial.

MS. VALDEZ: Right now on the aerial it's not showing. I couldn't find a picture that would actually show the structure on it.

HEARING OFFICER HEBERT: Okay. So if you did find that aerial, where would it be on this aerial photo? Would it be – let's see. If we're looking at the aerial photo –

MS. VALDEZ: So if we're looking at the aerial – let me see. If we could go back to the pictures. I put some pictures in here, Officer Hebert. So go to Exhibit C. Well, I didn't try to do the printout of those. Oh, good. Thank you.

HEARING OFFICER HEBERT: So I can disregard this Exhibit J, that drawing?

MS. VALDEZ: Okay.

HEARING OFFICER HEBERT: I think it fits – no, it doesn't really. I don't think that that would line up with what you just described to me, so I'll just ignore the J and go with the fact that the aerial doesn't show it but it would be at the top of the aerial, or to the right side of the aerial. And it already exists, this –

MS. VALDEZ: The structure already exists.

HEARING OFFICER HEBERT: It already does. Okay.

MS. VALDEZ: It's not completed but it does exist.

HEARING OFFICER HEBERT: What does staff consider to be the front of this property, as far as going from the front to the side setbacks to the rear setbacks? What would be the front?

MS. VALDEZ: Officer Hebert, I'm going to let Jordan or John answer that question. They actually went out to the site.

HEARING OFFICER HEBERT: Okay.

MR. LOVATO: Hearing Officer Hebert, as it sits right now, the front would be where the front door enters the property and the access point is located by, and that is right next to – if you can at that aerial for Exhibit D where the tennis court is.

HEARING OFFICER HEBERT: So it's on the side of the old tennis court. Is that the front?

MR. LOVATO: Hearing Officer Hebert, that is correct.

HEARING OFFICER HEBERT: Oh, I see. Okay. Where is the drive? The drive to access this residence – where is the driveway?

MR. LOVATO: Hearing Officer Hebert, it is right where that aerial – the same location. It pans off to the left of that aerial So it would be going north.

HEARING OFFICER HEBERT: All right. I think I see a truck.

MR. LOVATO: Yes.

HEARING OFFICER HEBERT: A truck and it connects to a road that I don't see.

MR. LOVATO: Hearing Officer Hebert, that is correct. It loops around into the main road and this is why there's a condition that they connect appropriately to the top because that was unsuitable for fire.

HEARING OFFICER HEBERT: So there's no way to consider this garage as being in the front, because you're talking about the front being this part between the old tennis court and the residence. That would be the front.

MR. LOVATO: Hearing Officer Hebert, where the tennis court is, that would be the front. It would not fit within that area. If you look at the – it was a drainage. It seems like it used to be an old drainage to the right there, the structure is right there on the southern boundary of that property line.

HEARING OFFICER HEBERT: I'm looking again at the aerial. The southern boundary is going to be on the right side of the photo?

MR. LOVATO: Hearing Officer Hebert, that is correct.

HEARING OFFICER HEBERT: Okay. Thank you. That's all the questions I had. Thank you. Is the applicant here to speak on the application?

[Duly sworn, Annette Vigil testified as follows:]

ANNETTE VIGIL: Annette Vigil, 23 Jacona Road, Santa Fe, New Mexico, 87506.

HEARING OFFICER HEBERT: Ms. Vigil, would you like to add anything to what the staff has testified as to this application?

MS. VIGIL: I can't add anything meaningful. I was hired after the fact to help him submit drawings for the permit and it was at that time it was discovered that he was in violation of the setbacks. And so he wanted to continue forth with the variance.

HEARING OFFICER HEBERT: I see.

MS. VIGIL: I was hired to draw the structure and get it in to the County submittal process.

HEARING OFFICER HEBERT: Did you do the drawing that's been marked as the exhibit I was confused by?

MS. VIGIL: I'm not sure. I don't have the documents.

MR. LOVATO: Hearing Officer, that would be Exhibit J.

HEARING OFFICER HEBERT: J, okay. Yes. Ms. Valdez, you've got J?

MS. VALDEZ: Yes. I'm getting there.

MS. VIGIL: Yes. I did those. Correct.

HEARING OFFICER HEBERT: Thank you. And is that where the garage is at present?

MS. VIGIL: I believe so. I've not been out to the property but yes. That's where it was and the driveway that comes in off the east side of the property, that was the new location based on the conversation with the Fire Department, Renee Nix. So that was our attempt to at least satisfy the concern about fire access for fire apparatus.

HEARING OFFICER HEBERT: I see. Where was the access prior to that?

MS. VIGIL: It was on the northwest corner. You'll see at the upper northwest corner, and it just – it skirts the property. It says it's the existing drive.

HEARING OFFICER HEBERT: Yes. Okay. Thank you.



MS. VIGIL: And it was too narrow to satisfy the width requirements because the fire trucks, the Fire Department requires a 14-foot wide easement for the driveway.

HEARING OFFICER HEBERT: Thank you. I don't have any other questions. Is there anything else that the applicant wants to add to this matter? Thank you. Is there anyone here to speak on this application? Yes, there are people. If you'd come forward.

[Duly sworn, Patrick Brockwell testified as follows:]

PATRICK BROCKWELL: My name is Patrick Brockwell. I live at 53 Cerro del Alamo. So Mr. Huerta had a meeting for the neighborhood and I attended it. He told me that he plans to use this structure to park cars. I read the code and I see it's allowed to have covered parking in a residential estate, but what he's building is a three-bay with a shop structure which is in appearance commercial. It's a commercial automotive repair shop that he claims he's going to park cars in. It not only violates the setbacks it's not within the code.

There's enough room to park 20 cars in there. This sounds like an automotive business to me. It's a tall structure, three bays, are 12-foot at least high garage doors with an attached shop to it. So this is not what he's applying for. What he has built is different than what the code allows, and that's my objection. Not only the setback but what he's got going is commercial in scale and appearance. And we live in a residential area and this does not fit within what is normally going on in our neighborhood and that's why I'm opposing it.

I'm here also – I've spoken with five other neighbors that are opposed to it who couldn't be here and the neighborhood is not pleased about what's going on here. The day they started erecting the structure I went over to speak to them to ask if he had a permit. I was met with a hostile response so I called in – made a call to code enforcement. And they came right out and red-tagged it.

But this is – he's on a 1 ½ acre lot. It just doesn't support the scale of this building and like I say, it's not residential in appearance. This is not a carport. This is a commercial shop structure. That's all I have.

HEARING OFFICER HEBERT: Thank you. Was there someone else? Would you come forward please?

[Duly sworn, Michael Whitt testified as follows:]

MICHAEL WHITT: My name is Michael Whitt. I live at 45 Sunset Road. So the property is directly behind our house and while the structure is large my understanding is that his son is interested in racing cars and has a number of vehicles. So it doesn't really appear to be a commercial auto repair shop. Being directly behind our house it really has no loss of aesthetic value. There is another home being built even behind that property.

So it seems that, yes, the issue is the setback, which obviously was a mistake. But as far as we are concerned and we also own the property where the tennis court is. We're not sure what we're going to do with that tennis court. We bought the house two years ago. It's in disrepair. If there is needing to be widening of the driveway then we would be happy to allow that to occur next to where our "tennis court" is. And the access to his house actually comes off of Sunset Road and basically crosses beside our property. So I don't really understand the issue of widening of the road.

Currently he does not have a garage, a carport, and I think it would actually be preferable for the neighborhood to have the cars in a structure rather than having them parked in the driveways. So I support the variance being given so he can keep his cars in a structure, protected from the environment and allow his son this hobby, if you will, of motor racing.

HEARING OFFICER HEBERT: Thank you, Mr. Whitt. Are there any other comments on this application? And is there anyone online?

MR. LOVATO: Hearing Officer Hebert, there is no one online wishing to speak on this application.

HEARING OFFICER HEBERT: Thank you. Then I will prepare a recommended order within 15 business days. Thank you all for coming.

- E. Case# 24-5260. Loreta Martinez- Cargo Variance Loreta Martinez- Cargo, Applicant, request a Variance of Chapter 8, Section 8.6.3 Table 8-7: Dimensional standards Rural Fringe (RUR-F) to create a two (2) lot residential subdivision on a parcel of land consisting of 49.11 acres +. The subject property lies within the Rural Fringe zoning district which allows for one single-family residence per 20 acres. The property is located at 7679 B Old Santa Fe Trail. SDA-2, (Commission District 4), Parcel ID # 405240832.**

MS. VALDEZ: Good afternoon, Hearing Officer Hebert. My name is Maggie Valdez. I'm a development review specialist senior. Today I come before you with Case #24-5260.

[Ms. Valdez read the case caption.]

Summary: The applicant's sister, Maria Martinez, is the owner of the property as indicated by Warranty Deed recorded in the records of the Santa Fe County Clerk on March 2, 2021, recorded as Instrument No. 1945312.

HEARING OFFICER HEBERT: Ms. Valdez, I'm just going to stop you here, because the way I understand it from that statement, and I understand that this wasn't your case, that it was Ms. Ortega's. But if the applicant doesn't own this property, I'm confused how she would be the one to be able to come in here and ask for a variance, if she doesn't own the property.

MS. VALDEZ: So I'm assuming Loreta Martinez is the older sister, if I'm not correct, and they all have property? No?

MR. YUTZY: Hearing Officer, I believe we have consent for the applicant to apply on behalf of the property owner.

HEARING OFFICER HEBERT: I didn't see that in the exhibits.

MR. LOVATO: Hearing Officer, we do have the applicant's sister in the building and she is here to authorize consent.

HEARING OFFICER HEBERT: All right. All right. Maybe we could swear her in so we could do that.

[Duly sworn, Maria de la Gracia Martinez testified as follows:]

MARIA DE LA GRACIA MARTINEZ: Thank you. My name is Maria de la Gracia Martinez. My address is off of 7679 B Old Santa Fe Trail, at 6-B Little Island Road, Santa Fe, 87505.



HEARING OFFICER HEBERT: Ms. Martinez, you're aware of this application to request a variance of the property. Is that correct?

MS. MARIA MARTINEZ: I am aware of that. My responsibility, inherited, is the responsibility of all the acreage there, and I fully support my sister to be able to have the three acres our father wanted for her prior to his passing.

HEARING OFFICER HEBERT: So Ms. Martinez, is it your intention that you will deed this property to your sister, Loreta?

MS. MARIA MARTINEZ: Yes.

HEARING OFFICER HEBERT: Okay. Thank you

MS. MARIA MARTINEZ: Thank you kindly.

HEARING OFFICER HEBERT: Ms. Valdez, I'm sorry. We just needed to get that cleared up.

MS. VALDEZ: No problem, Ms. Hebert. The property is accessed off Old Santa Fe Trail. The applicant is seeking to divide the property into a two-lot residential subdivision, where the applicant is able to get a three-acre tract and the rest be kept preserved for wildlife. The applicant is also requesting a variance of density to allow one dwelling unit per proposed lot to be created.

The property is split between Rural Fringe and Residential Estate. Chapter 8, Section 8.6.3 of the SLDC requires a minimum lot size of one dwelling per 20 acres base density. Chapter 8 Section 8.6.6 of the SLDC requires a minimum of one dwelling per 2.5 acres base density.

There is no permit for the existing residence on the property and it will need an after-the-fact permit, as well as an additional variance for density, since it is a two-story dwelling. Santa Fe County staff has conducted a site inspection on the property. County staff will be issuing an after-fact-permit for the home.

The applicant's response to the review criteria is as follows: The applicant has addressed the variance criteria and staff has responded to the application comments.

Recommendation: The SLDC zoning has divided this property into two separate density requirements, because it is split between two zoning districts. The required density for Rural Fringe on the northern part of the property is one dwelling per 20 acres. As for the southern part of the property which is in Residential Estate, is one dwelling per 2.5 acres base density. If the entire parcel as a whole was in Residential Estate the applicant would be able to split the property administratively. Staff believes the applicant has satisfied the criteria for granting of this requested variance and recommends approval of the variance requests.

Hearing Officer Hebert, may I enter the conditions into the record?

HEARING OFFICER HEBERT: Yes, please.

MS. VALDEZ: Hold on one second, Officer Hebert. There's an attachment here. I apologize for that. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written recommended order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on February 20, 2025.

The conditions are as follows:

1. No further divisions will be allowed.
2. No additional dwellings will be allowed on these lots.

3. After the Fact Permitting for the home will be approved prior to the Variance approval.

Hearing Officer Hebert, I stand for questions.

HEARING OFFICER HEBERT: Ms. Valdez, I'm looking at Exhibit C, which is a drawing of the Martinez Family property. It's one page. It's Exhibit C.

MS. VALDEZ: I have it.

HEARING OFFICER HEBERT: So within this property, and I assume that's the 49-plus acres, 49.11 acres the total, are there two – there's a Tract A-2, which seems to be the one with the dwelling on it, and there's a road, a driveway, leading up to it. Is that the property at issue? And then if that's the case, what is the property delineated right below that?

[Duly sworn, Loreta Martinez-Cargo testified as follows:]

LORETA MARTINEZ-CARGO: Loreta Martinez-Cargo, 27 Little Island Road, Santa Fe, New Mexico, 87505. The tract belongs to a sibling who has had that property for years.

HEARING OFFICER HEBERT: You're talking about the one that is below?

MS. MARTINEZ-CARGO: Yes. The one below belongs to a sibling. The one above is the one we're talking about, which is Tract A-2.

HEARING OFFICER HEBERT: And Ms. Martinez-Cargo, the A-2, is that little dashed line kind of midway, is that part of the division between the Rural Fringe and the Rural Residential? Is that what that line's supposed to represent?

MS. MARTINEZ-CARGO: I believe so. The surveyor is the one who created this drawing.

MR. LOVATO: Hearing Officer Hebert, if I may clarify, that is just the metes and bounds and distance to the residence from the proposed property boundaries. The actual zoning cuts the lower one-third portion of this property which would be where is now her family, Teresa, tract, three acres or so, that title right there. That is the lower location, one-third that is actually split the zoning between the entirety of the property.

HEARING OFFICER HEBERT: So which zone does the A-2 fall into? Does it fall into the Fringe zoning or the Estate zoning?

MR. LOVATO: Hearing Officer, that is correct. It falls into the higher density.

HEARING OFFICER HEBERT: Higher, otherwise there wouldn't be a request, I guess. Yes. Okay. So the variance is to instead have this one dwelling on 20 acres, to allow it to be the – is it three acres?

MS. MARTINEZ-CARGO: Yes. It would be three acres and the rest would just be left wild and undeveloped.

HEARING OFFICER HEBERT: I see. Okay.

MS. MARTINEZ-CARGO: That's the plan.

HEARING OFFICER HEBERT: It's like a puzzle. All right. Thank you.

MR. LOVATO: Hearing Officer, just for clarification, it's an unusual case. We typically don't see the zoning split properties. Very rarely. So it's put this particular application in a bind.

HEARING OFFICER HEBERT: And this probably existed before 2016.



MR. LOVATO: Hearing Officer, the lot did exist. The zoning may have split this property when they did the zoning map.

HEARING OFFICER HEBERT: I see. All right. Thank you. Ms. Valdez. Is there anything else you wanted to add to this? Is that all that you have for this?

MS. VALDEZ: Yes. That's it.

HEARING OFFICER HEBERT: All right. Is anyone here wanting to speak on this application, in favor or opposed? Is anyone online?

MR. LOVATO: Hearing Officer Hebert, there's nobody online wishing to speak.

HEARING OFFICER HEBERT: Thank you. And thank you, Ms. Martinez, for coming. Otherwise it would have been a problem. And I will issue a recommended order in 15 business days. Thank you.

2. F. **Case #24-5300. James C. Portillo II and Miguel L. Portillo, Applicants, requests a variance of Chapter 8, Section 8.6.6 Table 8-10: Dimensional standards Residential Estate to create a Two (2) lot residential subdivision on a parcel of land consisting of 2.5 acres +. The subject property lies within the Residential Estate zoning district which allows for one single-family residence per 2.5 acres. The property is located at 11 Calle de Portillos, SDA-2, (Commission District 5) Parcel ID # 99312545**

KENNETH QUINTANA (Case Manager): Good afternoon, Hearing Officer Hebert. Before you today we have James C. Portillo and Miguel Portillo.

[Mr. Quintana read the case caption.]

The applicants met with staff to submit an application to allow the property to be split into two lots both containing 1.25 acres each. The applicants are requesting a variance of Chapter 8, Section 8.6.6 Table 8-10, Dimensional Standards for Residential Estate to create a two-lot residential subdivision. The applicants state that his grandparents gifted him and his brother a 2.5-acre lot to split to have the ability to establish a residence each. The applicants are planning to both share one well between both lots to be created.

The applicant has addressed the variance criteria as addressed in the memo.

Staff's Recommendation: Building and Development Services staff has reviewed this request for compliance with pertinent SLDC requirements and has found that the facts presented do not support the request for a variance: the use may impact adjacent land uses; no extraordinary and exceptional conditions of the land exist. Staff recommends denial of the request for a variance of Chapter 8, Section 8.6.6 Table 8-10, Dimensional Standards Residential Estate, to create a two-lot residential subdivision on a parcel of land consisting of 2.5 acres.

If the Hearing Officer finds that the application has met the variance criteria and recommends approval of the variance, staff recommends the following conditions be imposed. Hearing Officer Hebert, may I enter these conditions into the record?

HEARING OFFICER HEBERT: Yes, please.

The conditions are as follows:

1. Applicant shall comply with Fire Marshall Conditions of Approval.
2. Once these lots have been Platted, no further divisions will be allowed.
3. Accessory Dwelling Units on these lots shall be prohibited and noted on final plat.

MR. QUINTANA: Thank you. I stand for any questions.

HEARING OFFICER HEBERT: Mr. Quintana, I'm looking at Exhibit E which is the notice, and all I see is the indication of the publication notice. Do you have in your records the posting and mailing?

MR. QUINTANA: Hearing Officer Hebert, notice was completed through the New Mexican, posting on-site and also through the letters mailed out to all neighbors within 500 feet.

HEARING OFFICER HEBERT: And you have those in your records?

MR. QUINTANA: Yes, ma'am.

HEARING OFFICER HEBERT: And I think that there was again, an indication of the property – I was trying to figure out from looking at one of these exhibits. If you'll look at Exhibit C.

MR. QUINTANA: Yes, ma'am.

HEARING OFFICER HEBERT: Which segment of the property is the property at issue here?

MR. QUINTANA: The property in question that we're discussing today is directly in the middle, 11-A Calle de Portillos.

HEARING OFFICER HEBERT: So it would be splitting 11-A – no, that 2.5 acres would be those two divisions.

MR. QUINTANA: Hearing Officer Hebert, that's correct.

HEARING OFFICER HEBERT: Is that correct.

MR. QUINTANA: Hearing Officer Hebert, I'd like to add that the road, Calle de Portillos has been built to standard currently as it lies today with all fire turnarounds in place.

HEARING OFFICER HEBERT: I see that on this drawing. Has there been any other division from this family?

MR. QUINTANA: Hearing Officer Hebert, a previous division to create these lots was completed as of last year.

HEARING OFFICER HEBERT: And was that through the family transfer? Is that how that occurred?

MR. QUINTANA: Correct.

HEARING OFFICER HEBERT: So that's not available for this property.

MR. QUINTANA: Correct. Hearing Officer Hebert, the family transfer, all zoning standards are to be place. We no longer have the small-lot family transfer that allowed individuals to go below the zoning minimum requirement.

HEARING OFFICER HEBERT: Okay. Thank you. All right. I don't have any other questions.

MR. QUINTANA: Thank you.

HEARING OFFICER HEBERT: Does the applicant want to speak on this matter?

[Duly sworn, James and Miguel Portillo testified as follows:]

JAMES PORTILLO: My name is James Portillo. I live at 90 North Fork, Santa Fe, New Mexico, 87508.

Santa Fe County

SLDC Hearing Officer Transcript: January 9, 2025



MIGUEL PORTILLO: My name is Miguel Portillo. I live at 90 North Fork, Santa Fe, New Mexico, 87508.

HEARING OFFICER HEBERT: Thank you.

MR. JAMES PORTILLO: Thank you for allowing us to be here today. My brother and I, Miguel and James Portillo, are owners of our 2.5-acre lot located at 11 Calle de Portillos here in Santa Fe County in the Turquoise Trail area. We were gifted this undeveloped 2.5-acre lot by our grandparents, Arturo and Nancy Portillo, with their plan for each of us to have an acre and a quarter separately owned and have the ability to establish a residence.

My grandparents bought this property roughly in 1980 and have owned 15 acres in this particular area since, where my grandma still resides to this day. Earlier this year my grandparents subdivided their remaining 7.5 acres. They generously gifted three 2.5-acre lots to my brother and I and two sets of other cousins. Their intention was to keep our family close-knit with hopes of obtaining our residency close to one another. Currently, within 500 feet my father and my uncle and aunt and my grandma live all in this particular area, close to our property.

The particular zoning where my property lies has proved many hardships for my brother and I who are eager to develop and have a residence of our own. Being co-owners of this 2.5-acre lot it is not possible for each of us to obtain a loan to develop and establish a residence on the property being that it is one parcel. Granting this variance would enable each of us to secure individual loans and develop our own residences thereby fulfilling our grandparents' vision of having all of our family close by.

We believe granting this variance would not only benefit us but also align with the community's development goals by allowing young local residents the opportunity to stay in Santa Fe and contribute positively to the area. Being that our parcel is co-owned the zoning in this particular area only allows for one main house and one guesthouse. The guesthouse only being half the size of the main house. If granted, this variance will allow my brother and I to individually have an adequate size house that fits our individual families' needs.

In the same manner, if granted, this variance will enable each of us to manage our own individual electric bills which is much more fair and practical. As co-owners of this parcel, having one combined electricity bill for two potential households can lead to confusion and potential disagreements over usage and payments. By granting this variance we can ensure clear accountability and financial independence of each household, making it easier to budget and manage our expenses effectively.

My brother and I both plan to share one water well for the combined 2.5 acres. We understand the importance of maintaining the character and integrity of Santa Fe County and the Turquoise Trail area, and are committed to ensuring that any development on our property adheres to these principals. We are more than willing to address any concerns to ensure that our plans are aligned with the community and County standards.

In this past year we established easement access to this property, which was up to County standards and was approved by Santa Fe County Land Use. We had to put in \$11,000, a little more than \$11,000 just to have these easement access established, and that was just to have the property transferred from my grandparents' name to my brother and I. Additionally, I'm currently 28. My brother here is 22, and we still live with our dad

and are eager to have a place of our own, and this is our opportunity to do so. As we all know, it's very hard to establish and get a residence here in Santa Fe, being with the cost of living so high, and we want to try and take full advantage of the opportunity my grandparents presented to us. We want to also fulfill my grandparents' wishes. My grandpa who gifted this property to us unfortunately passed a little over more than one month ago and when he was still able to get out and walk around he was able to see the progress that we'd made with this project and he was very pleased and happy to see all that.

Additionally, I also work for Santa Fe County Fire Department as a full-time employee and one of the reasons why I chose to work for Santa Fe County is to help people in my community and serve the people who I grew up around as well as the area I grew up in, have been born and raised in. My brother here also works for the City of Santa Fe animal control who also wanted to serve his community and help in any way needed. I also own a business here in Santa Fe and allowing us to have our residence here in Santa Fe and take advantage of the opportunity my grandparents presented with us will allow us to positively contribute to Santa Fe and our community here where we grew up.

By granting this variance it allows us to maintain the family-oriented nature of our property while adhering to the community's development goals. By subdividing the lot we are not only preserving the historical and family significance of the land but also contributing positively to the local community allowing young residents like ourselves to stay and invest in Santa Fe.

MR. MIGUEL PORTILLO: I would just like for you to take everything in front of you today into consideration. I'd like to fulfill my grandparents' dream. I would love to have these properties split up so for me and my brother and for each of our families so we could each have our own separate home and just be a family as all one.

HEARING OFFICER HEBERT: Mr. Portillo, could I just ask you, on either side of this property that you were gifted, are those improved properties? Do they have houses on them?

MR. JAMES PORTILLO: No, ma'am. The three parcels that you see on the map, I believe that you were looking at earlier, that is it total the 7.5 acres that was gifted to my brother and I as well as two other cousins. So the lot of the left if owned by two other cousins as well as the lot on the right. Those are both – all three are undeveloped property. The only additions we've made is the easement access to get into the property.

HEARING OFFICER HEBERT: I see. Okay. Thank you.

MR. JAMES PORTILLO: No problem. Thank you.

HEARING OFFICER HEBERT: Is there anyone else in the room who wants to make a comment on this application? Is there anyone online that wants to make a comment?

MR. YUTZY: Hearing Officer Hebert, there's nobody online wishing to speak.

[Duly sworn, James Portillo, Sr. testified as follows:]

JAMES PORTILLO, SR.: My names James Portillo, Sr. I'm the father of these two boys. I reside at 90 North Fork, Santa Fe, 87508. Like they said, my mom and dad, they wanted us all to be together which somehow they had a plan 40 years ago and they've worked really, really hard to try to keep that thought with them and working on



the road. I know they want to live there and they're productive gentlemen. They both have good jobs and careers and so I'm all for it, all on board with hopefully this going through. So hopefully you'll see it.

HEARING OFFICER HEBERT: Mr. Portillo, are you a neighbor to this property?

MR. JAMES PORTILLO, SR.: Yes. Yes. I live on 90 North Fork. They live with me.

HEARING OFFICER HEBERT: Okay. All right. Thank you.

MR. JAMES PORTILLO, SR.: You're welcome. Thank you.

HEARING OFFICER HEBERT: Are there any other people here that want to comment on this application? No. Well, I will prepare a recommended order in 15 business days on this case.

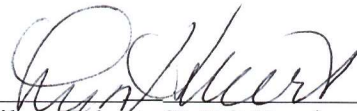
**3. Next Scheduled Meeting: February 13, 2025**

**4. Concluding Business**

**A. Adjournment**

Hearing Officer Hebert adjourned the hearing at approximately 4:30 p.m.

Approved by:




Marilyn Hebert, SLDC Hearing Officer  
Santa Fe County



COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss SLDC HEARING OFFICER M  
PAGES: 23

I Hereby Certify That This Instrument Was Filed for  
Record On The 29TH Day Of January, 2025 at 02:13:01 PM  
and Was Duly Recorded as Instrument # 2051667  
of The Records Of Santa Fe County

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

SFC CLERK RECORDED 01/29/2025