

Sandoval County Planning and Zoning Commissioners
c/o Sandoval County Planning and Zoning Department
1500 Idalia Road,
Building D
Bernalillo, NM 87004

Via email to: P&ZComm@sandovalcountynm.gov ; darias@sandovalcountynm.gov

SUBJECT: ZNCH-25-005

Dear Commissioners,

Welcome back to ZNCH-25-005! It seems like "*déjà vu*, all over again. "

The only purpose of this letter is to urge you to insist that the County administration provide you with competent outside counsel as you consider this zone map amendment, and any other zone map amendments in the future. Zone map amendment cases are different than many other cases you consider. There are specific legal procedures that must be followed, and the laws and ordinances require other technical considerations concerning land planning and engineering requirements. Last October, some legal procedures were violated, and some mandatory requirements were not even considered.

As far as I know, no one on the P&Z Commission is a land-use attorney, a certified planner, or a licensed engineer. Your areas of expertise lie elsewhere. Yet there are specific technical requirements in all these disciplines for a zone change, and you are charged with making sure they are followed if the change is to be approved. You could not possibly do it without receiving competent, expert advice. Many land-use boards nationwide rely on outside consultants to provide this advice, rather than use in-house staff as you did last time.

The County has two law firms and five or six engineering firms under contract for on-call services. (One of the engineering firms even has an office in Sandoval County, right down the street in Rio Rancho.) I don't know if the County has contracts with planning firms, but some of the engineering firms probably have professional planners on staff.

I urge you to ask the County Management to provide you with an expert land-use attorney, professional land planner, and a licensed professional utility engineer at the meeting any time you are considering a zone map amendment request. When preparing the staff analysis of a zone map amendment, P&Z staff should also seek the advice of these same outside consultants to determine whether the applicant has met the requirements of the applicable plans, policies and ordinances. (I don't have any idea how internal staff evaluates the engineering requirements. To the best of my knowledge, no County employee is a licensed professional engineer.)

I believe that if you had reliable expert advice last October, we would not be back here again. I appreciate that you all volunteer your time and efforts to the people of Sandoval County without compensation. The least the County can do is provide you with the resources to do your job properly. They have contracts with these firms for a reason. Please use them.

Thanks again for your service to the citizens of Sandoval County.

JD Domenick, PE (Ret.)
145 Camino Barranca
Placitas, NM 87043

Cc: wjohnson@sandovalcountynm.gov

meshleman@sandovalcountynm.gov
emasterson@sandovalcountynm.gov

Note to Staff: I request that this message be posted to the P&Z website under **ZNCH-25-005 (Public Documents / Opposing)**

Date: January 15, 2026 at 7:55:23 PM MST

To: Katherine Bruch <kbruch@sandovalcountynm.gov>

Subject: A few questions please

Dear Commissioner,

I will be coming before the Commission later this year and I have been watching meetings on video to learn how it works. I don't want to make procedural errors and waste your time and my own. As your constituent, I feel I have the right to ask you a few questions that perhaps your staff can answer for me. I have searched the appropriate statutes and have not been able to find answers to these questions.

1. Recently an appeal before P&Z was denied because the appellant signed his appeal jointly with another person. Although there seemed to be no specific item in the Statutes governing this, the P & Z Board voted overwhelmingly to disallow his appeal. If our HOA submits an appeal, will it be denied as being a "joint" appeal.? Does an HOA have the rights of an individual?
2. In the same action, the appellant was further denied because he lived more than 100 feet from the property he was protesting. Statute specifies that residents living 100 feet or less from a property before the Commission need to be notified in writing of a pending zoning action. But no distance is specified regarding appeals. P&Z upheld the denial in this case, based on the fact that "Staff" told them to. How can an individual avoid this pitfall?
3. Statute specifies the 100 feet to be exclusive of right of way. Does that mean if one's property is 149 feet from a disputed property, but the measurement crosses a 50 foot wide road, one falls within the 100 feet? How would one present such measurements to the Commission to satisfy you?
4. If the HOA is appealing, can any property that is, a member of the HOA, be used for the measurement?
5. Our area of Placitas is Zoned CD-WP. It has always been, and still is, customary to place a single family home on at least 1 acre in this community. In such a case, I would expect to see a zoning designation such as R-1 or S-1 on the zoning map. There is no such designation. What assurance do residents have that their onehouse/one acre is protected by law and not just by custom?

I understand that in a quasi-judicial proceeding as happens at a Commission meeting, you may be precluded from discussing aspects with interested parties. If that is the case, can you recommend any way I can educate myself about these things without going to the huge expense of consulting an attorney?

Thank you very much for your consideration and your help,

Steven Siegel

Placitas

 This message is originated from an external organization 

From: [Daniel Beaman](#)
To: [MarCommWeb](#); [Shawn Perry-Turner](#); [Sara Hartman](#)
Cc: [Doraida Arias](#); [Janet Cunningham-Stephens](#); [Cynthia Saiz](#)
Subject: FW: Opposition to ZNCH-25-005: Request by Evan Kinsley of Spiegel Kinsley Construction, LLC
Date: Wednesday, March 4, 2026 3:52:47 PM
Attachments: [image001.png](#)
[Fwd: Opposition to ZNCH-25-005: Request by Evan Kinsley of Spiegel Kinsley Construction, LLC.pdf](#)

Sara,

Please insert attached pdf under P&Z PUBLIC HEARINGS **ZNCH-25-005 (PUBLIC DOCUMENTS/OPPOSING)**.

Thanks!



Daniel J. Beaman
Director of Planning & Zoning
Desk: (505) 867-7617
Cell: (505) 934-2142
www.sandovalcountynm.gov

From: Robert Gorrell <nmrgorrell@gmail.com>
Sent: Monday, March 2, 2026 11:27 AM
To: Daniel Beaman <dbeaman@sandovalcountynm.gov>
Cc: P&ZComm <P&ZComm@sandovalcountynm.gov>; Commissioners@sandovalcounty.gov; George Franzen <geoLisaFranzen@aol.com>; Wayne Johnson <wjohnson@sandovalcountynm.gov>; Robert Gorrell <nmrgorrell@gmail.com>; Katherine Bruch <kbruch@sandovalcountynm.gov>; Terrie H Gorrell <terriehg@gmail.com>
Subject: Fwd: Opposition to ZNCH-25-005: Request by Evan Kinsley of Spiegel Kinsley Construction, LLC

P&Z Director Beaman,

I respectfully request that this letter of opposition to ZNCH-25-005 be posted appropriately on the P&Z website. It was sent originally on January 11, 2026 and it was never posted.

Thank you!

Bob G.

M 505-301-4021

----- Forwarded message -----

From: **Robert Gorrell** <nmrgorrell@gmail.com>
Date: Sun, Jan 11, 2026 at 4:52 PM
Subject: Opposition to ZNCH-25-005: Request by Evan Kinsley of Spiegel Kinsley Construction, LLC
To: Katherine Bruch <kbruch@sandovalcountynm.gov>, <jherr@sandovalcountynm.gov>,

<mmeek@sandovalcountynm.gov>, <jojuarez@sandovalcountynm.gov>,
<jjones@sandovalcountynm.gov>

Cc: Terrie H Gorrell <terriehg@gmail.com>, George Franzen <President@es-ca.org>

Dear Honorable Commissioners,

We are writing as long-time residents of Placitas to respectfully request that the Commission reject the Zoning Commission's recommendation and urge you to deny case **ZNCH-25-005**.

Our opposition is based on the following primary concerns:

- **Inconsistency with Established Plans:** The proposal conflicts with existing Sandoval County Ordinances and the 2008 Placitas Area Plan (PAP), a document we and many community members helped develop to preserve the unique character of our area.
- **Procedural Deficiencies:** This request mirrors previous rezoning attempts—specifically **ZNCH-20-001 (Homesteads)**, **ZNCH-16-001 (Sage)**, and **ZNCH-11-001 (Cashwell)**—all of which were denied due to legal and procedural flaws. During the Planning and Zoning (P&Z) hearing, legal counsel admitted they had not reviewed the request for legality, a disclosure that led to the visible dismay and possibly to the subsequent resignation of a P&Z Commission member.
- **Lack of Comprehensive Planning:** While we do not fundamentally oppose cluster housing, such developments should be integrated through transparent planning. For instance, we support the high-density zones already established in the Petroglyph Trails Master Plan.

Any modification to the PAP must be deliberate. We support future revisions to identify appropriate areas for affordable, smaller-scale housing that allows residents to age in place. However, the current recommendation bypasses established law and procedure to force an incompatible development into our community.

Thank you for your time and for considering our concerns regarding the integrity of our local planning and zoning process.

Sincerely,

Bob and Terrie Gorrell
22 Montana del Sol
Placitas, NM 87043

Date: January 15, 2026 at 7:55:23 PM MST

To: Katherine Bruch <kbruch@sandovalcountynm.gov>

Subject: A few questions please

Dear Commissioner,

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I understand that in a quasi-judicial proceeding as happens at a Commission meeting, you may be precluded from discussing aspects with interested parties. If that is the case, can you recommend any way I can educate myself about these things without going to the huge expense of consulting an attorney?

Thank you very much for your consideration and your help,

Steven Siegel

Placitas

 This message is originated from an external organization 

From: JD Domenick <jddomenick@msn.com>

Sent: Tuesday, February 10, 2026 7:15 AM

To: P&ZComm <P&ZComm@sandovalcountynm.gov>; VictorEMT@yahoo.com; ShConra@gmail.com; DRTrujillo@windstream.net; Sue Harrelson <sharrelson@sandovalcountynm.gov>; Shelton.Kevin@live.com; James G. Maduena <JMaduena@sandovalcountynm.gov>; Meathead401@gmail.com

Cc: Wayne Johnson <wjohnson@sandovalcountynm.gov>; Michael Eshleman <Meshleman@sandovalcountynm.gov>; Eric Masterson <EMasterson@sandovalcountynm.gov>; tips@searchlightnm.org

Subject: ZNCH-25-005/Appeal. Request by Appellant Martha Christopher for a reversal of the Zoning Officer's Administrative Decision

Dear Planning and Zoning Commissioners,

Under your Rules of Procedure and Conduct, Chairman Rodriguez or a majority of the Planning and Zoning (P+Z) Commissioners can add an item to the agenda (Resolution 8-25-20.66, Section J.1). This note is to respectfully ask you to add an item to the next available agenda to demand a report on the P+Z Staff's handling of notification to Martha Christopher of the October 14, 2025 P+Z Commission hearing on ZNCH-25-005.

By now, most or all of you are aware that the County violated Martha Christopher's civil right to due process in the runup to the October 14, 2025 P+Z Commission hearing. Based on Section 19 of the Comprehensive Zoning Ordinance (CZO), she had the right to advance notification of the meeting, but that was denied. In response to a question from a Commissioner, P+Z Planner Janet Cunningham-Stephens informed you at the January 13, 2026 P+Z Commission hearing that Ms. Christopher was not sent notification "because her property was determined to lie outside the 100 feet." You should ask her how she determined that. The language in the statute is very clear in #3 below (**emphasis added**):

C. *Notice of Public Hearing.* Notification of the time and place of any public hearing held pursuant to this Section shall be published in a newspaper of general circulation in the County at least fifteen (15) days prior to the hearing. In addition, notice of the public hearing shall be mailed by certified mail, return receipt requested, to:

1. The applicant(s);
2. The owner(s), as shown by the records of the County Treasurer, of the land for which the approval is requested, if different from the applicant(s); and
3. The owners, as shown by the records of the County Treasurer, of land within one hundred (100) feet, **excluding public right-of-way**, of the land for which the approval is requested.

The maps and the plain language of the ordinance do not lie:



CZO Section 17C(3):

"The owners, as shown by the records of the County Treasurer, of land within one hundred (100) feet, **excluding public right-of-way**, of the land for which the approval is requested."



Official P&Z Dept. map in *Staff Report* for ZNCH-25-005 truncated Martha Christopher's lot, hoping no one would notice. That lot was improperly excluded from the **100' buffer** !!

Ms. Christopher did not discover that her right to due process and notification under the CZO were denied until after your October 14, 2025 hearing was held. Once she found out, she made an appeal of the decision (the Joint Appeal with Thomas Coulter) of that meeting in good faith, timely, and based on recent precedents that joint appeals had been commonly accepted. She tried to follow the rules, and there was no reason why she would expect that appeal to be denied. But that is when the cover-up became apparent. On Nov 17, 2025, the Zoning Officer denied that appeal administratively, based on a variety of factors that ignored precedents. Then, on December 16, 2025, Ms. Christopher appealed that Staff administrative decision to you - the P+Z Commission. (Just as Tom Coulter did, for the appeal that you heard last month.) Again, Ms. Christopher made a timely appeal in good faith. In the January 13, 2025 hearing, your Staff told you that you would address Ms. Christopher's appeal in the February hearing. Chairman Rodriguez and then-Chairman Trujillo understandably assumed that was the truth. When Tom Coulter tried to bring up the discrepancy in the notification requirements, Chair Rodriguez and then-Chair Trujillo cut him off, with Chair Rodriguez even stating "That's coming before us next month."

¡Sorpresa! It is now "next month," and Ms. Christopher's appeal is not coming before you today.

On January 20, 2026 (more than 30 days after Ms. Christopher submitted the second appeal), the P+Z Director advised her by email that he rejected this second appeal because it was more than 30 days after the Oct 14, 2025 P+Z Commission hearing. She was not appealing the October 14, 2025 decision; she was appealing his November 17, 2025 administrative decision to deny her first appeal - the Joint Appeal filed with Mr. Coulter. The P+Z Director knew that she was appealing his administrative decision to the P+Z Commission. Her appeal was on time. The P+Z Commission has the right and the obligation to hear that appeal. The P+Z Director does not have the authority to deny that. Please remember, the P+Z Director and the Deputy County Attorney work for you, not the other way around.

There is no question that Martha Christopher's due process rights were violated in the proceedings leading to your Oct 14, 2025 hearing. We don't know why or how Staff decided not to notify her, but we do know that she has suffered damage from this decision, and that attempts to cover it up have made things worse. None of you P+Z Commissioners knew anything about this at your Oct 14, 2025 meeting. But you all do know about it now - even new Commissioners Shelton and Mangham. The only question now for each of you is whether you will choose to participate in the cover-up. I hope not. I hope that some of you will have the courage and integrity to use your positions of authority to restore Ms. Christopher's right to due process.

It is easy and inexpensive to fix this now. The County could simply declare the October 14, 2025 decision invalid based on procedural errors leading up to that P+Z Commission hearing. Then you could hold a new Public Hearing on the matter in compliance with the CZO. If this ends up going to District Court, things get much more expensive and complicated for all parties, with additional damages, depositions under oath, and discovery.

Thank you for your voluntary service to the citizens of Sandoval County.

Sincerely,

JD Domenick
145 Camino Barranca
Placitas, NM 87043

From: JD Domenick <jddomenick@msn.com>

Sent: Tuesday, January 13, 2026 7:05 AM

To: P&ZComm@sandovalcountynm.gov <P&ZComm@sandovalcountynm.gov>; DRTrujillo@windstream.net <DRTrujillo@windstream.net>; ShConra@gmail.com <ShConra@gmail.com>; SHarrelson@sandovalcountynm.gov <SHarrelson@sandovalcountynm.gov>; VictorEMT@yahoo.com <VictorEMT@yahoo.com>; JMaduena@sandovalcountynm.gov <JMaduena@sandovalcountynm.gov>

Cc: wjohnson@sandovalcountynm.gov <wjohnson@sandovalcountynm.gov>; meshleman@sandovalcountynm.gov <meshleman@sandovalcountynm.gov>; emasterson@sandovalcountynm.gov <emasterson@sandovalcountynm.gov>

Subject: ZNCH-25-005/Appeal 25-002: Request by Appellant Thomas Coulter for a reversal of the Zoning Officer's Administrative Decision

Dear Planning and Zoning Commissioners,

Welcome to new Commissioners Shelton and Mangham. And thanks to all Commissioners for your voluntary service to the citizens of Sandoval County.

This letter is to ask you to approve this appeal and to allow the original Joint Appeal submitted by Thomas Coulter and Martha Christopher to proceed and be considered by the Sandoval County Commission.

The first reason that the Zoning Officer denied the original Joint Appeal is that he argues that Joint Appeals are not permissible. That is, that each person must file a claim individually and pay a separate fee. The second reason given is that one of the persons who submitted the Joint Appeal (Thomas Coulter) does not own property within 100 feet of the subject site. Martha Christopher does own property within 100 Feet.

Joint Appeals.

Section 22 of the Sandoval County Comprehensive Zoning Ordinance (CZO) addresses appeals. That section states that "anyone aggrieved" may file an appeal. The CZO does not address anywhere whether appeals must be filed singly or whether they can be filed by more than one individual as co-appellants. So, it is important to look at the past and common practices of the County to determine if Thomas Coulter and Martha Christopher are being unfairly singled out for filing their appeal jointly. In this Appeal, Thomas Coulter has provided many examples of appeals filed jointly and carried forward to the County Commission (on ZNCH-24-005, Diamond Tail) since Section 22 of the CZO was last updated in January 2024. In addition, I filed an IPRA request asking to see any appeal applications on that project that were rejected administratively for being filed jointly and was told that no such documents exist. Sandoval County has routinely accepted Joint Appeals in the past.

I believe that rejection of the joint appeal filed by Thomas Coulter and Martha Christopher for filing it jointly was an abuse of discretion inconsistent with past practice, and the decision is not supported by the evidence in the matter.

Rejection for one of the Joint Appellants not owning property within 100 Feet.

Martha Christopher owns land adjacent to the subject site, excluding public right-of-way, so she clearly has standing for the original Joint Appeal. The proximity of her lot also required also formal notification. Thomas Coulter's land is approximately 500 feet away, so he does not meet the 100-foot standard specified in CZO Section 22, A, 4 for automatic standing based on proximity. But the CZO does not state that property owners (or anyone) more than 100 feet away do not have standing for filing an appeal. It only states that close neighbors have standing automatically. Others who are aggrieved are covered under CZO Section 22, A, 3. Those who have had their property or legal rights damaged by the decision also can qualify for standing, depending on the situation.

Once again, we should look to how the County has addressed appellants who do not own property within 100 feet of the subject property in the past. In this appeal, Thomas Coulter shows many examples of appeals accepted and forwarded to the County Commission by individuals, joint applicants and groups who do not own nearby property. For the previously mentioned Diamond Tail case, most of the appellants do not own property within 100 feet. Many do not own property within miles of the site, yet their appeals were not rejected. Thomas Coulter is not only a property owner, but he actually lives only 500 feet from this site.

But there is more. One of the complaints in the original Joint Application is that the Planning and Zoning Department (led by the Zoning Officer) violated the CZO by not properly following the requirements for providing advance notice of the Oct 14, 2025 Planning and Zoning (P&Z) Commission hearing to all landowners within 100 feet, excluding public right-of-way. Specifically, they allege, with substantial evidence, that Martha Christopher was not sent the required notice by Certified Mail. If Martha Christopher was never sent such notice, her rights under the CZO have been violated. If this denial silences her ability to bring this to the attention of the County Commission, anyone (including Thomas Coulter) should have standing to complain about that.

I believe that rejection of the joint appeal filed by Thomas Coulter and Martha Christopher for one of them not owning land within 100 feet of the subject property was an abuse of discretion inconsistent with past practice, and the decision is not supported by the evidence in the matter.

Much of the original Joint Appeal was critical of the P&Z Department's analysis and administrative handling of the original zone map amendment application. The Director of that Department should not be the person deciding whether the complaints against his own Department can be heard. The Governing Body of the County, the elected County Commission, should make the decision on how to handle this matter. Especially to determine if Martha Christopher's rights have been violated; and if so, what to do about it.

I respectfully ask you to approve this appeal and send this matter to the Sandoval County Commission to be properly adjudicated.

Sincerely,

JD Domenick
145 Camino Barranca
Placitas, NM 87043

From: JD Domenick <jddomenick@msn.com>

Sent: Saturday, March 7, 2026 2:42 PM

To: Jordan Juarez <jojuarez@sandovalcountynm.gov>; Jon Herr <jherr@sandovalcountynm.gov>; Michael Meek <mmeek@sandovalcountynm.gov>; Joshua Jones <jjones@sandovalcountynm.gov>; Katherine Bruch <kbruch@sandovalcountynm.gov>

Cc: Daniel Beaman <dbeaman@sandovalcountynm.gov>; Michael Eshleman <Meshleman@sandovalcountynm.gov>

Subject: ZNCH-25-005/Appeal 25-002. Request by Thomas Coulter to appeal a P+Z Commission Decision. March 11, 2026 Public Hearing.

Sandoval County Commissioners
c/o Sandoval County Planning and Zoning Department
1500 Idalia Road,
Building D
Bernalillo, NM 87004

Via email to all Commissioners

SUBJECT: ZNCH-25-005/Appeal 25-002. Request by Thomas Coulter to appeal a P+Z Commission Decision.

Dear Commissioners,

This letter is to ask you to approve the appeal presented by Mr. Coulter, and to remand the application by Evan Kinsley for a zone map amendment for Cluster Housing back to the Planning and Zoning (P+Z) Commission to be re-heard, this time following the requirements of the Comprehensive Zoning Ordinance (CZO). Then, after that, I ask you to deny the zone map amendment for Cluster Housing on that site, which is reserved for non-residential development in the Placitas Area Plan.

As Sandoval County's governing body, we citizens rely on you to uphold the land use rules that you have established. Sometimes there is ambiguity in the rules, and we depend on you to interpret them when that is the case. But most of the time, the rules are clear, and then we simply ask that you apply them equally to all. I appreciate that you take seriously the judicial responsibility to be an impartial tribunal on zone map amendment cases like this one.

I have lived in my Placitas home since 1991, almost 35 years. Prior to 2008, land use policy in the Placitas area was often uncertain. Then in 2008 you, the Sandoval County Commission, wisely undertook a lengthy and costly project to clarify land use rules in the area. The Placitas Area Plan (PAP) project was well covered in the local media, and it included many public meetings that were widely attended. The meetings were held locally, and everyone in Placitas who wanted to be heard was able to express their thoughts. I participated in this process, and it was a great example of participatory democracy in action.

At the end of the PAP project, you were able to provide the public with a pretty clear set of rules for land use in the area. Like any good negotiation, no one got everything that they wanted, but most people were satisfied with the result. The rules have worked well since they were adopted in April 2009. They are still in effect today.

Since then, there have been a few zone map amendment proposals that have come before the Commission which did not conform to the adopted PAP. The Cashwell property, Placitas Sage Co-housing and, most recently, Homestead Mercantile come to mind. All of these were attempts to go around the PAP, and the County Commission did not approve any of them. Now we have a new one, with a proposal to put high-density residential land use in an area where the PAP specifically prohibits any residential development. This property is squarely in the middle of the West Placitas Non Residential District of the PAP.

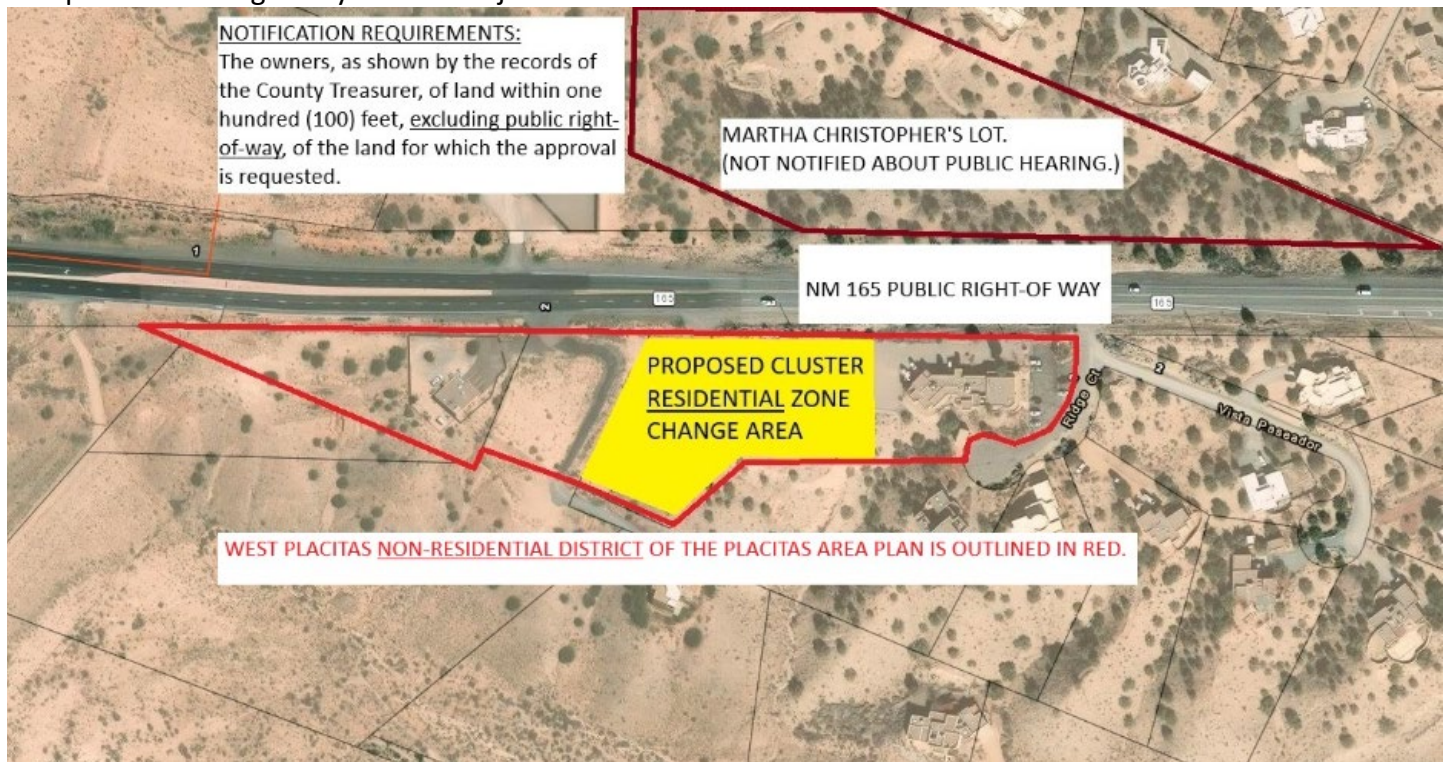
Mr. Coulter comes to you to appeal the administrative decision by the P+Z Director to deny his original joint appeal with Martha Christopher, an adjacent landowner (excluding public right-of-way).

Their joint appeal identified numerous defects in the original hearing, and their efforts for you to learn these

facts have been blocked. The most serious problem with the original P+Z Commission public hearing is that your Staff did not follow the Notification procedures required by the CZO. They chose not to notify Ms. Christopher of the October 14, 2025 public hearing. Ms. Christopher owns the lot directly across the public right-of-way from the subject property.

When Mr. Coulter and Ms. Christopher learned of this violation of Ms. Christopher's due process right, they decided to appeal it together, as many have done in the recent past. Mr. Coulter shows you many examples of *joint appeals* in his appeal document.

Take a look at the graphic below. It shows the site of the proposed Cluster Housing and Ms. Christopher's lot. It also shows the criteria for notification. Ms. Christopher was not notified as required. Your Staff has admitted this publicly. For that reason alone, Mr. Coulter's and Ms. Christopher's appeal should have been accepted and brought to you to be adjudicated.



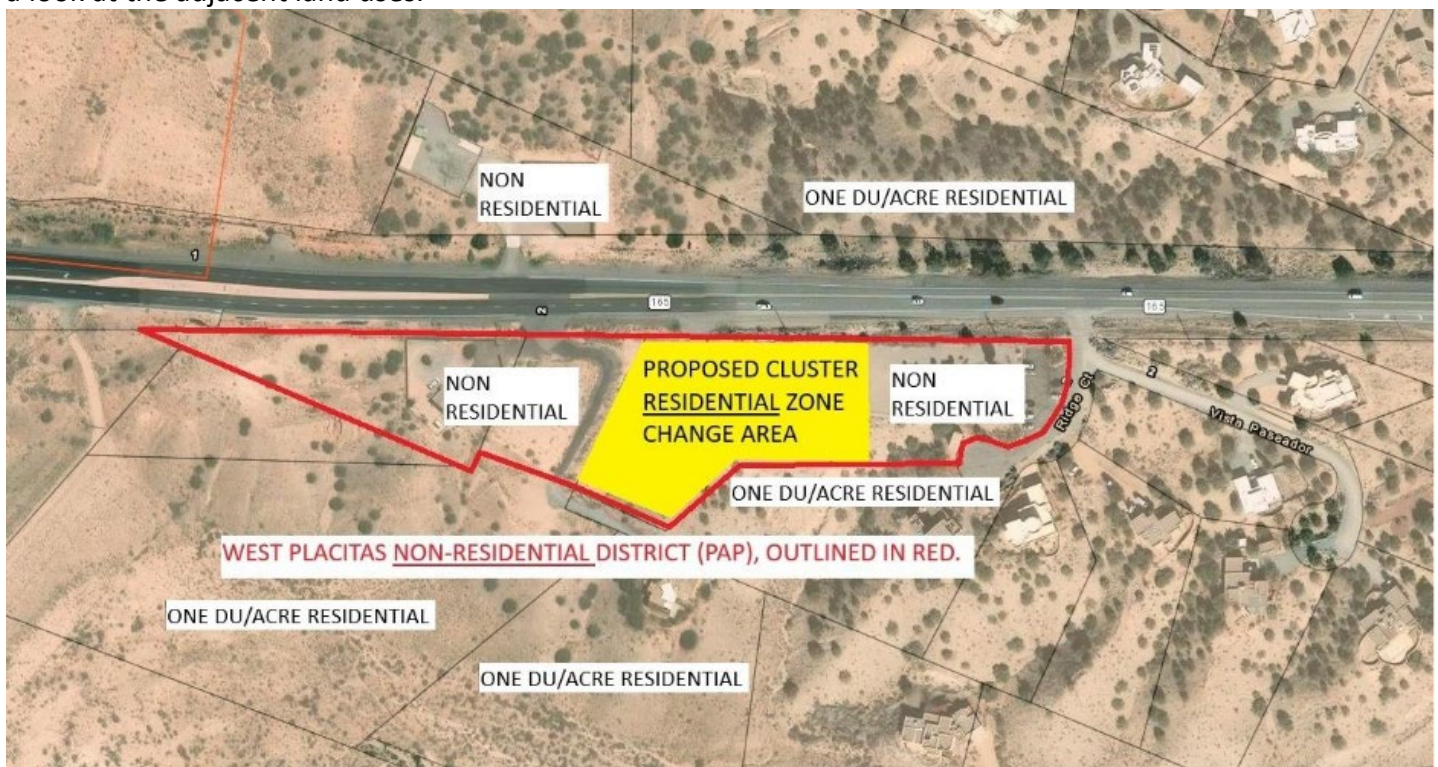
This graphic also has the added bonus of showing you why Staff is working to reject these appeals. The *joint appeal* shows that the P+Z Commissioners were not given adequate information to make a proper decision at the original hearing. The subject request was to approve high-density residential zoning. New Mexico law requires any zone map amendments to be consistent with adopted local area plans, in this case, the Placitas Area Plan. The subject property lies right in the middle of the "West Placitas Non-Residential District" of the Placitas Area Plan (see above figure.). That's right, the zone change request was for the exact opposite of what the Placitas Area Plan calls for on that site. But that fact never appeared in the Staff Report given to the P+Z Commissioners for the Oct 14, 2025 Public Hearing. Furthermore, neither Mr. Beaman nor Mr. Butrick mentioned it in the hearing. Mr. Beaman even misled the P+Z Commissioners in response to a direct question. When Chair (then Commissioner) Rodriguez asked which PAP District the property is in, Mr. Beaman told him that it is in the "West Placitas Design Overlay Zone."

As you probably know, there is no such thing as the "West Placitas Design Overlay Zone" in the Placitas Area Plan. That is something else entirely and is part of the Comprehensive Zoning Ordinance (Section 9(2.13)), not the Placitas Area Plan. It addresses things like building sizes, floor-area-ratios and parking requirements. It has nothing whatever to do with actual land use.

The only person who told the P+Z Commissioners that the proposed zone map amendment violates the Placitas Area Plan was Katherine Clark, the neighbor. She was correct, but she did not convince them. Her attorney also told you that at her appeal, but she did not convince you either.

And this is all explained in the original joint appeal filed by Ms. Christopher and Mr. Coulter. The County Commission should have proper access to this information so you can make an informed, impartial decision, based on the adopted policies and ordinances currently in place. That is what a *quasi-judicial* proceeding is supposed to be about. Under New Mexico law, you must make your decision based on currently adopted plans and ordinances.

My wife and I have owned our residence here for 35 years, and we also own one vacant parcel of land in Placitas. We rely on the PAP to know what we can do with our vacant land, and what to expect to see on other Placitas properties. This zoning request is the very definition of "Spot Zoning." It would be completely unlike anything around it and would not include any transition from one land use to the next. Take a look at the adjacent land uses.



ZNCH-25-005 IS SPOT ZONING

As a retired Professional Engineer with decades working as a consulting civil engineer, I can also tell you that the applicant has not complied with the CZO requirements to address water supply, wastewater handling, and access. But don't take my word for it. You have contracts with many reputable engineering firms for on-call services. Why don't you ask one of them? Any of them will tell you the same thing. That lack of response should disqualify the application by itself. But it pales compared to the violation of Martha Christopher's right to due process, and the incompatibility of the proposed land use to your adopted PAP. I respectfully ask you to follow the County's plans and ordinances, approve this appeal by Mr. Coulter, and remand this application back to the P+Z Commission to be heard while complying with the Notification requirements of the CZO. Then when it comes to you for a final decision on the application, I urge you to uphold your responsibility to follow the PAP and the CZO, and deny the application for a zone map amendment.

JD Domenick, PE (Ret.)
145 Camino Barranca
Placitas, NM 87043

From: [Michael Eshleman](#)
To: [Daniel Beaman](#); [Doraida Arias](#); [John Butrick](#); [Mary Alexis Volner](#)
Subject: Katherine Clark comment for 3/25 BOCC meeting
Date: Monday, March 23, 2026 9:51:01 AM
Attachments: [image001.png](#)

FYI



Michael Eshleman
Sandoval County Attorney

Legal Department
County of Sandoval
Post Office Box 40
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(505) 867-7507
(505) 771-7194 (fax)
meshleman@sandovalcountynm.gov

From: noreply@formnotification.email <noreply@formnotification.email>
Sent: Monday, March 23, 2026 8:55 AM
To: Katherine Bruch <kbruch@sandovalcountynm.gov>; Jordan Juarez <jojuarez@sandovalcountynm.gov>; Michael Meek <mmeek@sandovalcountynm.gov>; Jon Herr <jherr@sandovalcountynm.gov>; Joshua Jones <jjones@sandovalcountynm.gov>; Wayne Johnson <wjohnson@sandovalcountynm.gov>; Eric Masterson <EMasterson@sandovalcountynm.gov>; Michael Eshleman <Meshleman@sandovalcountynm.gov>; Michael P. Jaramillo <mpjaramillo@sandovalcountynm.gov>; Shawn Perry-Turner <sperry-turner@sandovalcountynm.gov>; Web Admins <webadmins@sandovalcountynm.gov>
Subject: Public Comment for Upcoming Commissioner Meeting

Boards and Commissions
Public Comment for Upcoming Commission Meeting
Name
Katherine Clark
Address
10 Ridge Court Placitas, New Mexico 87043 United States Map It
Email

kateclark1232@gmail.com

Comments:

I am submitting this comment regarding ZNCH-25-005 and related appeals. I am writing now because the cumulative conduct of Planning and Zoning staff in this matter reflects a pattern that warrants the Board's continued attention.

Staff recommended approval of a zone change in direct conflict with the Placitas Area Plan, without meaningful policy analysis, and inconsistent with prior denials of substantially similar applications, including ZNCH-20-001, ZNCH-16-001, and ZNCH-11-001. When commissioners raised these inconsistencies at the initial hearing, staff responded with versions of "I don't know" and offered no substantive reconciliation.

At a recent Board hearing, a Commissioner posed a direct factual question to the County Attorney regarding whether joint appeals had been accepted in a prior matter. The County Attorney declined to answer. The answer is a matter of public record. That exchange alone raises serious questions about whether the County's position in this matter is being advanced in good faith.

Three appeals have been placed on entirely different timelines with no apparent justification, and standing has been denied based on interpretations of the ordinance so strained they raise serious questions about whether they reflect genuine legal analysis or a preference for a particular outcome.

I will be submitting detailed written comments for the April 14 Planning and Zoning hearing, including applicable case law and ordinance citations, demonstrating that the original zoning change application was improperly noticed and in direct conflict with both the Sandoval County Comprehensive Zoning Ordinance and New Mexico state statute. Case law is unambiguous that defective notice renders a zoning action invalid and requires reversal and remand for a properly noticed rehearing.

Residents who participate in good faith are entitled to a process that meets basic legal and professional standards. This one has not. When this matter likely returns to the Board through pending appeals, I would remind the Board that its role as an appellate body is to review the integrity of the record and the administrative process, including whether proper noticing was provided, whether applicable plans and ordinances were correctly applied, and whether staff analysis met the standard expected of a professional planning department.

 This message is originated from an external organization 

This comment supports the appellants challenging the Zoning Officer's determination that they lack standing to appeal ZNCH-25-005 for the following reasons:

1. Standing Under the Ordinance Is Not Limited to Proximity

Section 22(A) of the Sandoval County Comprehensive Zoning Ordinance identifies four categories through which standing to appeal may be established:

1. the owner of the property listed in the application;
2. representatives of affected County departments or governmental agencies;
3. any person or organization able to demonstrate that their property or other legal rights have been specially and adversely affected by the decision; and
4. property owners (other than the applicant) whose land lies within one hundred (100) feet of the subject property, excluding public right-of-way.

At the appeal hearing for APPEAL-25-002, the County cited denial of the appeal on the basis that the appellant did not meet the proximity requirement under category (4), without evaluating whether the appellant may qualify under any of the other categories provided in the ordinance. If proximity were the only qualifying criterion, there would be no reason for the ordinance to enumerate three additional categories.

The structure of the ordinance indicates that these categories function as alternative bases for standing rather than cumulative requirements. Interpreting subsection (4) as a universal proximity requirement would nullify the other categories by excluding individuals who qualify under subsections (1) through (3) but are not within 100 feet. The appellants may qualify under category (3), and that issue was not addressed in the denial of their right to appeal.

2. The Ordinance Does Not Prohibit Joint Appeals

At the appeal hearing for APPEAL-25-002, it was stated that the joint appeal had been rejected because joint appeals are not permitted. However, no such prohibition exists anywhere in the Comprehensive Zoning Ordinance.

Substantive rights cannot be denied based on procedural requirements that the ordinance itself does not impose.

3. State Law Prohibits Narrowing Appeal Rights Beyond the Statute

NMSA § 3-21-8(B) and § 3-21-9 establish that any person aggrieved by a zoning decision has the right to appeal. In *Bogan v. Sandoval County Planning and Zoning Commission*, 1994-NMCA-157, 119 N.M. 334, the New Mexico Court of Appeals held that: "where the class of persons entitled to review is fixed by statute, it cannot be narrowed by ordinance." This principle has recently been reaffirmed by the New Mexico District Court. The Zoning Officer's restrictive reading of the proximity requirement, used to exclude appellants who may qualify under other categories provided by the ordinance, does exactly what *Bogan* prohibits.

Procedural Note

Three property owners filed appeals of ZNCH-25-005. All three appeals were filed within the same statutory period following the Planning and Zoning Commission decision and were therefore received by the County under the same filing deadline. Standing for all three appellants should have been resolved before the County Commissioners heard the appeal so that all eligible parties could participate in the same proceeding. Instead, the appeals have been placed on separate procedural tracks.

- The appeal filed by the author of this comment regarding ZNCH-25-005 was heard by the County Commissioners on January 14, 2026, and was denied. Because the statutory deadline to appeal to District Court runs from the County Commission decision, this timeline requires a decision on whether to file a court appeal before it is known whether the other appellants will ultimately be granted standing and allowed to have their own County Commission hearing on the same underlying decision.
- A second appellant was denied standing by the Zoning Officer, appealed that determination to the Planning and Zoning Commission on January 13, 2026, and has a County Commission appeal hearing scheduled for March 11, 2026.
- A third appellant was also denied standing by the Zoning Officer and appealed that determination to the Planning and Zoning Commission, with a hearing scheduled for March 10, 2026. If that decision is upheld, the appellant may then appeal to the County Commissioners on a separate timeline.

If the second or third appellants are ultimately determined to have standing, their appeals will necessarily involve review of the same zoning decision from the January 14th County Commissioner hearing, but would occur months later in separate proceedings.

This sequencing fragments review of a single zoning decision and creates the possibility of multiple appeals of the same record occurring on different timelines.

Resolving standing for all potential appellants before the County Commissioners considered the merits of the appeal would have allowed all parties to participate in the same proceeding and would have provided greater clarity for the applicant, the appellants, and the public attempting to follow the process.

Both appellants in APPEAL-25-002 and APPEAL-25-003 are entitled to evaluation under all four bases for standing provided in the ordinance, not a determination based on a single criterion or on procedural requirements not stated in the ordinance. The Zoning Officer's determinations should therefore be reversed.

Katherine Clark

Issue: Compliance with Public Notice Requirements and Validity of Zoning Action

The following comments concern the County's interpretation and application of ordinance provisions requiring notice to property owners within one hundred (100) feet, excluding public right-of-way, of the subject property.

1. Both the Ordinance and State Statute Exclude Right-of-Way

The Sandoval County Comprehensive Zoning Ordinance requires mailed notice to property owners within 100 feet, excluding public right-of-way, of the subject property.

This language mirrors New Mexico zoning statute, which similarly requires notice to owners within 100 feet, excluding public right-of-way, of the area proposed to be rezoned.

Because the ordinance adopts the same language used in the enabling statute, the phrase "excluding public right-of-way" must be interpreted according to its plain meaning: the right-of-way is removed from the measurement when determining the 100-foot notification radius.

2. Zoning Ordinances Must Be Strictly Construed

New Mexico courts have held that zoning ordinances must be strictly construed according to their plain language. *Nesbit v. City of Albuquerque*, 1977-NMSC-107.

Under this principle, the Zoning Officer may not impose additional interpretive conditions that do not appear in the ordinance text. The phrase "excluding public right-of-way" must therefore be applied literally.

3. Staff Interpretation Conflicts With Ordinance Language

At the March 10, 2026 Board of Commissioner's hearing, staff explained that "excluding public right-of-way" meant that the right-of-way was included within the 100-foot measurement but that the County was not required to notify the owner of the right-of-way.

This interpretation conflicts with the plain language of both the ordinance and the state statute. The language defines the method for measuring the required distance; it does not create a new class of property owners exempt from notice.

4. The County's Explanation Is Inconsistent With the Actual Notice Record

Certified mail receipts from the original application show that notice was sent to the New Mexico Department of Transportation (see attached).

This contradicts the explanation that the right-of-way is excluded because the County is not required to notify the owner of the right-of-way and indicates the ordinance language has been applied inconsistently.

5. Failure to Provide Proper Notice Denies Procedural Due Process

New Mexico courts have recognized that failure to follow established zoning procedures can deprive affected parties of notice and the opportunity to prepare an adequate defense, resulting in a denial of procedural due process. *Miller v. City of Albuquerque*, 1976-NMSC-052.

Because the notice radius was calculated using an incorrect interpretation of the ordinance, not all affected property owners were properly notified of the proposed zoning amendment or provided a meaningful opportunity to participate in the public process.

6. Failure to Provide Required Notice Invalidates the Zoning Action

New Mexico courts have recognized that failure to provide the notice required by law renders the resulting zoning action invalid. *Nesbit v. City of Albuquerque*, 1977-NMSC-107.

Because the notice requirements were not correctly applied, the Planning and Zoning Commission's recommendation was made without compliance with the legal framework governing zoning actions.

7. Defective Notice Invalidates the Resulting Zoning Action

Compliance with statutory notice requirements is a prerequisite to a valid zoning action. Since the notice radius was calculated using an interpretation that conflicts with both the County ordinance and the state statute, the required notice was not properly provided.

For these reasons, the notice provided for Case No. ZNCH-25-005 does not comply with the requirements of the Sandoval County Comprehensive Zoning Ordinance or applicable state law.

As a result, the Planning and Zoning Commission's recommendation and subsequent County action were made without proper notice and are procedurally defective.

The appropriate remedy is to reverse the Planning and Zoning Commission's recommendation and subsequent County action, and remand the matter for proper notice and rehearing.

Katherine Clark

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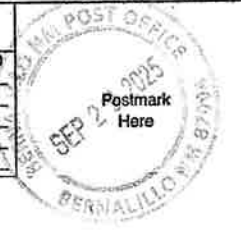
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1. Article Addressed to: STEVEN M. & WENDY A. GUDELI TRUST C/O ONE RIDGE COURT LLC. 1 RIDGE CT. PLACITAS, NM 87043-9528  9590 9402 7373 2028 2745 86	3. Service Type ☐ Adult Signature ☐ Priority Mail Express® ☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Certified Mail® ☐ Registered Mail Restricted Delivery ☐ Certified Mail Restricted Delivery ☐ Signature Confirmation™ ☐ Collect on Delivery ☐ Signature Confirmation Restricted Delivery ☐ Collect on Delivery Restricted Delivery

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A. Signature

Cecilia Vian

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Cecilia Vian

C. Date of Delivery

10/1/25

D. Is delivery address different from item 1? ☐ Yes
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JAMES BOCCO & KATHERINE CLARK
10 RIDGE CT.
PLACITAS, NM 87043-9529



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X *[Signature]*

☐ Agent

☒ Addressee

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JAMES BOCCO

C. Date of Delivery

10/9/25

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If YES, enter delivery address below: ☐ No

3. Service Type

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Figure 1

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☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery 10/1/78

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

1. Article Addressed to:

BARBARA ANN BEVERLY
7 SOLAR CT.
PLACITAS, NM 87043



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Domestic Return Receipt

From: [Robert Gorrell](#)
To: [David Beaman](#)
Cc: [Evan Kinsey](#), [George Franzen](#), [Katherine Bruch](#), [Terrie H Gorrell](#), [Michael Meek](#), [sandoval@sandovalcountynm.gov](#), [joshua.kenny@nmsd.net](#)
Subject: Re: Opposition to ZNCH-25-005 Request by Evan Kinsey of Spiegel Kinsey Construction, LLC
Date: Wednesday, March 4, 2025 8:07:49 PM

Dear Director Beaman,

Thank you for your email today and for ensuring our letter of opposition will be properly posted.

While I appreciate your assistance, I remain concerned that our letter—along with approximately ten others forwarded by Commissioner Meek—was delayed and unavailable for public or commission consideration. Greater transparency and attention to these procedural delays would be very well received by the Placitas community.

Many residents view ZNCH-25-005 as an attempt at spot zoning that is inconsistent with both the Placitas Area Plan (PAP) and county ordinances. Specifically, I would like to clarify that the definitions of cluster homes in the PAP and Zoning Ordinance are complementary rather than conflicting. A central issue remains: the base zoning for this SUD is WP-RRA, which allows for one residence per acre. Given the 1.85-acre site, only one home should be permitted.

As Katherine Clark noted in her appeal, cluster housing strictly limits the total number of units to the density allowed under the site's previous zoning. The community originally introduced this concept to allow developers to build on buildable pockets of rugged terrain while preserving the rest as dedicated open space—a win-win for everyone. Unfortunately, ZNCH-25-005 does not honor these provisions, which mandate that there be no increase in overall density.

Rather than moving forward with these inconsistencies, perhaps the undeveloped lots in this SUD could be addressed by working with owners to correctly modify the PAP for high-density, affordable housing under appropriate conditions.

I hope the Commission will recognize the flaws in the current application and restart the process. This would likely be more efficient and less costly than continuing on the current track. I truly appreciate your public service and know your role is a difficult one. My goal is simply to encourage a harmonious path that benefits the County and the residents of Placitas alike.

Sincerely,
Bob G.
M 505-301-4021

On Mon, Mar 2, 2025 at 12:27 PM Robert Gorrell <rmgorrell@gmail.com> wrote:
P&Z Director Beaman,

I respectfully request that this letter of opposition to ZNCH-25-005 be posted appropriately on the P&Z website. It was sent originally on January 11, 2026 and it was never posted.

Thank you!
Bob G.
M 505-301-4021

----- Forwarded message -----

From: **Robert Gorrell** <rmgorrell@gmail.com>
Date: Sun, Jan 11, 2026 at 4:52 PM
Subject: Opposition to ZNCH-25-005: Request by Evan Kinsey of Spiegel Kinsey Construction, LLC
To: Katherine Bruch <kbruch@sandovalcountynm.gov>, <jlauer@sandovalcountynm.gov>, <ameck@sandovalcountynm.gov>, <jojarrez@sandovalcountynm.gov>, <jjones@sandovalcountynm.gov>
Cc: Terrie H Gorrell <terrieht@gmail.com>, George Franzen <President@es-ca.org>

Dear Honorable Commissioners,

We are writing as long-time residents of Placitas to respectfully request that the Commission reject the Zoning Commission's recommendation and urge you to deny case **ZNCH-25-005**.

Our opposition is based on the following primary concerns:

- **Inconsistency with Established Plans:** The proposal conflicts with existing Sandoval County Ordinances and the 2008 Placitas Area Plan (PAP), a document we and many community members helped develop to preserve the unique character of our area.
- **Procedural Deficiencies:** This request mirrors previous rezoning attempts—specifically **ZNCH-20-001 (Homesteads)**, **ZNCH-16-001 (Sage)**, and **ZNCH-11-001 (Cashwell)**—all of which were denied due to legal and procedural flaws. During the Planning and Zoning (P&Z) hearing, legal counsel admitted they had not reviewed the request for legality, a disclosure that led to the visible dismay and possibly to the subsequent resignation of a P&Z Commission member.
- **Lack of Comprehensive Planning:** While we do not fundamentally oppose cluster housing, such developments should be integrated through transparent planning. For instance, we support the high-density zones already established in the Petroglyph Trails Master Plan.

Any modification to the PAP must be deliberate. We support future revisions to identify appropriate areas for affordable, smaller-scale housing that allows residents to age in place. However, the current recommendation bypasses established law and procedure to force an incompatible development into our community.

Thank you for your time and for considering our concerns regarding the integrity of our local planning and zoning process.

Sincerely,

Bob and Terrie Gorrell
22 Montana del Sol
Placitas, NM 87043