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

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**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,

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