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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.

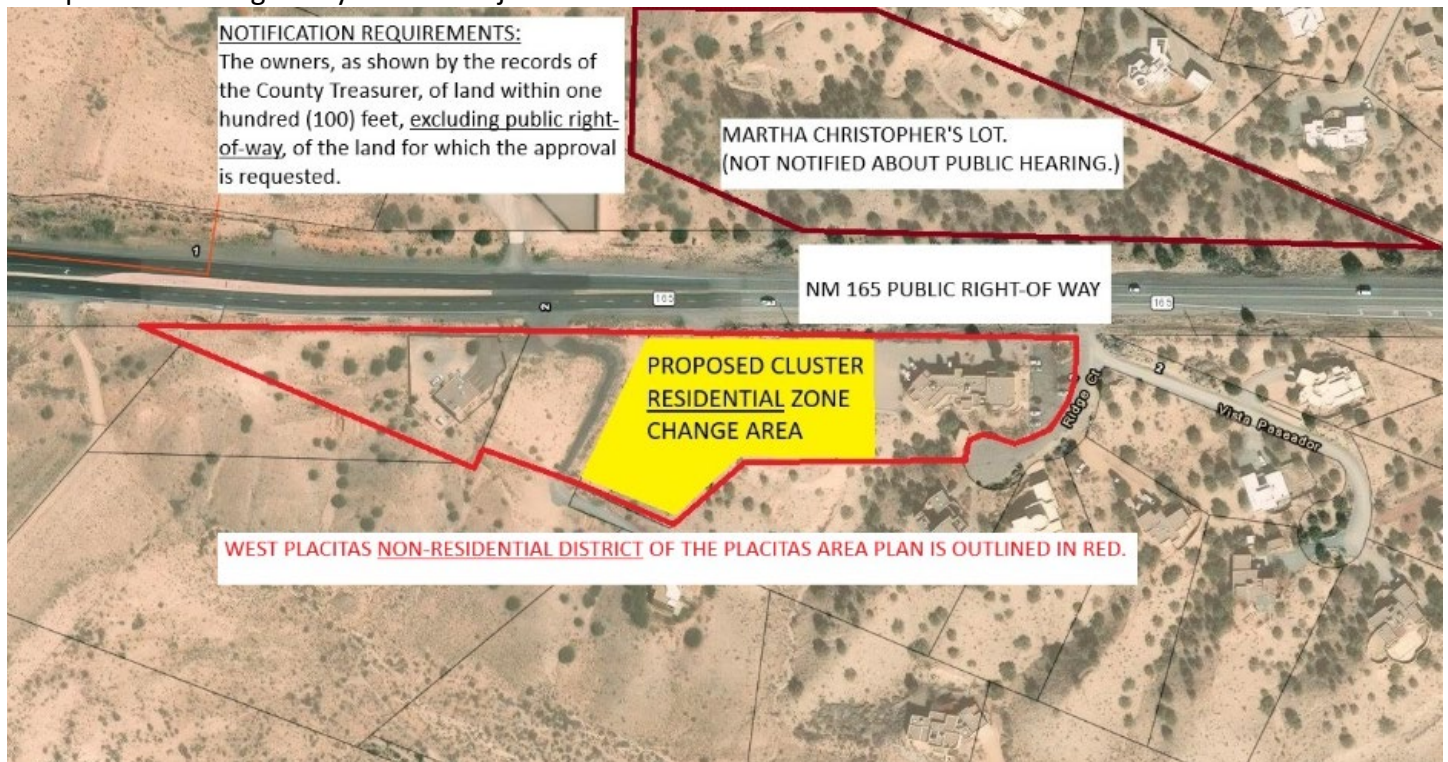
Mr. Coulter comes to you to appeal the administrative decision by the P+Z Director to deny his original joint appeal with Martha Christopher, an adjacent landowner (excluding public right-of-way).

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.)
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