



# MINUTES

MEETING OF  
THE BOARD OF  
ADJUSTMENT  
JUNE 01, 2021 AT 6:00 PM  
VIRTUAL MEETING

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## A. ROLL CALL

### **Members Present:**

Chair Gary Friedman  
Vice Chair Rachel Winston  
Member Coleen Dearing  
Member Douglas Maahs  
Member Donna Reynolds  
Member Dan Painter  
Member Grant Alexander

### **Members Excused:**

None

### **Others Attending:**

Noah Berke, Planner Manager  
Linda Vigil, Stenographer  
Sally Paez, Attendee

## B. PLEDGE OF ALLEGIANCE

## C. APPROVAL OF AGENDA

**MOTION:** Member Maahs moved, seconded by Member Dearing, to approve the as presented.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Chair Friedman, Vice Chair Winston, Member Dearing, Member Maahs, Member Reynolds, Member Alexander

**Against:** None

**Abstain:** None

## D. APPROVAL OF MINUTES:

1. February 16, 2021



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**MOTION:** Vice Chair Winston moved, seconded by Member Dearing, to approve the as presented.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Chair Friedman, Vice Chair Winston, Member Dearing, Member Maahs, Member Reynolds, Member Alexander

**Against:** None

**Abstain:** None

**E. APPROVAL OF FINDINGS/CONCLUSIONS**

**F. OLD BUSINESS**

**G. NEW BUSINESS**

- 1. Case #2021-3516. Tract A-1, Emblem Road Aquaponics Special Use Permit.** Nate Downey, Agent, for Lettuce, Etc., LLC, Owner; Charles Gilcrease, Property Owner, requests approval of a special use permit for a greenhouse and commercial aquaponics operation greater than 750 square feet. The project is comprised of approximately 8,730 square feet of new development for a greenhouse, office, garage, fish room and packaging facility. The property is located on Emblem Road, west of Office Court Drive, and south of Wagon Road Self Storage and is zoned I-1 (Light Industrial). The property is also approximately 2.49 acres. (Donna Wynant, Case Manager, [djwynant@santafenm.gov](mailto:djwynant@santafenm.gov), 955-6325)

Staff Report:

Ms. Waynant presented the staff report for Lettuce, Etc. owned by Mr. Downey. The project is 8,730 square feet of a new development. This is zoned I-1 which is light industrial. The case met the criteria for a special use permit.

Per the Code, it allows agricultural use and aquaponics subject to the special use permit. The land is vacant and is compatible with the area. There are similar businesses in the area. The presentation shows the site plan and how the parking is arranged. There are several comments in Exhibit A of the staff report.

A recent change was when they met with the State Fire Marshall's Office they discovered the entrance to the site will need to be redesigned which happened after the report was complete. There is an existing parking area which will be spill over from the business park to the neighboring property he may continue to use it.



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This will be a light traffic area. There will only be around three employees and no customers, the owner will deliver orders via his solar van. The plan does not affect public interest and is in compliance. Staff believes it is not contrary to public interest.

Applicant:

Mr. Nate Downey (1104 Don Gaspar Ave. Santa Fe, NM) presented his slides with photos of the area and the nearby businesses. There is a greenhouse off Bisbee court. His greenhouse/aquaponics will grow lettuce and produce. He has a landscape background and will reuse water. The aquaponics will not use pesticides to avoid damaging the ecosystem.

There are many wonderful neighbors and this area has the potential to grow. Right now there is some trash there because it is undeveloped.

Board Member Alexander asked if there are plans to develop the rest of the area.

Mr. Downey explained if all goes well he would likely put more greenhouses. His business model is to grow more. He has researched and the regional farmers do not have a way to deliver door to door.

Member Painter asked about tilapia and if he plans to sell or harvest it as well.

Mr. Downey explained the tilapia will be sold as well. It is more likely they will have an arrangement for the fish.

Member Painter asked if they sell it would they clean and process it at that location.

Mr. Downey explained he would not process it there. There is less of a market for it. He would not compete with the current agriculture systems.

Member Painter asked if the cleaned out parts will end up in the dumpster.

Mr. Downey explained the fish parts and lettuce parts that are not sold would go into a worm bin for landscaping and perhaps sold.

Member Painter read a few years back in Arizona there were many tilapia farms and garbage from restaurants were used to feed them.

Mr. Downey was not looking at that he was going to use feed called Optimal.

Public Comment:

Steven Lang (72 Embelm Rd. Santa Fe) lives near the property and was on the first meeting discussing the project. He is a freelance photographer and is aware of the need for good produce. The land is barren and is often used to dump trash. He is support of the project.

Questions from the Board:

Vice Chair Winston asked about the solar powered vehicle what kind is it?

Mr. Downey explained it is a Ford Transit Connect it is how he did the practice run from the SFCC and found it worked well.

Chair Friedman asked if approved how long before he starts construction.

Mr. Downey states he will wait for the thirty days to hear if the public objects. He will work with the architect and get the permit as soon as possible. He has been looking for land for four years for this project.

**MOTION:** Vice Chair Winston moved, seconded by Member Reynolds, to approve the land use case as presented.

**VOTE:** The motion was approved on the following Roll Call vote:



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**For:** Chair Friedman, Vice Chair Winston, Member Dearing, Member Maahs, Member Reynolds, Member Painter, Member Alexander

**Against:** None

**Abstain:** None

**MOTION:** Vice Chair Winston moved, seconded by , to approve the Findings of Fact and Conclusions of Law as presented.

**VOTE:** The motion was approved on the following Roll Call vote:

**For:** Chair Friedman, Vice Chair Winston, Member Dearing, Member Maahs, Member Reynolds, Member Painter, Member Alexander

**Against:** None

**Abstain:** None

## H. STAFF COMMUNICATIONS

Mr. Berke explained the last meeting was in February. There was a special City Council meeting to review options on in person meetings and the functions. They may do hybrid schedule. There is not a final decision yet. They categorized the committees and sub committees. They have retrofitted the chambers to record from Zoom and Youtube and may have some in person members. They may be able to have presentations virtually. Perhaps essential staff.

Mr. Berke explained that City Hall remains closed and they are looking at having some City staff return and take appointments only and they will have protocols soon.

Chair Friedman asked if each board gets a say in the decision.

Mr. Berke explained he worked with the City Clerk and Land Use Director to decide. They all have requested in person meetings. Until the Attorney General updates the requirements for meetings they will continue this way.

Ms. Paez explained that right now the legal authority requires an on going emergency. She believes the City emergency is ongoing until the beginning of July. The City Attorney touched base with the Attorney General's Office they have confirmed they are on solid grounds to stay the course or go to hybrid. Many of the quasi-judicial boards will follow City Councils recommendation. Chair Friedman asked if they are required to be fully vaccinated when returning to work. Mr. Berke stated they are not and it may not be a policy. The mask policy will continue for some time.

Ms. Paez explained those who interface with the public will be required to wear a mask. Those who are fully vaccinated and work in an enclosed office may choose to wear a mask.

Chair Friedman wants all members to feel safe if they return to in person meetings.



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Mr. Berke announced Carlos Gemora has moved and accepted a position in Albuquerque he will be missed. They will be working on a growth management plan. They are still looking at the Chapter 14 rewriting.

Chair Friedman also feels the same about losing Mr. Gemora, he was very helpful and knowledgeable.

Ms. Paez explains they will look at the possibility of other options for meetings.

Chair Friedman asked if there will be a meeting in July.

Mr. Berke stated it does not look like any were any permits submitted for the July deadline.

Chair Friedman explained he may know someone interested for the Land Use Department and will forward information to Mr. Berke.

## MATTERS FROM THE BOARD

### I. ADJOURNMENT

*Noah Berke*

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Liaison

*Gary S. Friedman*

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Chair