

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

February 15, 2024

1. This meeting of the Santa Fe County Planning Commission called to order by Chair J.J Gonzales on the above-cited date at approximately 4:00 p.m.

A. & B. Roll call preceded the Pledge of Allegiance and indicated the presence of a quorum as follows:

Members Present:

J.J Gonzales, Chair
Erik Aaboe, Vice Chair
Dan Pava
Wendy Pierard
Rhea Serna

Member(s) Excused:

Jeremy Mier
Carl Trujillo

Staff Present:

Jose Larrañaga, Building & Development Services Manager
Lisaida Archulta, Deputy Land Use Administrator
Jordan Yutzy, Building & Development Manager
Maggie Valdez, Development Review Specialist
Ryan Olivas, Development Review Specialist
Dominic Sisneros, Development Review Specialist
Roger Prucino, Assistant County Attorney

2. **Approval of Agenda**

A. **Amendments**

B. **Tabled or Withdrawn Items**

CHAIR GONZALES: Do we have any tabled or withdrawn item, Jose?
JOSE LARRAÑAGA (Building & Development Services Manager): Mr. Chair, as listed in the agenda, Case #23-5200 is tabled for this meeting.

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CHAIR GONZALES: Okay, can I have a motion to approve the agenda as amended?

MEMBER AABOE: I move to approve the agenda as amended.

MEMBER PIERARD: Second.

The motion passed by unanimous [5-0] voice vote.

**3. Approval of Minutes:
November 16, 2023**

CHAIR GONZALES: Do I have a motion to approve the minutes.

MEMBER PIERARD: I'll motion to approve the minutes from the meeting on November 16, 2023.

MEMBER AABOE: I'll second that.

The motion passed by unanimous [5-0] voice vote.

December 21, 2023

CHAIR GONZALES: We have the minutes for December 21, 2023. Do I have a motion to approve?

MEMBER AABOE: I'll move to approve the minutes of December 21, 2023.

MEMBER PIERARD: And I'll second.

CHAIR GONZALES: Thank you.

The motion passed by unanimous [5-0] voice vote.

January 18, 2024

CHAIR GONZALES: And we have the minutes for the January 18, 2024 meeting. Do I have a motion to approve?

MEMBER PIERARD: I'll motion to approve the minutes of January 18, 2024.

MEMBER AABOE: I'll second.

The motion passed by unanimous [5-0] voice vote.

4. Old Business

None was brought forward.

5. New Business

- A. **Case # 23-5260 Parke and Nancy Duttonhofer Conditional Use Permit. Parke and Nancy Duttonhofer, Applicants, request approval of a Conditional Use Permit (CUP) to allow a 2,040 sq. ft. hoop style cold frame Commercial Greenhouse for the purpose of producing cannabis (Cannabis Micro-Grower). Ordinance 2021-03, Section**

10.22.3.3 defines a cannabis producer or cannabis producer microbusiness that cultivates cannabis plants indoors shall be treated the same as the following use: Commercial Greenhouse. The 1.46-acre property is within the Traditional Community (TC) Zoning District. Appendix B of the SLDC illustrates that a Commercial Greenhouse within the TC zoning district is a Conditional Use. The site is located at 11 Lamy Station Trail, within Township 15 North, Range 10 East, Section 33, SDA-2 (Commission District 4) [Exhibit 1: Opposition Letter dated 2/14/24, Romanelli-Zunkel Family]

MAGGIE VALDEZ (Case Manager): Good afternoon, Mr. Chair, Planning Commission. [Ms. Valdez read the case caption] The applicants request approval of a CUP to allow a 2,040 square foot commercial greenhouse for the purpose of producing cannabis. The facility will be located on a 1.46-acre parcel of land. The applicants are required to abide by stringent New Mexico Regulation and Licensing Department, RLD, regulations pertaining to licensing and operating the facility, including issues such as access, security, and monitoring by RLD. The applicants have obtained a New Mexico cannabis producer microbusiness license, which allows a cannabis producer at a single licensed premises to process no more than 200 total mature cannabis plants at any one tie.

The applicants state that they are requesting approval of a conditional use permit to allow a 2,04 square foot hoop style cold frame commercial greenhouse for the purpose of producing cannabis flowers. The 1.46-acre property is within the traditional community, TC zoning.

New Mexico legalized adult use marijuana through House Bill 2 on April 12, 2021 as the Cannabis Regulation Act, NMSA 26-2C-1, et seq. The act allows for cannabis possession and consumption for individuals 21 years and older. The Cannabis Control Division is responsible for regulating the adult use marijuana program. Access to cannabis is through state-licensed cannabis businesses.

In response to the CUP criteria the applicants state the following: the applicant has addressed the CUP criteria and staff has responded to the applicants' comments. The applicant has addressed the applicable design standards as required by the SLDC.

Building and Development Services staff has reviewed this project for compliance with the relevant SLDC requirements and has found that the facts presented support the request for a conditional use permit to allow a 2,040 square foot hoop style cold frame greenhouse 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 substantial requirements set forth in the SLDC, inclusive of conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from the State Historic Preservation Office and County staff have established findings that this application to allow a 2,040 square foot commercial greenhouse to cultivate plants indoors is in compliance with the state requirements, standards set forth in SLDC Section 10.22, Ordinance 2021-03, and pertinent design standards set for in the SLDC.

Hearing Officer recommendations: On January 11, 2024 this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer

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memorialized findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer, based on the evidence presented, recommends that the application be granted subject to the conditions required by staff. The recommended order and minutes of January 11, 2024 hearing are attached as Exhibits 10 and 11.

On January 11, 2024, the Hearing Officer's hearing, one individual testified in opposition of the request for an outdoor production of cannabis at this site. One other individual spoke in regards to the access road on the site. The testimony of these individuals is stated in the minutes recorded on January 31, 2024 within the Santa Fe County Clerk's Office, Exhibit 10.

Recommendation: The recommendation of the Hearing Officer and staff recommendation is for approval of a conditional use permit to allow a 2,040 square foot hoop style cold frame commercial greenhouse for the purpose of producing cannabis indoors, subject to the following conditions. Mr. Chair and Commission, may I enter the conditions into the record?

CHAIR GONZALES: Yes, you may.

[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 allows for a 2,040 square-foot 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. Off site road shall meet standards illustrated in SLDC Section 7.11.

MS. VALDEZ: This report and exhibits listed below are hereby submitted as part of the hearing record. Mr. Chair and Commissioner, I stand for questions.

CHAIR GONZALES: Thank you. Any questions of staff? I do have questions but mainly for the applicant. So if we don't have any questions of staff, is the applicant here? Please step forward. State your name and address and be sworn in please.

[Duly sworn, Parke Duttonhofer testified as follows:]

PARKE DUTTONHOFER: My name is Parke Duttonhofer. I live at 3 Western Overlook in Lamy, New Mexico, 87540. Thank you for seeing me today. I've been a resident of Lamy for 38 years now and during that time I've been active in our community. I've been president of the Lamy Community Association, vice president of the Water Board for 20 years, and then currently vice president of the foundation that owns the church building.

There's commercial property already in the village. Directly in front of my property, house, is a commercial lot that's owned by Santa Fe Southern Land Holdings, and just one lot over to me on the east is the Legal Tender Restaurant and Saloon, which together with the train station and railyard, which is right across the street from me has been a commercial venture since before New Mexico was a state.

The greenhouse will not be able to be seen from the road, County Road 33 passes right in front of my house, but you've got to go up a hill to my house and I've got all kinds of trees and stuff. From the road there's no way to see the greenhouse. On the east

side of my property is a 25-foot tall, what I call a finger ridge. It's not really a hill. It comes down off of the hills and there's little valleys, drainages in between that blocks my property from anybody who's on the east. On the west it's the same thing. My property goes up to the top of that ridge and so only the people that are right on top can see into my backyard.

I spoke with the residents that live on Lamy Station Trail who are the ones that are going to be most impacted by this in that they'll be able to see it when they're driving to and from their homes. And so I've spoken with all of them except for the new person that just moved in last month. The closest home to me I just spoke with last Saturday and they said again that they are not against my proposal. So they're okay with it.

The greenhouse itself will be, as part of the whole process, I bought these big giant fans with carbon filters that are so long, that big around, so the venting coming out of the greenhouse will be filtered and should not have any smell associated with it. My water situation, I'm actually – my legal water, my paper water is from Santa Fe County, the bulk water serving place over there on County Road 14, but I've also got 4,000 square feet or roof area for rainwater collection, and a little over 6,000 gallons of storage capacity. So I've calculated that one inch of rain will let me collect 2,000 gallons of water.

There won't be any traffic to the – the only traffic to the greenhouse will be the State Inspectors, because there's no customers, there's no traffic coming to it. In the fall I might have one or two people help me do the harvest, but other than that it's just going to be me and my wife and my daughter.

The lighting situation, like I've stated, is only going to be security lights. The state requires that I have cameras all over the place but those are all going to be motion-activated so unless something is inside the greenhouse the lights won't come on so there'll be no lights at night. The neighbors are happy about that.

So what I'm trying to say is there will be no negative impact on my community, and I'm very much involved in the community, so I wouldn't like it if there was a big impact, even if I was the one giving it. I think that's it.

CHAIR GONZALES: Thank you. Do we have questions of the applicant?

MEMBER AABOE: Thank you, Chair. Mr. Duttenhofer, so what do you estimate the water consumption to be during the growing season? Let me just get it straight. So you'll be hauling water in for this operation, either from Highway 14 or the new bulk water station that's up the road at Arroyo Hondo station. Is that right?

MR. DUTTENHOFER: That's correct, although I also have spoken to two different contractors that haul water and I can purchase it for two cents a gallon and if I pay these contractors it comes out to about 15 cents a gallon, so I'm going to try to haul it mostly myself.

MEMBER AABOE: And what do you estimate your water use to be?

MR. DUTTENHOFER: I estimate one gallon per plant in the hottest months per day. So that's 200 gallons per day for the month of June and half of July. Up until June it's not so much and then after that it tapers off as well, the amount of water you need.

MEMBER AABOE: Okay. And the road that would access this is a County-maintained road. Is that correct?

MR. DUTTENHOFER: County Road 33, which is called Old Lamy Trail, is a paved road. It comes off of Highway 285 and goes through the center of the village. Right when it ends, just past the Legal Tender Restaurant, you turn left on Lamy Station Trail, and that is a private road.

MEMBER AABOE: And who maintains that road?

MR. DUTTENHOFER: The homeowners that live along that road.

MEMBER AABOE: Do you participate in the cost of that maintenance?

MR. DUTTENHOFER: I have not as of yet. My home is accessed from the front. I built in the year 2000 a studio for my woodworking so I do use that road to go to my woodworking, and I maintain my section of it myself but the rest of it I have not participated in that maintenance yet.

MEMBER AABOE: Okay. Thanks very much. That's all I have.

CHAIR GONZALES: Thank you. Any other questions? Wendy.

MEMBER PIERARD: You said – I might have missed it, but how many – what's the maximum number of plants you are going to have in the greenhouse?

MR. DUTTENHOFER: Two hundred. .

MEMBER PIERARD: Okay. So it's the 200. Thank you.

CHAIR GONZALES: Mr. Pava.

MEMBER PAVA: Thank you, Mr. Chair. To the applicant, on the site plan there's shown a storage structure that's existing. Could you elaborate what is the use of the structure, what's inside the structure, and will it be related to the use of the proposed hoop greenhouse?

MR. DUTTENHOFER: That structure is currently my studio and I'm going to quit doing the woodworking so that's going to become the storage area. The only storage I'll be using in conjunction with the greenhouse will be nutrients and hoses and things like that. The state does not allow you to do anything outside of your secure area in relation to the actual cannabis – the seeds, the plants, everything has to be done inside that secure fence. So there won't be anything going on in the storage area or my studio, other than storage.

MEMBER PAVA: Thank you. Appreciate the explanation.

CHAIR GONZALES: I've got a couple of questions. This greenhouse that you're building, who's going to construct it for you?

MR. DUTTENHOFER: I'm going to do that myself.

CHAIR GONZALES: You have that expertise to construct the hoop house? Sometimes they're very complicated and very expensive to do.

MR. DUTTENHOFER: I agree, and this one seems pretty simple. I actually purchased it two years ago and have help install – or erect, I think is the right word – one for someone else, so I'm confident that me and two other people can put it together.

CHAIR GONZALES: And who's going to help you there besides your wife and your daughter? It's labor intensive, I think, because I have a garden myself and it's -

MR. DUTTENHOFER: It is definitely labor intensive and that's why in the harvest time I'm going to probably need somebody for a week or two. But the state also requires that you put in a drip irrigation system to keep water use from being overwhelming. So in reality, I'm just going to be a water manager for most of the time,

making sure the pumps are working, making sure the drippers are working. It's a maintenance thing once you get it started.

CHAIR GONZALES: And what kind of cistern do you have for your water supply?

MR. DUTTENHOFER: I've got a 3,000-gallon plastic aboveground, a 1,500-gallon plastic aboveground tanks already. And on each corner of the greenhouse will be a 275-gallon – one of those totes, a square plastic water container to catch the runoff from the greenhouse roof.

CHAIR GONZALES: And what kind of vehicle do you have to haul water from the bulk station. That's about 15 miles away. It's quite a distance.

MR. DUTTENHOFER: It's quite a distance. I'm just going to use my three-quarter ton pickup truck. I've actually got a spare one in case it breaks down, but that's why I've also contracted or at least spoken to two different people that haul water. One of which actually lives in Lamy.

CHAIR GONZALES: Okay. We talked about the filtration system. The design – do you have an engineered design for that greenhouse?

MR. DUTTENHOFER: Only what the company that sells it sent me. It's pretty simple. Basically it's just pipe, tubes, and they fit into each other. Straight ones get hammered into the ground like a fence post and then the other ones go on top of it and it gets screwed together like an erector set.

CHAIR GONZALES: Have you inquired at Santa Fe County that you need a permit to construct that and it has to be approved by Construction Industries? Have you gone that far yet?

MR. DUTTENHOFER: I've got to do this first.

CHAIR GONZALES: Well, yes. Okay. You know it requires an engineered design and you may have to get a permit from Santa Fe County and then it has to be approved by Construction Industries. So I'm just letting you know that probably those are the steps. Because I was a building at one time and you have to jump through all the hoops and not just saying you're going to buy a greenhouse and erect it yourself, like you said, but there's a way to get it down.

MR. DUTTENHOFER: And I'm perfectly comfortable with being in compliance with anything that you require me to do. I've actually tried to get a business license but they said that I have to wait until after today, to get this approval first.

CHAIR GONZALES: And you're saying you bought this kit already, this greenhouse kit or whatever you did. Is that some package that you bought?

MR. DUTTENHOFER: Yes, sir.

CHAIR GONZALES: When did you buy that?

MR. DUTTENHOFER: I think it was two years ago.

CHAIR GONZALES: Two years ago? Before they approved cannabis operations?

MR. DUTTENHOFER: No, no. The day after.

CHAIR GONZALES: The day after. Okay. We talked about the water budget and you figured that you think you can have one gallon a day per plant. Is that realistic?

MR. DUTTENHOFER: It is. I've been growing my own personal cannabis plants the last two years and that's what I've come to conclude. In the hottest

time of the year, June and half of July, it takes a half gallon and I'm using a ten-gallon container and drip-emitters and seriously, drips work ten times better than spraying it with a hose.

CHAIR GONZALES: And the other question I have is I have a small greenhouse and it gets extremely hot in there, and that's not good for the plants. How are you going to be able to adjust the temperature? It goes to 120 degrees or so, then at night it drops down to 40 or 50 degrees. How are you going to control the temperature variations?

MR. DUTTENHOFER: The main thing that will help me is the greenhouse will be covered with shade cloth, which is a black woven netting kind of thing. Thirty percent shade. And so that will cut down on the heat. Also the giant fans are going to be pushing out twice as much cubic feet per minute than is required to ventilate the whole building. There'll be some small vents down at the bottom on the sides, and so they'll draw the air through and up through the top and out.

CHAIR GONZALES: Thank you. Any other questions of the applicant? Erik?

MEMBER AABOE: Mr. Chair, so what happens when the plants are ready for harvest? How will you process this for sale?

MR. DUTTENHOFER: What I will do, of course we cut them down and hang them to dry. That will have to be done also inside the secure area. So I'll put a black-out room actually inside the greenhouse. And when they're dry, get cut into smaller pieces, put into the plastic containers and taken to the testing laboratories, and then a retail outlet will be the ones that actually sell it.

MEMBER AABOE: So you'll do that processing within the greenhouse, inside some kind of black-out area in the greenhouse.

MR. DUTTENHOFER: Correct.

MEMBER AABOE: And it will not be hot at that time so that you can work. I'm just concerned. So you have it figure out as to where you are going to process this and this will comply with the requirements.

MR. DUTTENHOFER: That's correct. I wanted to do it inside my studio. The storage room on the plat. But I would have to put the security fence around my whole property if I did that, and of course get a whole bunch more security cameras. So I'm just going to do it inside there and it should work. It's worked good for me the last couple of years just on my 12 plants.

MEMBER AABOE: Thank you, Mr. Chair.

CHAIR GONZALES: Thank you. If there are no further questions, this is a public hearing. Anyone wishing to speak in favor or against this case please step forward. Anyone online, Jose?

MR. LARRAÑAGA: Mr. Chair, I see no one online wishing to speak on this case.

CHAIR GONZALES: If that's the case I will close the public hearing. What are the wishes of the Commission? Mr. Duttenhofer, please step forward. One more question.

MEMBER PIERARD: On the fans that you're installing, how large are those? Can you hear that on your property? Could you hear those fans off your property?

MR. DUTTENHOFER: I'm not sure. I haven't had them turned on full blast to listen to them. I imagine they're going to be hearable with a couple hundred feet of the property.

MEMBER PIERARD: And to they run 24/7? Or is just during the day?

MR. DUTTENHOFER: No, no. Actually, there's a sensor that makes them cut on when it's 80 degrees and then cut off when it gets under 80 degrees.

MEMBER PIERARD: Okay. Great. Thank you.

CHAIR GONZALES: If there's no other questions, no comments from the public, what are the wishes of the Commission? If not, I'll make a motion on Case #2305260, Parke and Nancy Duttenhofer, conditional use permit, I move to approve.

MEMBER SERNA: I'll second that.

CHAIR GONZALES: Thank you. Any discussion?

MEMBER PIERARD: Approve with conditions?

CHAIR GONZALES: Yes. Approve with conditions. Okay, any discussion?

The motion passed by unanimous [5-0] voice vote.

5. B. Case # 23-5200 Todd and Susan Handy Variances (VAR). **TABLED**

5. C. **Case # 23-5220 NM 5066 Substantial Modification Conditional Use Permit. Romano & Associates LLC, Applicants, Jonathan Owen, Agent, request approval of a Conditional Use Permit to allow a Substantial Modification, to construct a 120' tower and install equipment within a 75' x 75' leased area. The 40-acre site is within the Rural (RUR) Zoning District. Table 10-3, Wireless Communications Facility Height Limitations by Zoning District, allows for a new tower to be 120' in height within the RUR Zoning District. Appendix B, Use Matrix, illustrates that a Substantial Modification within the RUR Zoning District is a Conditional Use (CUP). The site takes access via 1081 NM 344, within Township 11 North, Range 7 East, Section 11, SDA -2 (Commission District 3)**

RYAN OLIVAS (Case Manager): Thank you, Mr. Chair, Commissioners. [Mr. Olivas read the case caption.] The applicant is requesting approval of a Conditional Use Permit to allow a new 120-foot monopole and installation of the ground equipment within the proposed 75 foot x 75 foot leased area. The 40.00-acre parcel is zoned Rural. Appendix B of the Sustainable Land Development Code states that a substantial modification within the rural zoning district is a conditional use.

The applicant states, "The 120-foot tall monopole will allow the deployment of advanced wireless broadband technologies and equipment to provide needed enhancement to the coverage and network capacity in the immediate vicinity since it can no longer be served adequately from neighboring sites which are located more than five miles away. Effectively, there is no significant wireless infrastructure between I-40 to the south and I-25 to the north. The proposed facility will provide much needed coverage

enhancement and will also allow for multiple users to utilize the same facility to offer their services in this underserved part of Santa Fe County.”

The applicant has addressed the conditional use criteria and staff has responded to the applicant’s comments. The applicant addressed and staff reviewed for the following applicable design standards as per Chapter 7.

On December 10, 2023 this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer, based on the evidence presented, recommended approval of a conditional use permit to allow a 120-foot tall communications tower at 1081 New Mexico 344 within Township 11 North, Range 7 East, Section 11, and the rural zoning district in Commission District 3.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a conditional use permit to construct a monopole 120 feet in height: the facility meets the purpose and intent outlined in Section 10.17.2 of the SLDC; the use/structure 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 Section 4.9.6.5.

The Hearing Officer and staff recommend approval of the conditional use permit to allow a substantial modification to construct a monopole 120 feet in height within a 75’x75’ leased area, to be located at 1081 NM 344, subject to the following conditions. Mr. Chair, may enter these conditions into the record?

CHAIR GONZALES: Yes, you may.

[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 Applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. The maximum height of the wireless communication facility (monopole) shall not exceed 120’ in height, inclusive of antenna array.
3. NMDOT access permit shall be provided prior to the recordation of the CUP and all standards and conditions set forth by NMDOT shall be indicated on the CUP plan. NMDOT access permit shall be submitted with the Development Permit application.
4. Driveway and access from NM 344 shall be built per NMDOT and County standards and conditions.

MR. OLIVAS: This report and the exhibits listed below are hereby submitted as part of the hearing record. Mr. Chair, Commissioners, I stand for any questions.

CHAIR GONZALES: Any questions of staff?

MEMBER AABOE: Mr. Chair, I have a question.

CHAIR GONZALES: Erik.

MEMBER AABOE: In the SLDC, a communications tower has to fall within the property on which it’s located. It can’t fall on its neighbors. In this situation, the property is a relatively large property, but it’s a relatively small leased area. So the leased area, which the applicant controls, the tower can fall outside of that leased area.

And so that's still considered the property, rather than – and I'm sort of looking at Roger here – rather than – so it's falling outside of the area that the applicant controls onto the landowner's property. And I'm just wondering if there's a disconnect there with the amount of areas that's leased for this and the height of the tower that's going to be installed on it.

MR. OLIVAS: Mr. Chair, Commissioner, so for all the adjacent properties there's a 250-foot setback and also this tower is going to be 120 feet in max height, so the fall zone should be double that.

MEMBER AABOE: Right. It's a big lot with a small leased area. If it falls it goes outside of the leased area, which the applicant controls onto the landowner's property. I'm just wondering if there's some weirdness in the language here. It's nothing – I don't want to get in the gears here but that's an inconsistency that I say. Thanks.

CHAIR GONZALES: Any other questions? Mr. Pava.

MEMBER PAVA: Thank you, Mr. Chair. Mr. Olivas, is there – do you happen to know if local cell companies will be using the tower? Who benefits from the establishment of this tower in this location?

MR. OLIVAS: Mr. Chair, Commissioner, are you referring to the cell carriers that will be available to this cell tower? Can you clarify your question if you're speaking on –

MEMBER PAVA: Yes. This cell tower will have many antennas. Does this benefit the local users? Are there what I would call dead spots, for example, in the area that this tower will benefit? Why is this tower being put in this location?

MR. LARRAÑAGA: Mr. Chair, Commissioner, I believe the applicant is here who could probably answer that question better than I can, but yes, they do studies to fill in these dead spots along the highways to place this tower.

MEMBER PAVA: Thank you very much. Appreciate the clarification.

CHAIR GONZALES: If there are no further questions, is the applicant here? State your name and be sworn in. Address also.

[Duly sworn, Jonathan Owen testified as follows:]

JONATHAN OWEN: My name is Jonathan Owen. I'm at 6117 Acacia Street Northwest in Albuquerque, New Mexico, 87120.

CHAIR GONZALES: Thank you. Do you have a presentation for us?

MR. OWEN: I don't really have anything to add to what Mr. Olivas has presented. Everything that we've put together in the packet that's been submitted to the Commission. I'm happy to answer any questions though.

CHAIR GONZALES: Erik.

MEMBER AABOE: Mr. Chair, I understand that this is essentially a tower that's going to be built on spec so that it's a tower that will be available to any and all wireless carriers that you are able to – I don't know how that works but I think I read that T-Mobile is interested in using one of the heights or whatever it is. Can you elaborate on that and also maybe refer to the question with regard to cell coverage in the area?

MR. OWEN: Yes. So T-Mobile is the anchor tenant, so they're already on board to co-locate on the tower. It's already been marketed to all the major carriers – Verizon, AT&T, Dish, Xfinity, and it's available to any wireless carrier to co-locate on. Right now it could probably handle about four major carriers. Other small carriers could co-locate below the rad centers for the other four larger carriers but it is certainly

available to anyone who wishes to co-locate, provided they can get the coverage that they need.

CHAIR GONZALES: Thank you. I've got a couple of questions. Where about is this location. I saw the aerial photograph, but is this out by Galisteo, or where is it?

MR. OWEN: It's just north of I-40, right where the Edgewood exit is. So it's five or six miles from there I believe.

CHAIR GONZALES: Is this on the parcel, 40-acre lot that you have or what's the land around it?

MR. OWEN: Well, it is a 40-acre parcel. We've leased this land from the property owner who is actually out of South Dakota, I believe.

CHAIR GONZALES: And regarding the 40-acre parcel, is this 75' by 75' area in the middle of the parcel or on one side, or where is it located?

MR. OWEN: It's roughly in the middle, more towards the road than it is towards the back of the property off of 344. But there is substantial clearance on all sides to satisfy all the setback requirements.

CHAIR GONZALES: Okay. Any other questions? If not, this is a public hearing. Anybody wishing to speak for or against, please step forward. Anybody online, Jose?

MR. LARRAÑAGA: Mr. Chair, there is no one online wishing to speak on this case.

CHAIR GONZALES: Okay. What are the wishes of the Commission?

MEMBER PIERARD: I can put a motion.

CHAIR GONZALES: Okay.

MEMBER PIERARD: I'm motioning on Case 23-5220 for the substantial modification for the conditional use permit. I recommend approving the conditional use permit with the conditions that were recommended by staff.

CHAIR GONZALES: Thank you, do we have a second?

MEMBER PAVA: Second.

CHAIR GONZALES: We have a second. Any discussion?

The motion passed by unanimous [5-0] voice vote.

- 5. D. Ordinance No. 2024-___, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, as amended, to Amend Section 9.5 (Tesuque Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; to Revise the Fences and Walls Standards; to Amend Dimensional Standards for Base Zoning Districts; to Add and Amend Select Use Regulations in the Use Table and Base Zoning Districts**

NATE CRAIL (Community Planner): Good afternoon, Chair and Commissioners. I'm joined by Joseph Scala, another community planner. This is his first week on the job, so it's exciting for us to have more staff. So today I'm talking about ordinance amending Section 9.5 of the SLDC, which amends the Tesuque Community District overlay to revise purpose sections, make minor technical and grammatical

changes, to revise the fence and walls standards, to amend dimensional standards for base zoning districts, to add and amend select use regulations in the use table and base zoning districts.

So on December 12, staff received BCC approval to publish title and general summary for an ordinance amending this particular section of the SLDC, and so this constitutes a legislative hearing, since it covers an entire community district. And per Table 4-1, this ordinance has the following three application types. It's both an SLDC text amendment, it's an overlay zone, and it's also considered a zoning map amendment since changes to the use table constitute a rezoning.

The first hearing in front of the SLDC Hearing Officer occurred on January 11th and the second hearing in front of you today will be followed by a third and final public hearing at the Board of County Commissioners in March.

So in 2022 the Board of County Commissioners adopted the Tesuque Community Plan, the 2022 community plan via Resolution 2022-072. Throughout 2022 and 2023, County Staff coordinated with the Tesuque Planning Committee to develop the appropriate overlay amendments. These planning committee meetings are always open to anyone in the community. These amendments are based on the intentions and implementation strategies of the 2022 Plan in accordance with SLDC Section 2.1.7. The significant revisions of the fences and walls standards

Additionally, the Planning Committee discussed commercial cannabis regulations, but determined that no cannabis specific amendments were necessary. In late-October and early-November, staff and the Planning Committee had two community meetings to inform the wider Tesuque community and garner additional public input on the proposed amendments. We met all noticing requirements per SLDC Section 4.6.4, and I'll just go through kind of a brief summary of all the different proposed amendments. You can view the redline version in the exhibits.

The first one is revisions of the purpose sections including the purpose and intent section and the purpose sections of every base zoning district to reflect updated language in the 2022 plan. Second, the proposed amendments to make minor technical and grammatical revisions. Third, as stated, revisions of the fences and walls standards to reflect the consensus decision of the Planning Committee's Subcommittee. Fourth, amend dimensional standards for base zoning districts including the increase of the maximum height to the County standard of 24 feet.

And fifth, add and amend select use regulations in the use table and base zoning districts including first, the addition of a new use to the Use Table: tap or tasting room. b. removal of use regulations for research and development services and active leisure sports and related activities in all base zoning districts; next, add use regulations for school or university – privately-owned, as well as crop production greenhouse in all base zoning districts; next, removal of use regulations for stable and other equine related facilities in the residential estate, residential community, and traditional community zoning districts; and then finally, amend the use table zoning classification for the following 16 uses, and you can see that in the memo.

So staff requests approval by the Planning Commission to favorably recommend the proposed ordinance to the Board of County Commissioners, and I stand for any questions about this.

CHAIR GONZALES: Thank you. Any questions of Nate? Wendy, it's your area.

MEMBER PIERARD: I drive through it.

CHAIR GONZALES: Erik.

MEMBER AABOE: Yes, thank you very much. And Nate, can you describe the public part of the process, if there was broad community involvement in these meetings, if it was just a few folks driving? Can you describe that a little bit?

MR. CRAIL: Yes. So to kind of take a step back from these particular overlay amendments, so this is kind of one of the culminations of the entire community planning process. And so back in 2019 I believe, the Tesuque community via the County recognized community organization, the Tesuque Valley Community Association, they initiated a community planning process and we worked with the entire community as well as the CO that represents that community, and it was a multi-year process that was during COVID as well. We always try our best to advertise on staff's side as well as the community side, so that culminates in the community plan and then once the community plan is passed by resolution then we begin the overlay amendments process. In this case the fence and wall was kind of one of the burning issues in the community, and so there was community members on both sides of that particular issue and we had to bring in – it was before my time, but from my understanding they brought in a mediator to kind of reach a consensus decision on that particular issue.

And then some of the other changes were kind of part of the initial letter of intent way back in 2019 for initiating this community planning process. In addition to all these planning committee meetings there's also the noticing requirements we have to do per the SLDC.

MEMBER AABOE: Thank you very much.

MR. CRAIL: Thank you.

CHAIR GONZALES: I've got a couple of questions. How did this – horses and stuff? People have horses in barns. How did this get into the plan that you can have a barn 36 feet tall? Where did that come from?

MR. CRAIL: That's a good question and actually I don't know the answer to that question, but I believe there are barns that are taller than the County's height standard for houses so I'm assuming that's why.

CHAIR GONZALES: Interesting. And about horses and livestock, are they allowed in some of the smaller lots? Is there a prohibition against horses and livestock, if somebody has a corral and a couple of horses?

MR. CRAIL: So from my understanding, Chair, if it's a personal – if it's horses or livestock for personal use, typically we would not regulate that, but if it's commercial use there is specific standards based on the size of the stables or not, but typically, we have kind of a countywide agricultural overlay that allows people to conduct agriculture on their property.

CHAIR GONZALES: And the other question I had, did chickens ever come up in the discussions? It's a problem. A lot of places it's a problem.

MR. CRAIL: Yes. I believe it never came up in all the Planning Committee meetings I attended and led, but I hope if there is a rooster issues it can be raised in future times.

CHAIR GONZALES: Okay, the other questions I have is I drive that road, Bishop's Lodge, once in a while, and I notice there's a lot of rock walls along the road that are very close to the road, and you have in the ordinance that in certain places you have to be 25 feet to build a road from the centerline of the road, and the other place, Tesuque Village is 37 feet. Now, what about the walls that are there now? And they mention something like opaque. I don't know the definition of opaque. I know what a masonry wall is and I've seen the masonry walls there. But opaque is I guess something solid.

MR. CRAIL: Yes. So opaque in the SLDC is already defined as incapable of transmitting light. So a rock wall that's fully stuccoed and everything, that's fully opaque. And then to answer the first part of your question, any existing wall is considered a pre-existing wall. So if a part of the wall were to have to be revised or reconstructed they would have to build it in the same height and dimensions and anything like that, but if they were to completely remove a particular wall then they would have to follow the new standards.

CHAIR GONZALES: Okay. Thank you. Any more questions of staff?

MEMBER SERNA: Mr. Chair, I have a question.

CHAIR GONZALES: Yes, Rhea.

MEMBER SERNA: Thank you. Just quickly, and I'm sure this information might be located in the Tesuque Community Plan, which I have not gotten a chance to look at completely, but I just wanted to get a sense of what I saw was there's two different zoning categories – residential community and traditional community. Could you tell me just approximately like how much of the area, the overlay zone area, is traditional community? Like what percentage, approximately. And then what percentage is the traditional community.

MR. CRAIL: Yes, I don't know exact percentages, but traditional community is only a specific area. It's in the Griego Hill, kind of to the east of the Tesuque Village Market. And then pretty much of the valley property in the district is residential community. So I don't know exact percentages but those are approximate.

MEMBER SERNA: And then like in terms of population, is a majority of people then living in the residential community?

MR. CRAIL: Yes, I believe so.

MEMBER SERNA: Okay. Do you know approximately how many people live in the traditional community?

MR. CRAIL: I don't.

MEMBER SERNA: Okay.

CHAIR GONZALES: Thank you, Nate. This is a public hearing. Do we have anybody from Tesuque willing to speak on the community plan?

[Duly sworn, Lynn Pickard testified as follows:]

LYNN PICKARD: My name is Lynn Pickard, and I'm the co-chair of the Tesuque Valley Community Association, which is the CO that covers the Tesuque area. And I'm here on behalf of the community to fully support this and to thank staff for all of the work that they did. We've been at this for four years. The main thing that was contentious was the fences and walls section. There was a group of people that wanted all the fences and walls torn down and another group that wanted everybody to do whatever they wanted. And three people got together, one on each side and sort of a mediator, and

the other people in the community sort of delegated to us coming up with a compromise that we could build consensus around and we did.

CHAIR GONZALES: Well, thank you very much. I reviewed your plan and it looks very – everything is stated in there and I saw the uses that are prohibited. There’s about 30 pages of uses, but it’s very extensive.

MS. PICKARD: We wanted it to be a residential community with an area of commercial or two areas of commercial in limited areas. And in answer to your question as to how much community participation there was, there were probably 50 of 60 people who were involved in the planning process, and then when the notice went out for the community meetings, after everything was written up, we had about 30 community members attend the Bishop’s Lodge community meeting and there were only a handful of people the next week online.

CHAIR GONZALES: Thank you. Anyone else?

[Duly sworn, Jamie Gagan testified as follows:]

JAMIE GAGAN: My name is Jamie Gagan and I live at 1476 Bishop’s Lodge Road, and I’ve been at that address for 35 years, and I have been active in the last four years with this community association and have been to many of the meetings. And we’ve had sometimes ten or fifteen and sometimes 60 people at these meetings. Robert Griego initially spearheaded it for us from the County and I can attest to the diligence and thoroughness and collaborative approach by all of the members in the community. Some people have been there for generations. Some people had just moved here in the last couple of months or couple of years, but everybody worked really hard together to try to make it the best plan possible.

We put many, many hours in this and I’m really pleased with the way the document came out and I actually personally have a garage pad that was built 13 years ago and I have been waiting for this to be approved so I can finish my garage. So I am looking forward to the end of this project. But thank you for considering our plan. I think it’s a very good document and I was proud to participate in it.

CHAIR GONZALES: You’re very welcome. Thank you. Anyone else wishing to speak? If not I’ll close the public hearing. What are the wishes of the Commission?

MEMBER AABOE: Mr. Chair.

CHAIR GONZALES: Yes.

MEMBER AABOE: I move to approve the Planning Commission approval of the ordinance amending the Sustainable Land Development Code to amend Section 9.5, the Tesuque Community District Overlay.

MEMBER PIERARD: I’ll second.

CHAIR GONZALES: Thank you. Any discussion on the motion?

The motion passed by unanimous [5-0] voice vote.

- 5. E. Ordinance No. 2024-___, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, as amended, to Amend Section 9.14 (San Marcos Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; To Remove Select Sustainable Design Standards; to Add a**

New Sustainable Design Standard to Prohibit Swimming Pools; to Amend Dimensional Standards for Base Zoning Districts; to Revise Architectural Design Standards in the Commercial Neighborhood Zoning District; to Revise the Home Occupations Table; to Add a New Section to Amend Commercial Cannabis Use Regulations; and to Add and Amend Select Use Regulations in the Use Table and Base Zoning Districts

MR. CRAIL: All right. Hello again. So this is a similar overlay amendment but for Section 9.14 for the San Marcos Community District Overlay. So also on December 12th we received BCC approval to publish title and general summary for this section. It's the same type of application type of text amendment, zoning map amendment as well as overlay zone. The first hearing was in front of the Hearing Officer on January 11th and the second hearing is in front of you today, and then we have a third and final one in front of the Board of County Commissioners in March.

So back in 2019, the Board of County Commissioners adopted the San Marcos Community District Plan via Resolution 2019-133. From April to October 2023, staff coordinated with the San Marcos Planning Committee to develop the appropriate overlay amendments. The Planning Committee was always open to the public and we regularly had 15 to approximately 30 attendees during that process. These amendments are based on the intentions and implementation strategies of the 2019 community plan in accordance with SLDC Section 2.1.7.

Since the 2019 plan was adopted as you know the County instituted commercial cannabis regulations, via Ordinance 2021-03, which stipulates that community district overlays can tailor commercial cannabis regulations for their community. Staff worked with a consultant to survey all property owners in the district about their sentiment on commercial cannabis via mailers and digital outreach. We had about 194 responses which is about 22.3 percent of identified property owners in the district, which is an approximate 6.2 percent margin of error.

In the most relevant survey result, 69.1 percent and 73.3 percent of survey respondents felt that cannabis producers who cultivate plants indoors and outdoors should not be allowed in residential areas, while only 30.9 percent and about 26.7 percent of respondents felt those uses should be allowed or allowed with limitations.

In the current code, outdoor cannabis grows are a conditional use permit in the rural residential zoning district, while indoor cannabis grows are prohibited. Based on these survey results as well as discussions at Planning Committee meetings, staff and the Planning Committee developed the appropriate regulations for commercial cannabis in San Marcos. I'll get to the particular section when I reach the summary.

In early October 2023, staff and the Planning Committee had two community meetings to inform the wider San Marcos community and garner additional public input. We had one at the Turquoise Trail Charter School and an additional one online. And so the different amendments to Section 9.14 involve the revisions of the purpose sections including the purpose and intent and the purpose sections of every base zoning district. Second, minor technical and grammatical revisions. Third, removal of certain sustainable design standards including NM 14 setbacks, the archeological site setbacks, and water harvesting.

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Next, the addition of a new sustainable design standard to prohibit swimming pools. Next, amend dimensional standards for the rural, rural fringe, and rural residential zoning districts including removal of the lot coverage standard and reverting the setbacks from front, rear, and side property lines to the Countywide setbacks. Sixth, revisions of the architectural design standards in the commercial neighborhood zoning district. Seventh, revisions of the home occupations table including changes to the appointments/patron visits as well as the heavy equipment standards.

Eight, addition of a new section to amend commercial cannabis use regulations including the prohibition of cannabis grows indoors or outdoors in the rural residential zoning district, and you can view that new section in the redlined version on page 9, and it's Section 9.14.4.2. Ninth, to add and amend select use regulations in the use table and base zoning districts including the addition of the four new uses to the use table. First, tap or tasting room; second, small-scale wind facilities; third independent artist, writer, or performer studio; and fourth, animal and pet services.

Additionally, we're amending the use regulations for a water treatment and purification facility in all base zoning districts. Next, we're adding use regulations for the following uses: composting facility, commercial greenhouses, crop production greenhouses, crop production outdoor, and nurseries and other growing of ornamental plants in all base zoning districts. Next. We're also adding use regulations for a movie ranch in the rural and rural fringe zoning districts. And finally, we're amending the use table zoning classification for the following uses that you can see in the memo.

And so staff recommends approval by the Planning Commission to favorably recommend the proposed ordinance to the Board of County Commissioners and we stand for any questions.

CHAIR GONZALES: Thank you. Any questions of staff? Erik.

MEMBER AABOE: Of course, Mr. Chair. Nate, I'm wondering if you can explain to me the water harvesting changes. If I'm correct – correct me if I'm wrong, but I believe that in this overlay district you're striking out the requirement to harvest water on new buildings above 1,500 square feet. Is that correct? Or is it just you're removing any mention of water harvesting from the overlay and then it would revert back to the County standard? I'm just trying to understand what happens there.

MR. CRAIL: Yes. The second part of your question, essentially we already have that particular water harvesting standard for countywide, so it's kind of duplicative and –

MEMBER AABOE: So this just eliminates the repeating of that requirement.

MR. CRAIL: Yes. Correct.

MEMBER AABOE: Thank you so much.

CHAIR GONZALES: Dan.

MEMBER PAVA: Thank you, Mr. Chair. Thank you, Nate. I was interested about the prohibition of swimming pools and to get a little bit more background on how that came about. In the record I saw one objection by somebody about swimming pools, so could you speak a little bit more to that?

MR. CRAIL: Yes. That particular standard was identified in the 2019 community plan, and so based on that specific implementation strategy in the 2019

community plan, in the San Marcos community it's a relatively water-scarce community and so I wasn't personally involved in the development of the 2019 plan. It was before my time here, but typically the way we implement the plan into the overlays, if the plan is to have to say any standard to prohibit swimming pools or removal of the lot coverage standards, we then kind of translate that into the code language.

MEMBER PAVA: Thank you. Appreciate that clarification. So it came about earlier in 2019 with the plan itself for the area. Mr. Chair, just a rumination or a point. It's interesting that certain cannabis facilities are allowed. We just heard earlier in an earlier case a fellow was going to use for 200 plants a gallon a day and doing a math, that's like 73,000 gallons a year. It's kind of interesting because a small swimming pool is probably 30,000 gallons. Okay. So I'm wondering, I'm just curious, were these factors or discussions taken into consideration by staff? When you look at other uses, for example, cannabis production in the microbusinesses, and also car washes in the commercial neighborhoods, the CM zone. So can you give a little more context as to why swimming pools per se, albeit with a medical excuse? And I have another follow-up question on that.

MR. CRAIL: Since it was before my time I can't speak to why the community specified swimming pools over other water intensive uses.

MEMBER PAVA: For the record, I would maintain that certain cannabis facilities would use way more than a swimming pool, depending on how the swimming pool is designed and constructed, and I would also maintain that car washes, depending on the nature of their construction could be large users of water, particularly with many large vehicles and a setting like San Marcos with big pickup trucks and mud and everything like that. That being said, let's say that somebody gets a waiver for treatment of a medical condition which is proposed. How is that done? Is that an administrative review?

MR. CRAIL: Roger, do you have any input on that?

ROGER PRUCINO (Assistant County Attorney): Member Pava, my understanding is that that is in fact an administrative review. That is not something that needs to come before this Commission or the BCC.

MEMBER PAVA: Thank you. My follow-up and final question is, so somebody has a house out in San Marcos and they get a waiver. They have a pool, some kind of pool. The house gets sold. What happens then? Is there some way to – if we're de facto going to prohibit swimming pools, new swimming pools, not the ones that might exist, how do we handle that?

MR. PRUCINO: I'm not certain regarding the answer to that question, Member Pava. I don't think we could insist that that particular pool be removed in that situation, but honestly, whether the County would take steps to ensure that it is not used for recreational purposes. It's an uncertainty because I don't believe we've faced that situation.

MEMBER PAVA: Thanks for the clarification. I was just pulling that thread and thinking about it. I'm not trying to put anybody on the spot, but when you think about it it's odd that you can allow cannabis businesses as conditional uses but pools couldn't be conditional, which would therefore enable this Commission to apply conditions, such as a sunset if the property were sold or something like that. It's just interesting.

CHAIR GONZALES: Thank you. Nate, I've got a couple of questions. I heard you mention something about greenhouses and cannabis harvest or growing. Is that something that they included in this community plan? Are greenhouses allowed for cannabis production?

MR. CRAIL: So Chair, an indoor cannabis grow which would typically be in something like a greenhouse, in our proposed overlay amendments it would be conditional in all of these zoning districts except for rural resident zoning district where then it would be prohibited. But in addition to cannabis specific greenhouses, the community wanted to regulate commercial greenhouses so that they're limited to a maximum of 5,000 square feet. This is largely stemming from a concern over water use in that particular community.

CHAIR GONZALES: The other question I have is we had several cannabis applications come before us and they were all outdoor growing areas because greenhouses were not allowed, where you couldn't even grow anything inside a house or anything. Would adoption of this ordinance change that? Can they come back and say we want a covered area for a greenhouse for cannabis?

MR. CRAIL: Chair, so all the current applications that you've already approved are all approved, would now be considered non-conforming uses. As long as the business continues they could continue operation but if they wanted to build a cannabis specific greenhouse they would not be allowed to per the new cannabis section.

CHAIR GONZALES: They'd have to come in for a conditional use permit or a new application? Is that what you're saying?

MR. CRAIL: So it depends on the zoning district they're in, but if they are in the rural residential zoning district they would not be allowed to have a cannabis growing greenhouse or outside of a greenhouse. But if they wanted to grow a different type of plant, whether flowers or vegetables, that would be allowed.

CHAIR GONZALES: Okay. Thank you. The other question I had is you have a height for a hay barn or silo, 50 feet. Is that something that's realistic or is that something that exists out there?

MR. CRAIL: Chair, as part of the existing overlay, I'm honestly not sure of that particular height standard, but it wasn't identified as an issue during the planning process. So if it didn't come up as an issue we just kind of let it stand as the way it is.

CHAIR GONZALES: Thank you. The other question I have is a greenhouse has to be 500 feet from property lines. How realistic is that? Does it have to be a very large piece of property for a greenhouse to be 500 feet from the property line?

MR. CRAIL: So to answer that question, that's only for the rural fringe zoning district which is actually just one parcel in the San Marcos community. It's called Synergia Ranch, and that was just an existing setback that was already in the overlay and it wasn't identified as a proposed change. And it is a pretty large piece of property so it shouldn't be an issue. But that 500-foot setback is only for that specific parcel.

CHAIR GONZALES: Thank you. Any other questions of staff? If not, this is a public hearing. Is anyone from San Marcos willing to speak? Step forward. State your name and address and be sworn in.

[Duly sworn, Elizabeth West testified as follows:]

ELIZABETH WEST: My name is Elizabeth West. I live in Santa Fe at 318 Sena Street, Santa Fe, and I have property out where my family lives south of town.

And I married into a family that's lived in this area since the forties. Not the new forties, the old forties. And I have seen a tremendous amount of change. And that happens. I'm very impressed with the process that have been rounded up here toward the end. I've been intermittently part of it since I live out there part time, and I have been intermittently part of it for a long period of time and I've seen lots of different people involved, lots of ways of dealing with how we make a consensus or bring up discussions and have arguments and solve them, and I have to say that I'm really impressed in general with what we've all done.

Did I get everything I wanted? Probably not. But did anybody? No. But a little bit like Tesuque which you've heard about, people worked on it together. Unlike Tesuque, we don't have one center. We have a long, snaky Turquoise Trail or Highway 14. And with the intersections of roads coming off of them, such as for example, one right near me, County Road 44 and County Road 45, Shenandoah and Bonanza, there are other issues that are being brought up, having to do with traffic impaction. And that has to be dealt with in another arena. So I've been following that too, and that's going to help us keep a fairly quiet, relatively speaking quiet area.

I'm very impressed with the latest group of people who've come in over this log process to help us figure out what to do, and I'm speaking on my own behalf but I am a board member of the San Marcos Association. I really appreciate Nate. He's sometimes called Nathaniel. I thought that was very formal. Nate and Brett and everybody on the team. I sometimes felt we were floundering a little bit and when this new group came in and sort of refreshed how we were going to deal with each other, I was really wondering. It's been excellent, excellent and very, very satisfactory on many levels. It doesn't mean it's perfect, but we're not aiming for perfection.

I'll be 80 this year and I've lived here since 1966 so I'm a newcomer, but I'm very, very pleased with the process. So thank you very much. I think it's going to be an easy yes. I hope so. Thank you.

CHAIR GONZALES: Thank you for your comments. Anyone else? Mr. Ireland, would you like to speak?

[Duly sworn, Fritz Ireland testified as follows:]

FRITZ IRELAND: Fritz Ireland, 25 Lone Butte Drive. We have a serious water issue out there. Very serious water issue. And that's my main concern, frankly. I'm sorry. I didn't prepare to come out and speak today. But when I hear about greenhouses and things like that I get a little nervous. I don't really know what else to add. I'd be happy to answer any questions anybody has about lower 14. We live down off of 45 and a lot of people out there haul water. It's almost every week you see several trucks. Our neighbors haul water. They fill their wells with water because their wells are dry. We're fortunate. Where we live we have a serviceable well, but I really feel sorry for the people that are having to haul their water every week. That's all I have to say.

CHAIR GONZALES: Thank you for your comments. They're well taken. If no one else from the public is ready to speak on this matter, what are the wishes of the Commission?

MR. LARRAÑAGA: Mr. Chair, there are other viewers on the website and we have a – a Cynthia Broshi.

CHAIR GONZALES: Okay. Welcome.

[Duly sworn, Cynthia Broshi testified as follows:]

CYNTHIA BROSHI (via Webex): My name is Cynthia Broshi, and my address is 26 Red Raven Road, Santa Fe, 87508. Thank you, Commission, for listening to the amendments that Nate has brought forth to you. I agree with what Elizabeth said that the process has been really, actually encouraging in terms of faith in public self-government. I was part of the process that developed a San Marcos overlay starting in I think about 2015 and whenever I could I attended the monthly meetings that went on for about a year and a half. And so when that process ended and very soon after the County started a new process, I was really skeptical, like, why is this happening? And I did not participate in it for a while, but finally did in the past year, and I understand now why it was happening, because through the efforts and the knowledge of the County staff a much more inclusiveness of voice within this community, rather than just the 20 people or so who could make time in a meeting to get together regularly.

So there's been a poll that Nate spoke of and I think I heard in the public Hearing Officer's meeting last month that at least 50 people took part in total in the in-person process. So I think it's been very well thought out and I'm here to support all the amendments. I want to say a few specific things about the amendment regarding commercial cannabis growing, the CUP permits for that. My understanding is that those permits do now allow for well use for the commercial growth of cannabis, that the water needs to be called in, so that might answer one of the gentleman's concerns about why would it be allowed for cannabis but not for swimming pools, or at least it's pertinent information.

However, the CUP permitting for commercial cannabis was a decision that was made by the Board of Commissioners when there was no opportunity for community input. It was during the pandemic and the processes for our overlay district were halted during the pandemic. So it's only been – there have been at least two, I don't know how many permits that have been granted for commercial cannabis growth in the rural residential portion of San Marcos, just what I'm speaking of, and I understand that those are grandfathered in, so unless somehow people wanted to exert – if anybody wanted to exert conditions that will not happen for those.

But I'm going to speak a little bit about one of those as a way to illustrate the damage that has been done to the community and distinctly to our rural residential community, because it's a very – it's like a little crazy quilt. It's a very tight – if you look at the map, in the yellow, it's where the rural residential is. And you can see where many smaller plots of land that are in close conjunction to one another. And as well, in our particular area, all the roads are community maintained or unmaintained. So for instance, one of the permits was awarded to a property which has six other properties sharing a border with it. Seven other properties in very close, almost sharing a border or corner, and at least three to five of those are directly downwind from the westerly winds that predominate in the summer.

So things like property value and our concern for people in this area, as well, the permit was awarded to a property which is on the highest geological formation in the entire area, which is primarily a wide open area. So there are 360 degree views of that property. There's probably at least – probably most of the 60 other plots would share the [inaudible] area with that particular property, can see it. Again, affecting both lifestyle [inaudible] but seeing the cyclone fence instead, and also property values.

And in terms of the roads, fragile roads, there's approximately 33 properties that use the same roads that go up to this commercial now venue, which will be trucking in supposedly 4,000-gallon loads of water.

I want to say this has also been a really, really trying, divisive action having these CUPs for our neighborhood. The person who has one of these permits now is my next-door neighbor and we, for 11 years, were really good neighbors. We always very easily shared out road together and waved at each other and we were honored to be invited to important family events, high school graduation, [inaudible], etc. We've been really good friends with the kids and have had the family over for dinner. And as well provided a lot of our professional services. We're in the healthcare, my husband and I are in the healthcare – having private, a small business in the healthcare profession. And we provided many, many hours of our professional services without [inaudible] and we would do that again today or tomorrow. Our hearts and door are open to the family.

However, ever since we began to participate in this public process, our neighbor decided we were the enemy and it's been since the public Hearing Officer in May he has not made eye contact with us when we pass on the road. He has not stopped to say a word to us. And it's really kind of tragic. As well, and this is unfortunately – it's not just about personalities. We were informed by the staff that understandably they have a very small staff and way to address concerns is in these public meetings, and that's what we've done. But as well, we brought up the issue of a covenant, which 62 plots in our area have that was notarized in 1980 that prohibits business use.

CHAIR GONZALES: Ma'am, please, thank you for your comments. We have to wrap it up. Thank you.

MS. BROSHI: Can I finish just one sentence?

CHAIR GONZALES: Yes. One thing.

MS. BROSHI: Thank you. Some damage has been done but this body has the opportunity to prohibit further damage by passing all the amendments of the overly. Thank you.

CHAIR GONZALES: Thank you. Anybody else, Jose?

MR. LARRAÑAGA: Yes, Mr. Chair. There's a couple of people just came up. We have Jeminie Shell.

[Duly sworn, Jeminie Shell testified as follows:]

JEMINIE SHELL (via Webex): Yes, hello. Thank you. My name is Jeminie Shell. I live at 20 Crazy Rabbit Road. It is very close to the existing issue that we've had, but I know that's not [inaudible] We do not want any further development or business purposes out there. So I just want to say that we are for this change. I don't know what it's even called, to be honest, but we are under the covenants that forbid development here in our area and we are not wanting any further business developments or any further allowance for that. It's not part of our community here. It's, as Cynthia said, it's divisive and it needs to not be allowed any further. It needs to be stopped. So thank you.

CHAIR GONZALES: Thank you. Anyone else, Jose?

MR. LARRAÑAGA: Mr. Chair, there's a David Pittis.

CHAIR GONZALES: David, you can speak and identify yourself and be sworn in, name and address.

[Duly sworn, David Pittis testified as follows:]

DAVID PITTIS (via Webex): My name is David Pittis, 31-B Red Raven Road, Santa Fe, New Mexico, 87508. So I'm the person they're referring to when they say that a neighbor has a cannabis operation. And it's true that I'm grandfathered in, and I'm not here to speak about my operation or the personal difficulties in the neighborhood which are far overblown. I'm here simply to represent the people in our community who grow cannabis and I really challenge the idea that a small group of people can prohibit future cannabis growth. These people don't number over 40 individuals in a community of thousands.

I think that their survey is flawed that they base this on. When I went to the meetings I noticed that nobody was even under 50 years old. And the people I know in the cannabis community, they don't even know this is going on. So the idea that they've reached out satisfactorily to the community and done an accurate survey, I question.

Now, most of these issues have been resolved in the conditional use permit. It's true that no one can use their well water to grow cannabis, but here we have regulations that you're trying to approve to allow greenhouses in other kinds of plants. And I'm assuming that at least, if they're not selling these things commercially, they can use their well water to have a greenhouse.

There's so many regulations in here, they're so much more destructive to the area environmentally than a small cannabis grow, because we're only talking about micro-grows. Micro is only 50 by 70 feet. So it's not really that large. And much of these issues like smell, and water and visibility, they're far overblown to the point of hysterical. And that cannabis should be singled out because the hysterics associated with it by pretty much old people who are living in the past I think is not the job of this Commission. It needs to be forward thinking and thinking about the potential business opportunities that are in this part of Santa Fe County, and the young people who might benefit from this and their families.

They are completely absent from these meetings. They don't have the time for it, and they're not interested in it, unfortunately. So I'm here just to say that there are many, many people who support cannabis production under the rules that have been set up and which are very stringent, by the County. And I think that the state legalized it and said that people had to accommodate the production of cannabis, and yet here we are, trying to get a small group of elderly people to prohibit cannabis production and I think that that's illegal and will just open up a can of worms of lawsuits.

In addition to that I feel that the Commission, that they should strike this one thing. Though there is something else about swimming pools. Now, if people haul their own water for a swimming pool, why should it be prohibited? They can haul it for all kinds of things, including cannabis production. And a 30,000-gallon swimming pool is a pretty large swimming pool, I think, for most people that would have a swimming pool. So I think that those two things are inappropriate. Maybe there's conditions on them that they can't use well water, but if someone wants to pay the money to fill a swimming pool from bulk water or haul it themselves over several trips, then they should have the right to do so.

So that's my two cents. Thank you for listening.

CHAIR GONZALES: Thank you, David. Anyone else, Jose?

MR. LARRAÑAGA: Yes, Mr. Chair. There's Uzi Broshi.

[Duly sworn, Uzi Broshi testified as follows:]

UZI BROSHI (via Webex): My name is Uzi Broshi. I'm at 26 Red Raven Road. I just want to say that I do support the revision of the San Marcos Community Overlay in order to restrict or prevent further approval of cannabis farms. I do join my wife who spoke earlier, and Jeminie, and I think there's others who haven't really come. And to continue what my wife started to say is that we have also in the 1980s [inaudible] to protect all of the residents in our area, there was a covenant that clearly restricts commercial use of our road and in order to protect the residents. And unfortunately, the County is ignoring this covenant and telling us that the only way for us to deal with it is in a courthouse.

What the County is doing is pitting neighbor against neighbor. It is not affecting our life in a small way. It's really upending our life in a fairly severe way, the way it's affecting us. And that's why we bring it up. So that's what we really want to prevent the further use of the courthouse. One of the answers that we got from the lawyer in the County was that the County is not responsible for covenants which actually are notarized by the County. However, the only way to resolve issues like this is in a courthouse. It's not something that we like to do and we really don't feel like neighbors should be pitted against neighbors. And that's very – in all ways it's not an easy matter. It's [inaudible] but we all came here to live in a quiet and when somebody decided after 11 years that we live here to decide to use a commercial farm, it is upending our lives. It is changing the quality of our life. It's changing the value of our property. It's had a very severe affect on our lives.

So that's all I wanted to say. I thank you for attention and thank you for all the process. I do commend you on that. Thank you.

CHAIR GONZALES: Thank you.

MR. LARRAÑAGA: Mr. Chair, next we have Louis Hawkins.

CHAIR GONZALES: Louis, can you state your name for the record, name and address, and get sworn in?

[Duly sworn, Louis Hawkins testified as follows:]

LOUIS HAWKINS (via Webex): My name is Louis Hawkins. My address is 17 Red Raven Road, Santa Fe, 87508. I will be brief. Thank you for the time. I bought my property in 1994 and started building my house in 1995. I have 12 ½ acres of land. I love it out here for the fact that there is plenty of room for everybody to share but not be on top of each other. I like the covenants that I agreed to when I bought my property and built my house, part of which was not outside lighting so we could see the night sky and there would be no commercial enterprise, as part of the covenants.

I am a medical marijuana patient. I have grown my own, but I have used collected rainwater. I have the ability to collect 5,000 -- although it's been going down over the last couple of years, but I still will do that. I am concerned about my value of my property. I put a lot into it. A lot of sweat equity to say the least. And I am in support of this San Marcos overlay and I don't think we need any other kinds of commercial enterprise, even though I could sell my art from my house I will not do that. I'm not creating a business. I will take it to a gallery.

So I am in support of this change and I want our community to stay the way it is. It's why we chose to live out here in the south side, out in the countryside. I would like to keep it that way, and thank you for your time. I appreciate your interest and your effort. Thank you, sir.

CHAIR GONZALES: Thank you.

MR. LARRAÑAGA: Mr. Chair, next up is Karen Stoll.

CHAIR GONZALES: Okay. Karen, state your name and address and be sworn in.

[Duly sworn, Karen Stoll testified as follows:]

KAREN STOLL (via Webex): My name is Karen Stoll. I live at 46 Crazy Rabbit Road, Santa Fe, 87508. I also live in the area which is covered by covenants which say no commercial growing or no commercial enterprises. I'm happy with that, and I am in favor of the change to prohibit additional permits for cannabis growing so as to keep our neighborhood and our area residential as it is. Thank you.

CHAIR GONZALES: Thank you. Anyone else, Jose?

MR. LARRAÑAGA: Mr. Chair, yes, there is. Sherilee Speer.

CHAIR GONZALES: Please state your name and address and be sworn in.

[Duly sworn, Sherilee Vogt-Speer testified as follows:]

SHERILEE VOGT-SPEER (via Webex): My name is Sherilee Vogt-Speer. I live at 100 Pine West, 87508, and I understand I'm under oath. Okay. I just want to urge the Commission to accept our hard work that we put in for this overlay. I've been involved in this process from the beginning with another group of the Planning Committee that were excellent also, and by the way, you should be very proud of your employees here that worked with us. They did a great job.

I just want to say that there's been some remarks about that people weren't notified about this; they had no idea. This has been going on for years. The whole change for our overly, and there's been notifications. It's posted at the fire department on 14, on the billboard. I've received mailings regarding the actual survey and regarding the cannabis survey. Not only did I receive a mailing and asking us to participate in the survey, I actually received follow-up postcards saying reminding us that the survey was coming up and when the deadline was, and please contribute to that.

And actually, we have two properties here and those postcards came to both properties. So I do think that the County did a good job of trying to get that out. Did everyone get one? Maybe not. I don't know, but I think property owners did and I think that's also key. There's been remarks about other people didn't get a chance to contribute. I have to say in those meetings there were a large number of property owners here that participated.

I also want to say that the restrictions of – I think they're reasonable for rural residential area, the key part being residential. It's no different than we have restrictions, for example, of not having a slaughterhouse in the rural residential area. Also, I just want to say that the ordinance specifically says that the overlays have the right to determine whether cannabis, the business of cannabis is allowed in that particular overlay. So I just ask that we honor that. Thank you.

CHAIR GONZALES: Thank you. Anyone else, Jose?

MR. LARRAÑAGA: Mr. Chair, there is no one else wishing to speak.

CHAIR GONZALES: Okay. In that case the public hearing is closed. What are the wishes of the Commission?

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MEMBER AABOE: Mr. Chair, I'll move to approve Planning Commission approval of an ordinance amending the SLDC to amend Section 9.14, San Marcos Community District Overlay as proposed.

CHAIR GONZALES: Thank you. Do we have a second? If not, I will second Erik's motion. Do we have discussion on this motion? Dan, anybody? Yes, Dan.

MEMBER PAVA: Mr. Chair, if I might indulge the Chair and my colleagues on the Commission and Erik's motion, I'm wondering if I might propose an amendment to the motion.

CHAIR GONZALES: A friendly amendment.

MEMBER PAVA: A friendly amendment to the motion. May I describe what that is then? I think it would in essence be changing the text in 9.14.2.4 to state that swimming pools are a conditional use that are subject to review by criteria established by the Growth Management Department. Something along those lines.

CHAIR GONZALES: Thank you. Erik, do you go along with that motion, that amendment?

MEMBER AABOE: Pending – I wonder if – could you repeat that one more time?

MEMBER PAVA: Yes, absolutely, Commissioner. If we look at page 2 of 19, on Section 9.14.2.4, Swimming Pools, we would say construction of a swimming pool is a conditional use in the San Marcos Community District for residential properties, subject to criteria to be established by the Growth Management Department. And delete the medical condition, subsection 1.

MEMBER AABOE: Mr. Chair, I'll accept that friendly amendment. I think that's a good addition that eliminates the transfer confusion that you brought up earlier.

CHAIR GONZALES: Yes, and I will ask our attorney to comment on that, if I can get his attention. Yes, Roger. We had a friendly amendment. I wanted you to give us your opinion.

MR. PRUCINO: I'm sorry. I was in a different conversation for a moment, Mr. Chair.

CHAIR GONZALES: We had a friendly amendment by Mr. Pava about swimming pools.

MR. PRUCINO: Okay. And can restate the friendly amendment?

MEMBER PAVA: Certainly. I can restate the motion as Section 9.14.2.4, Swimming Pools, to change the text to read, Construction of a swimming pool shall be a conditional use in the San Marcos Community District for residential properties subject to criteria to be established by Growth Management staff.

MR. PRUCINO: The proposal is probably a little more subjective and leaves more to staff's discretion than we would typically like to see, particularly since in this situation there is already the existing ordinance discussing circumstances under which pools are permitted. If you could think of a tighter way to present that friendly amendment I think we'd feel more comfortable, not including the subjective, discretionary language, even a reference to the ordinance.

MEMBER AABOE: Mr. Chair, I'm not sure if this is appropriate for discussion.

CHAIR GONZALES: Go ahead.

MEMBER AABOE: I believe that during the open part of the hearing, Commissioner Pava brought up the very real possibility of a pool being permitted because of a medical condition. So a note from your doctor says you can have a swimming pool. And he raised the very real hypothetical that someone would sell that property, or would pass it on to someone who did not have a medical condition. And that raises a kind of future conundrum. Because I'm thinking of all the confusion around new requirements that come in for the Airbnbs and there's a lot of stuff that has happened that is no big deal until someone comes in and they want to run an Airbnb.

So I just think that having a condition like this that has an obvious bad loophole in it, it would be good to rectify. So can we say an aboveground pool is allowed, and it must be removed? For the medical condition, is it possible to, rather than someone sink a lot of money into a hole in the ground they can put a kiddie pool for their medical condition and that would be – I don't know, and I'm sorry for rambling on. But I think this is a good idea to kind of close this gap. So I would urge the attorney to help us tighten this.

CHAIR GONZALES: Yes.

MR. PRUCINO: Okay. Again, I don't think we would be comfortable with language that requires an owner to remove a pool, particularly a built-in pool. And I do – I have two practical concerns with the suggestion of permitting aboveground pools, simply because I think pools that are used for health or medical purposes involve a lengthy swim and that distance is probably important and that's not going to be feasible in an aboveground pool.

I think probably the best quick compromise that I'm thinking of at this point would be some sort of requirement that the medical need be reaffirmed on some sort of periodic basis and perhaps a requirement that the pool may be put out of use at such time as the medical need is no longer existing.

CHAIR GONZALES: Is that an option, Mr. Pava?

MEMBER PAVA: Thank you, Mr. Chair. In my experience, there are many things in many codes that are left to the discretion of the Planning Director or their delegee. And I'm wondering, if this couldn't fall into that category, subject to the Planning Director's decision or the Hearing Examiner's decision. It certainly could be appealed to this body. And if the phraseology subject to criteria to be developed by the Growth Management Department is to nebulous then I think it would be incumbent upon staff to maybe bring back to this Commission something that's more appropriate, if indeed this motion were to pass.

Our reason – one of our reasons for being here on the Planning Commission is to make a recommendation to the governing body, right? And that's what I see what we're trying to do here with deliberation. I'm not trying to be frivolous by any means. I just think that in deference to the long public process that obviously identified at least some people were concerned with swimming pools, there have to be swimming pools already pre-existing. And then you've got this issue of the medical waiver. And then you've got the issue of transfer of a property that has basically a windfall if the next person isn't medically subject to that.

So that's why I brought this all up. I guess I could say I will withdraw my friendly motion if these – these minutes will be reflected in what the governing body, the Commission will read and I would make it a point saying this body, the Planning

Commission had a concern about the swimming pools. Maybe they did. At least one of the Commissioners did. Thank you.

CHAIR GONZALES: Thank you.

MR. PRUCINO: Mr. Chair.

CHAIR GONZALES: Yes.

MR. PRUCINO: Mr. Chair, I certainly agree with this idea that all this body is doing is making a recommendation to the Board and as Commissioner Pava has stated, the minutes will be made available. There will be no written ruling or recommendation coming from this. It will simply be the minutes, so the discussion in and of itself will raise the issue and for that reason I also don't feel strongly that the friendly amendment not be considered, because ultimately, the BCC will be aware of the issue, whether the friendly amendment is agreed to or not, and the BCC will ultimately make that decision and between now and then we will be able to look into the legalities more carefully.

CHAIR GONZALES: Thank you.

MEMBER AABOE: And Mr. Chair.

CHAIR GONZALES: Yes.

MEMBER AABOE: I would recommend that staff try and recall the origins of 9.14.2.1.1, the medical condition, so that they could then present information to the governing body about the reason for that, that it was nice to have, or this was strongly considered. So I will happily reject the friendly amendment if that's still my right to do that.

CHAIR GONZALES: Yes. Thank you. We have a motion – yes, Rhea.

MEMBER SERNA: A comment also to include in the minutes with regards to the swimming pools. I was not part of the planning process and I have not reviewed the minutes with regards to all the discussion that went around this, but I would imagine there's been – every case – not every case, but many of the cases that come before this Commission, there's often – if there's – there's often the discussion around the impact on groundwater or where water is going to come from.

Certainly like with the cannabis issue, oftentimes we have applicants talking about hauling in water for cannabis growing and production. So similarly, that area of this San Marcos Overlay Zoning District certainly I'm sure also has concerns about water usage and swimming pools, would impact groundwater if the water was coming from an individual well. So just for the record I wanted to also share that information and my opinion about that. Thank you, Chair.

CHAIR GONZALES: Thank you. My comments are that the swimming pools are very high maintenance and usable maybe five or six months a year, from May until maybe September, October. They use a lot of energy. They use a lot of water. And a person that needs a medical pool, I would say that the Santa Fe Community College has wonderful facilities and it's a short drive. But anyway, we have a motion and a second.

Can we have a roll call vote?

MEMBER PAVA: May we please clarify what the question is at this point, for the sake of everybody understanding on the Commission, what is the question before us?

CHAIR GONZALES: We took the advice of the attorney and mentioned that all this will be in the minutes, and this will be forwarded to the Board of County Commissioners.

MEMBER AABOE: And the vote – correct me if I’m wrong, please – and the vote is to approve the recommendation to amend the SLDC with the San Marcos Community Plan as presented to us. That’s the motion as it stands. Thank you.

The motion passed by majority [3-2] roll call vote with Members Pierard and Serna voting against.

CHAIR GONZALES: Do we need four votes on this to be able to pass this?

MR. PRUCINO: No. Again, because this is not formal action. This is simply something that will go up in the way of a recommendation. It can go up as a 3-2 vote recommending approval.

CHAIR GONZALES: Okay, the vote is 3-2 in favor of the motion. Thank you. Thank you, Nate.

5. F. Ordinance No. 2024-___, an Ordinance Amending the Santa Fe County Sustainable Land Development Code (“SLDC”), Ordinance No. 2016-9, to Amend the Sustainable Land Development Code, to Amend and Restate Appendix F, Map 2 (Santa Fe Community College District Circulation Map) & Appendix C, Map 5 – Official Map Series (Open Space, Trails, and Parks) of the Sustainable Land Development Code

JORDAN YUTZY (Building & Services Development Manager): Mr. Chair, Commissioners, thank you. Let me clarify that we are not asking for permission to publish title and general summary. We’re asking for basically a recommendation to BCC on its behalf. I am filling in for Brett. He was unable to be here.

Due to the recent increase in residential and commercial development located within the Santa Fe County Community College District, along New Mexico Highway 14 and within the interior of the Santa Fe County’s Sustainable Development Area-1, it has been determined that an amendment is required to the Sustainable Land Development Code, to amend and restate Appendix F, Map 2, and Appendix C, Map 5 of the Official Map Series of the Sustainable Land Development Code to identify a new, proposed Santa Fe County Trail Route.

The proposed route will start at the intersection of Rancho Viejo Boulevard and New Mexico 14 and will end at the NM 599 NMRX Station. By integrating this proposed County trail route into the SLDC’s Official Map Series, the proposed trail would then be eligible to receive available Carbon Reduction Program funds as well as other potential transportation program funds to allow for the design and construction of the trail.

Some background on this: The new, multiuse trail concept was originally proposed by the developers of multi-family residential and commercial projects along the New Mexico 14 Corridor. The New Mexico 14 Corridor here currently lacks a complete street

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design, with no bike lanes or sidewalks to serve pedestrians or cyclists either heading to the 599 rail station or into town. Per the newly proposed and installed infrastructure required to support multiple mixed-use/employment center driven developments located within the Santa Fe County Community College District along New Mexico Highway 14 and within the interior of the Santa Fe County Sustainable Development Area-1, the county has agreed to work with the real estate developers and the New Mexico Department of Transportation to improve the existing multi-use trail network in the CCD and the proposed trail in particular. NMDOT has agreed to work with the County to offer a trail easements along their right-of-way on NM14 and Fireplace Road. The developers have agreed to tie into the County's proposed multiuse trail to serve their multifamily developments.

The new County multi-use trail will connect to the existing NMDOT multi-use trail at NM14 and Rancho Viejo Boulevard and extend to the NM599 rail station along NM14 and Fireplace Road. The proposed SLDC text amendment of Appendix F, Map 2 also necessitates amending Appendix C, Map 5 of the Sustainable Land Development Code.

It is in the County's and the public's interest to update both Appendix F, Map 2 and Appendix C, Map 5 of the Sustainable Land Development Code to ensure complete streets with the planned multi-family and commercial development in the CCD. The proposed trail alignment along NM14 and Fire Place Lane to the NM599 Rail Runner will provide the opportunity to help reduce carbon emissions while maintaining complete street goals within the Santa Fe Community College District.

This amendment to the SLDC is being requested in order to establish complete streets and promote walking, biking and transit in the CCD and to ensure that multi-family developments have access to trails and public transit.

Staff is recommending approval of the proposed ordinance amendment as outlined in attached exhibits for this request.

CHAIR GONZALES: Thank you. Any questions of staff?

MEMBER PIERARD: This is the same trail that was proposed during --

MR. YUTZY: Apartment complexes, yes.

MEMBER PIERARD: Right.

CHAIR GONZALES: Erik.

MEMBER AABOE: Thank you. I just want to be clear, because this was noticed improperly on the agenda – it says it's to request approval to publish title and general, but we're actually recommending to the governing body. I just want to make sure that we're going to be solid on this. If that's said I would move to approve it. I just want to get clear that we're doing what we should be doing. Thank you.

CHAIR GONZALES: Mr. Attorney.

MR. PRUCINO: Mr. Chair, Commissioner Aaboe, I think with the clarification that was presented at the commencement of this presentation, and given that this will again come up for authorization to publish, that this body can proceed with a recommendation.

CHAIR GONZALES: Any questions of staff? If not, I've got some questions. How long is this trail? From Rancho Viejo Boulevard, you're talking about going to the Rail Runner station.

MR. YUTZY: Yes. I don't know the exact length. I believe it's roughly a

mile and a half, two miles, I believe what was said at the last meeting.

CHAIR GONZALES: Is this going to be a recreational trail or is this going to be for the people who inhabit the affordable housing projects we've approved?

MR. YUTZY: It is going to be a trail open to everybody. It will not just be for the housing development in that area. It will be a public trail.

CHAIR GONZALES: Yes. That's what I'm concerned about. It's a long distance to walk in the wintertime. There's very little transportation there. The blue bus isn't there yet, I don't think. Maybe they go to the Rail Runner station. The other thing is what portion of this is going to be paid for by the developers? I know they wanted to develop a trail but Santa Fe County decided it's in their purview to do this first.

MR. YUTZY: I believe that on this trail, and I'll have to clarify and get you a better answer, but I believe that most of this is going to be paid for through grants and other programs through the County, and then the developer is building trails that connect into this trail. So there's to be a complete trail system in the area.

CHAIR GONZALES: Okay. I think those are kind of the questions I have. It's kind of a long trail to walk in the wintertime, but I support this and I think if anybody in the public – we have a public hearing. Thank you, staff. Is there anybody in the public that wants to speak for or against this proposal? Nathan.

[Duly sworn, Nathan Manzanares testified as follows:]

NATHAN MANZANARES: My name is Nathan Manzanares. I'm with New Mexico Land Solutions. We're located at 915 Mercer Street, Santa Fe, New Mexico. Mr. Chair Gonzales, thank you. Fellow Commissioners, County staff, thank you. Yes, we've been working on this for a while. We initially started this as a developer-driven incentive but with the help of staff and through a lot of work with Brett – I wish he was here tonight but he's not – we were able to come up with a plan of attack to incorporate this into the County's trail system. That way this is provided to the entire community. There's already a vast trail system within the CCD, but this only expands it and also connects to some City trails that are part of the overall Santa Fe area, so it's going to be really a hub for biking, access to the Rail Runner and provide the goals listed in the employment center of the CCD.

We're doing workforce housing. This provides opportunities for people to reduce their carbon footprint by using the Rail Runner to access different parts of town, or to use the bike trails that are in place. So thank you for your time and it looks like it's going to be a good trail and a good project overall.

CHAIR GONZALES: Nathan, I've got some questions for you.

MR. MANZANARES: Yes, sir.

CHAIR GONZALES: What part did you play in laying out this trail, the path of the trail?

MR. MANZANARES: Mr. Chair, it's been a collective effort ever since – I have to give credit to Mr. Robert Griego, former Planning Director. He was a big part of this. He helped see the overall vision of the trail network and the potential connection points and we have a very experienced team of engineers and developers that have had success doing these types of joint efforts all throughout New Mexico. So I can't take much credit. It was a team effort for sure.

CHAIR GONZALES: One question I have is how long is this trail?

MR. MANZANARES: It's approximately a mile and a half. It runs

through both affordable developments so I will basically start where the intersection, the light, of Rancho Viejo Boulevard and 14 is, run along the NMDOT right-of-way, which actually is Fire Place Road as well, then connect to that decommissioned off-ramp that has already been built out to DOT, back to the Rail Runner station.

CHAIR GONZALES: Thank you very much.

MR. MANZANARES: Thank you all.

CHAIR GONZALES: Anybody online, Jose?

MR. LARRAÑAGA: Mr. Chair, there is no one online wishing to speak on this.

CHAIR GONZALES: We'll close the public hearing. We're ready to have a motion on this ordinance. What are the wishes of the Commission?

MEMBER PIERARD: I can start. I recommend that the Commission approve this ordinance to amend the Santa Fe County Sustainable Land Development Code. So I recommend that we do that.

CHAIR GONZALES: I will second that motion. We have a motion and a second. Any discussion?

The motion passed by unanimous [5-0] voice vote.

6. Petitions from the Floor

None were offered.

7. Communications from the Commission Members

None were presented.

8. Communications from the Attorney

MR. PRUCINO: Thank you, Mr. Chair. I want to remind member of the Planning Commission that tonight is Jose Larrañaga's final evening with this body and I want to personally thank him for his assistance and guidance over the years, not just in these meetings but he's been helpful in my education with respect to the SLDC and other matters. We will greatly miss him.

CHAIR GONZALES: I want to second that and I've known Jose for a lot of years, I think 20, 25 years. He's a neighbor of mine in Upper La Cienega and he's done a wonderful job with Santa Fe County and I think we're kind of at a loss at the Land Use Department when he leaves, because he's done a wonderful job. He's always communicated well with everybody and I want to thank you on behalf of the Commission for all your service, Jose. And you enjoy whatever you do in the next chapter of your life.

MR. LARRAÑAGA: Thank you, Roger. Thank you, Mr. Chair and Commissioners.

MEMBER AABOE: and I would just encourage you, you're welcome to come to any future meetings. I'm sure they'll save a seat for you.

9. Matters from Land Use Staff

None were brought forward.

10. Next Planning Commission Meeting: March 21, 2024

11. Adjournment

Upon motion and second, and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 6:21 p.m.

Approved by:

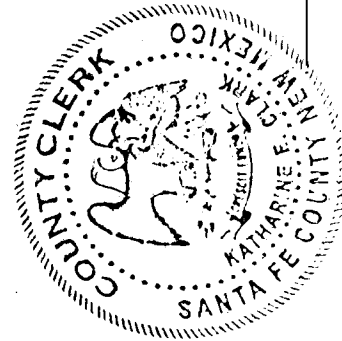
J.J. Gonzales

J.J. Gonzales, Chair
Planning Commission

ATTEST TO:

Katharine Clark

KATHARINE CLARK
SANTA FE COUNTY CLERK



Submitted by:

Debbie Doyle, Wordswork



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

PLANNING COMMISSION MI
PAGES: 34

I Hereby Certify That This Instrument Was Filed for
Record On The 3RD Day Of April, 2024 at 08:13:40 AM
And Was Duly Recorded as Instrument # 2031189
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy *Maria Jo Gault* County Clerk, Santa Fe, NM

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