

**TRANSCRIPT OF THE
SANTA FE COUNTY
SLDC HEARING OFFICER MEETING**

Santa Fe, New Mexico

November 12, 2020

1. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Richard Virtue on the above-cited date at approximately 3:00 p.m.

In accordance with the Public Health Emergency Order issued by the State of New Mexico, and pursuant to the New Mexico Attorney General's Open Government Division Advisory during COVID-19, public entities are authorized to conduct virtual meetings.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

Staff Present:

Vicki Lucero, Building & Services Manager
Gabriel Bustos, Development Review Specialist
Jose Larrañaga, Development Review Specialist

2. **Approval of Agenda**

HEARING OFFICER VIRTUE: Good afternoon, everyone. This is the monthly meeting of the Santa Fe County Sustainable Land Development Code Hearing officer. My name is Richard Virtue and I'm the Hearing Officer. We have one case on the agenda today. Are there any changes to that?

VICKI LUCERO (Building & Development Services Manager): Mr. Virtue, there are no changes to the agenda.

RALPH TINGLE: Hello. This is Ralph Tingle. I live at 87 Calle Ventosa West in Las Campanas. I'm calling about the – I'm just calling to support the Las Campanas to change the height limit of the telephone tower, the item of interest at this meeting.

MS. LUCERO: Okay, sir. We'll add your name to the list of speakers and we'll call on you when it's time for the public hearing.

MR. TINGLE: Okay. I was told it was at 3:00.

HEARING OFFICER VIRTUE: Okay. So we'll start. Just to go through the process here for the members of the public that are on the meeting: we're first going to have the staff report, and then we will have the applicant's testimony. And then after

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that we will have testimony from the members of the public. Those in favor will speak first; those against will go after that and people are welcome to just make a general statement if they prefer to do that.

In terms of members of the public questioning witnesses, the representatives of the applicant or another member of the public, I would ask you to ask those questions before the witness is excused because once the witness is excused they will be muted and we'll have to go back and unmute them again. So for efficiency purposes I'd ask you to ask any questions you have of a witness before the witness is excused.

I'm not sure how many witnesses we have at this point. I'm not going to limit the time that each witness has, at least at the outset, and I'll consider whether to limit that as we go further into the meeting and into the presentations. I would ask each of the witnesses to please be focused and succinct in presenting your testimony and please don't present any redundant or irrelevant testimony. If you agree with the prior witness, I would ask you to just state that rather than restating what the witness said. So at this time we'll go to the staff report and the other aspects of the hearing and then when we get to the point of public testimony, Vicki will give us a report on how many people we have and then we will call on each member of the public individually.

3. **PUBLIC HEARINGS**

- A. **Case # 20-5070 Las Campanas Master Association Conceptual Plan Amendment and Height.** Las Campanas Master Association and Verizon Wireless, Applicant's, request approval for an amendment of the Las Campanas Conceptual Plan to allow a Stealth Wireless Communication Facility on Parcel 5 within the existing Planned Development District (PD-16) as a Permitted Use. The applicants are proposing a 70' Stealth Communications Facility (and its associated switching infrastructure) as an allowed use on a proposed bell tower within the Las Campanas Planned Development District (PD-16). The proposed Stealth Cell Tower will be on Parcel 5 which comprises 7.62-acres. The Applicant is also requesting a variance of Section 10.17.8.1 of the SLDC to allow the Stealth Communication Tower to be 70' in height which exceeds the height limit of 27' (48' with Transfer of Development Rights "TDRs") allowed in a PD zoning district. The site is located at 366 Las Campanas Drive within T17N, R8E, Section 15, SDA-2 (Commission District 2)

GABRIEL BUSTOS (Case Manager): Thank you, Hearing Officer. On April 14, 1992, the Board of County Commissioners approved the Las Campanas de Santa Fe Master Plan. This approval allowed for large-scale mixed-use development which included a total of 1,419 residential lots, two golf courses, two golf course maintenance facilities, a clubhouse with dining facilities, a tennis center, an equestrian center, a sales office, a hospitality house and a waste water treatment facility.

The prior approvals did not address communication towers as an allowed use. On December 8, 2015, with the implementation of the Sustainable Land Development Code ("SLDC"), the planning envelope associated with the approved Master Plan for Las Campanas was designated as a Planned Development District.

The applicant requests approval of an amendment to the previously approved Master Plan to allow a 70-foot stealth communications tower as an allowed use on Parcel 5 of the Las Campanas Planned Development District and a variance of Section 10.17.8.1 of the SLDC to allow the stealth communications tower to be 70 feet in height which exceeds the height limit of 27 feet allowed in a PD zoning district.

The applicant has addressed the conceptual plan criteria per Section 4.9.9 and staff has responded to the applicant's request.

The applicant is requesting a variance of section 10.17.8.1 of the SLDC to allow the stealth communications tower to be 70 feet in height. Section 10.17.8 states the overall height of a proposed stealth wireless communication facility shall be limited to that which is allowed within the zoning district in which the facility is to be located, and which is consistent with the surrounding community.

The applicant has addressed the variance criteria in Section 4.9.7.4. Staff has responded to the applicant's request.

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 Conceptual Plan amendment to allow a stealth communications tower as an allowed use on Parcel 5 within the Las Campanas Planned Development District: the proposed use is a permitted use within a Planned Development District as per Appendix B: Use Matrix; and the application satisfies the submittal requirements set forth in the SLDC inclusive of criteria set forth in Section 4.9.9.

Staff has established findings that this application for an amendment of the Conceptual Plan to allow a stealth communications tower as an allowed use on Parcel 5 within the Las Campanas Planned Development District is in compliance with criteria set forth in the SLDC. However, the request for a tower 70 feet in height does not meet code regulations for maximum height in a PD, therefore, staff does not support the variance request.

Recommendation. Staff recommends approval of the request for an amendment of the Conceptual Plan to allow the proposed 70-foot tall stealth communications tower as a permitted use within the Las Campanas Planned Development District to be located on Lot 5 which comprises 7.62 acres with the subject following conditions. Hearing Officer Virtue, may I enter the following conditions into the record?

HEARING OFFICER VIRTUE: Yes, you may.

[The conditions are as follows:]

1. A separate application for a Development Permit/ Site Development Plan for the stealth facility must be submitted and can be reviewed and approved administratively. Residential lots are restricted to stealth Wireless Communications Facilities ("WCF") only. Nonresidential and utility related lots may have non-stealth WCFs and shall be reviewed as a Conditional Use Permit ("CUP").
2. The Conceptual Plan showing the uses allowed, restrictions as to the location of stealth facility, site layout and conditions of approval shall be recorded at the expense of the Applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.
3. The proposed communications facility (and its associated infrastructure) shall comply with all criteria set forth in the SLDC prior to approvals of the development.

MR. BUSTOS: Staff recommends denial of the request for a variance of Section 10.17.8.1 of the SLDC to allow the Stealth Communications Tower to be 70 feet in height. The maximum height allowed in a PD is 27 feet or 48 feet with the Transfer of Development Rights. If the decision of the Hearing Officer is to recommend approval of the variance request, staff recommends the following conditions be imposed. Hearing Officer Virtue, may I enter the following conditions into the record?

HEARING OFFICER VIRTUE: Yes, you may.

[The conditions are as follows:]

1. The applicant shall transfer the appropriate amount of development rights to get to the 48 feet height limitation allowed.
2. The variance shall apply only to the proposed stealth facility

MR. BUSTOS: This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission will be holding a public hearing on this matter on December 17, 2020.

I now stand for any questions.

HEARING OFFICER VIRTUE: Okay. Thank you for that report. I don't have any questions now but I may have some later. So let's turn to the Applicant's testimony and I would ask that the applicants and their representatives please identify yourself by name and address for the record, and then you can proceed with your testimony after you're sworn in.

AMY MCKENZIE: Hi. My name is Amy McKenzie and I am with Black and Veatch. I represent Verizon Wireless. I am one of the two Applicants.

ROBERT KIELY: My name is Robert Kiely. I live at 10 Blue Sky Circle in Santa Fe, in Las Campanas. I'm a member of the board of directors of the Las Campanas Owners Association and I also am chair or the cellular committee that has been working to get a reasonable cell tower in the Las Campanas area.

HEARING OFFICER VIRTUE: Okay. Ms. McKenzie, could you give us your address please?

MS. MCKENZIE: Yes. My address is 422 Black Oak Court NE, in Albuquerque, New Mexico.

HEARING OFFICER VIRTUE: Okay. Thank you. At this time we will have the reporter swear each of you in.

[Ms. McKenzie and Mr. Kiely were placed under oath.]

HEARING OFFICER VIRTUE: Okay. You can proceed in whatever order your desire.

MR. KIELY: Okay, thank you very much. I will start. It's Robert Kiely. First of all, several years ago when I moved to Las Campanas – I've owned a lot here since 1992, moved here seven years ago, we noticed that the cellular service was abysmal. It causes a lot of trouble both the convenience of making a phone call, for safety and security of our residents. Our residents have a median age of about 68 years old, which is a lot higher than Santa Fe County's median age which is around 43.

So a lot of the residents were complaining about the cell tower situation, that there was no service, so Las Campanas Owners Association formed a committee and due to my

32 years in telecommunications internationally I volunteered for the committee and they put me in charge of it. So the first thing that we did before just going out to the wireless providers is we polled all of the owners, not only in Las Campanas but in about – I don't remember the exact number but about 20 different communities in the Las Campanas area. And we polled them for things like how good is your service where you live? And we found out that the service was just terrible, abysmal. We found out which cellular carriers they are signed up for and it's about 69 percent Verizon, about 22 percent AT&T and a smattering of other technologies.

And then we also asked them the hard question, how willing would you be to have a cell tower in Las Campanas? And at that point it wasn't a stealth tower we were talking about; it was just a general tower, which could be a mono-pole, it could be a potato masher, it could be one of those lattice towers – that kind of thing. And overwhelmingly, not on the Las Campanas community but the adjacent communities were very supportive of the cell tower.

So we went out to AT&T and also to Verizon. We talked to both of them in depth. They came to our facility. We found a piece of land that was next to the administration building and we collaboratively designed a tower which resembles a bell tower. It's a stealth facility, and it would sit adjacent to the owners association using the same color palate, architecture, southwestern feel to it, and it would be a very attractive tower. We also placed it in a location where there is really no other homes – there are no other homes at this time. There's an undeveloped area across the street. Next to it is a maintenance facility with trucks. Next to that is the water and sewer facility with a big sewage facility and water treatment plant. And then on the other side of it, about a quarter mile south, is the Buckman Water Diversion Plant with a huge 10 million gallon tank, and there's a plan to put in another tank right next to it.

So we picked this place because it really does not affect the sight lines of very many homes at all. The closest home is about 850 yards away and if they look to the west they wouldn't even see this cell tower.

So based upon the County recommendation, after talking with Jose Larrañaga early in the process, we designed that tower to accommodate two cellular carriers. Verizon signed a contract with Las Campanas earlier this year and we sent in the application for the variance and the conceptual plan in July. So the concept is we'd have this really attractive, probably the most attractive cell tower in the State of New Mexico right next to the owners association building. At the top of the tower would be Verizon at a 65-foot mid-point. And the way it works is, if the tower is 70 feet, the carrier at the top needs ten feet of space, so the mid-point would be 65 feet.

And then we're talking to AT&T. They haven't signed up because they want to see how this approval process goes, but in any case they can go in at 55 feet. They tell us that 55 feet is absolute minimum that they can go in. So that's another reason why we have the tower at 70 feet, so we can provide the maximum coverage to Las Campanas as well as the Buckman Diversion Plant, as well as the Camino Real Trail that the County's involved with and the Caja del Rio Road and surrounding communities.

So it's really the best location and given that even with the 70-foot tower we would still be lower than the big water tanks at the Buckman Diversion project. We really don't think it will negatively impact the sight lines of any neighbors.

And we've received a lot of emails supporting this. Literally hundreds of emails supporting it. I just want to read one or two of them to you: I'm an 82-year-old with a pacemaker. I need contact with medical personnel and equipment, but my cell phone won't work inside. I have to go out in the cold where the phone works. Why? Please, please approve the Las Campanas 70-foot tower and save me from the outside misery and possible sickness.

And I have literally dozens of emails from residents with medical issues. They're afraid when they walk outside their home that they can't get cell coverage. People have fallen down, broken ribs and they can't call emergency services. So this is not just a convenience issues for the roughly 2,000 people who live and work in Las Campanas, but it's a safety issue and it's a security issue. And I respectfully ask County staff and the Hearing Officer to reconsider the County staff's recommendation and please allow this 70-foot tower. With that I'd like to turn it over to Amy McKenzie. She'll give you information about what she does and she's a representative for Verizon Wireless. Thank you.

MS. MCKENZIE: Hi. Good afternoon. Thank you, again. My name is Amy McKenzie. I work for a company called Black and Veatch, and I am the agent for Verizon Wireless, and I do land acquisition work in the State of New Mexico. We were contacted by the Las Campanas Homeowners Association, Verizon was, asking for assistance in this part of Santa Fe County. And we realized the need was very great in this area after we did an analysis. And based on that, we did site a location at the Las Campanas Homeowners Association that would take care of the preponderance of Las Campanas homeowners. It will also take care of Las Campanas Drive and the Buckman water treatment area and the roads and the bike trails and that sort of stuff in the area. So it's going to take care of the residents. It's going to take care of travelers. It's going to take care of small businesses that are working out there.

Interestingly enough, we started the project before COVID and COVID really has just put gasoline on this because now most of New Mexico is working from home and schooling from home with the exception of essential workers. So it really has even more so magnified the shortcomings in this part of Santa Fe County.

So with that, and understanding the SLDC, we did look into how we could best meet the needs of the customers and meet the needs of the County. And when we did the analysis we kept in mind that the County wanted co-location of assets so that there would not be a proliferation of towers. So we designed, keeping in mind the aesthetics of Santa Fe, we designed a really nice – it's called a bell tower. It's just what they call it. But it's essentially a tower that 100 percent stealth disguises, hides, all of Verizon's equipment. So the average person driving by would not know that this was a wireless facility. It would just look like a tower. And it has all the nice accoutrements that Santa Fe designs have.

So we were very pleased with the design itself and we were very pleased that we were able to accommodate a second carrier. And again, I can't speak for who that second carrier is. The tower, once it's built will be owned by the Las Campanas Homeowners Association, so that's really on them who that second carrier would be. But for the needs of Verizon, when we did the RF analysis of the area, and as you all know, it's very, very hilly. Lots of up and downs, and for a wireless signal that's a bit of a problem. And that's just taking into consideration elevation alone. It's not taking into consideration homes.

It's not taking into consideration trees or other man-made structures that the signal still has to be through or around.

So the best solution is a 65-foot centerline, which again Robert alluded to the fact that that's where our centerline. So if we have an eight-foot antenna the center would be four feet above, four feet below, so that we have to make sure that when we're talking about a 70-foot tower, it's important to know that our antennas are lower than that. Just for math purposes.

The shorter you get on a tower in this particular area the larger the loss of signal. So 27 feet means that Verizon's antennas are going to essentially be at 23 feet. It's completely unviable. There's just no point of putting a \$100,000 asset into a structure that you're not going to get any benefit from. Probably the only people that would get any benefit at all would be folks working at 366 Las Campanas Drive. It's not going to reach anybody else. So that's completely untenable.

The 48-foot option that was discussed puts Verizon's antennas at roughly 43 feet, and a second viable carrier would be ten feet below that, so that would be about 33 feet. And again, it would very much degrade Verizon's coverage and it would probably exclude a second carrier going on that tower. So what that means is if we went with the 48-foot structure you're going to get – I don't know – 50 percent of what you were looking at as far as coverage goes, and you're going to lose the opportunity to have a second carrier. So if a second carrier, say AT&T wanted to provide a similar service for Las Campanas they're going to have to put up their own structure because they're not going to be able to co-locate at a lower centerline.

So we understand that the aesthetics of this are very important, and that's why we spent a great deal of time working with Las Campanas and Santa Fe County, the planners, to come up with an aesthetically pleasing design. I think we really have done that and if I could share my screen – I don't know if everybody's seen it but I'm happy to do that. Is that okay?

HEARING OFFICER VIRTUE: Sure.

MS. MCKENZIE: Okay, tell me if you can see it. Give me one second. Here's the – this is the photo sim – so this is looking south driving towards 366 Las Campanas. And then this is the structure you would see on that same road, looking south. This is looking at 366 Las Campanas, and this is what it would look like with the structure. So again, you can see the corbels, the vigas. That was looking west. This is looking northwest, and you can see the structure there. And I have one other photo. Hopefully you can see that. Can you see the structure next to the building?

Again, you can see the design has been really well thought out. Everything will be completely disguised and hidden. So essentially that's our proposal. We're very excited about providing Las Campanas and this section of Santa Fe County with improved service, not only for our customers but also for the emergency responders in Santa Fe County. And at this point I stand for any questions.

HEARING OFFICER VIRTUE: Okay, thank you very much for that presentation. I've got a question about the height question. I heard you state that at the 27-foot level you lose – did I hear correctly – half of the calls get lost or potentially could get lost or disconnected?

MS. MCKENZIE: No, sir. If we went to around 48 feet, so our centerline would be about 43, and I don't want to belabor the number because I'm kind of speaking

a little bit off the top of my head. I don't know the specifics of loss but it probably is about half if you get down to 48. If you go down to 27, you get no service at all. Las Campanas residents won't get any service. About the only folks that would get any kind of service, because the centerline would be 23, would essentially anybody at 366 Las Campanas Drive.

I have one other thing I can share, if you give me a moment. It wasn't in the packet so I don't know if it's okay. I've got coverage maps which were given to me by Verizon just a couple of hours ago but I'm happy to show that if that helps. Is that okay, Mr. Virtue?

HEARING OFFICER VIRTUE: I don't believe those maps are in the record, if I'm correct. I didn't see them in my packet.

MS. MCKENZIE: They were not. No, sir, they weren't. That's why I wanted to ask if it's allowed, or if it's not, it's no worries.

HEARING OFFICER VIRTUE: I would ask you just to explain what you believe the maps show.

MS. MCKENZIE: I'd be happy to. And again, my apologies. I didn't get them, a request for them until the end of day Tuesday, but I was able to get them today from our engineers. So let me share screen with you.

So this is a coverage map – our site's called New Mexico-4 Del Rio, but this is 366 Las Campanas Drive in Santa Fe County. We've got three different colors of coverage, green, yellow and red, much like a stoplight. Green indicates in-building. So you're sitting in your house and you've got great coverage. Yellow means the coverage is good for in-vehicle, so in a car, in a truck, whatever. And then red means good coverage on the street, outside. Anything not that is not one of those colors, so tan, white, whatever, means that there is little to no coverage, or no discernable coverage.

So I'm going to show you – I want you to focus more if you would on the green. I'm calling these like green fingers, because they kind of look like a little bit more of a hand. When you see this at 65 feet – again, this is kind of the Las Campanas area right here. The homeowners, it's right here. At 65 feet, which is our centerline for a 70 foot tower, you've got much improved coverage here, in-building and in-vehicle. But when you go down to 43 feet, which is a 48-foot tower, you can see the green starts to disappear. And so does the yellow, and the red picks up. If you go down to 27 feet, which is 22-foot centerline, it's nothing. There's no coverage for Las Campanas. Or very little coverage for Las Campanas. It's not going to change pretty much from what they have right now.

Let me go back up so you can see. This is at the proposed height of 70 feet for a tower, again, this is the area we're focusing on, which is the Las Campanas Homeowners Association. If you go down to a 48-foot tower, it starts to degrade by about 50 percent. That's kind of where my guesstimate was. Don't quote on that please. And then at 22 feet it just – it doesn't change much at all except for the area where the tower would be located. And frankly, if Verizon was conditioned that it could only be 27 feet we would not build it. So I'll leave this up and open it for any questions anybody might have, Mr. Chair.

HEARING OFFICER VIRTUE: What I was saying was, I was asking Ms. McKenzie to submit the maps to staff and then we will mark them as exhibits and put them in the record. [*Exhibit A: Three maps*]

MS. MCKENZIE: Yes, sir. I submitted those today at about 11:30 to Gabe Bustos.

HEARING OFFICER VIRTUE: Okay, if you do it within the next couple of days that would be sufficient.

MS. MCKENZIE: It's already submitted, sir.

HEARING OFFICER VIRTUE: Oh, I'm sorry. I thought you were not – okay. You did submit them at 11:30. Okay. There's an echo; I didn't hear what you were saying. Okay. Does anybody have any questions for the Applicant's witnesses? We'll go to public testimony. Vicki, do you have a list at this point?

MS. LUCERO: Hearing Officer Virtue, I only have two people who have indicated that they want to speak, and Jose Larrañaga is actually helping me co-host the meeting so I don't know if he's received any phone calls or any additional information. But the first speaker that I have and I apologize if I mispronounce the name. Seavey Knight.

KNIGHT SEAVEY: It's Knight Seavey.

[Duly sworn, Knight Seavey testified as follows:]

MR. SEAVEY: Thank you very much for your time. I think much of what I had put in my letter has already been covered, so being respectful of everybody's time I'd like to focus on one paragraph that I had sent to the Hearing Officer last evening. First of all I represent the developer, Sanda Partners, and we're in one of those unique time and places where we're really in very much agreement with the HOA, the developer, the entire community, and I really see this as a countywide asset, not just something that benefits the members of Las Campanas and the residents.

The point I wanted to drill down on is from a standpoint of health and safety and welfare. As a New Mexico licensed architect the issue of health, safety and welfare is always the paramount concern. It trumps all other considerations when we come to design. Our community faces a potentially dangerous scenario any give day due to the utterly inadequate cell service that affects a large percentage of Las Campanas. Everyone who lives here or passes through the area is aware of the inconvenience and the risk. It has taken many years but finally there is a reasonable solution. In my 30 years of working with municipalities all over New Mexico and several other localities in the country the projects of all variety, it has been understood that the parties adjudicating land use policy have considerable latitude where issues of life safety are concerned, and I truly feel that is the case here and it's really the driving force as I see it.

So I will leave it there. The other points that I had touched on from a design perspective, they've been hit pretty well. So thank you for your time.

MS. LUCERO: Okay, Mr. Virtue, the next person who indicated he wanted to speak was Ralph Tingle. Okay, he may be on the phone. Jose, can you unmute everybody to see if Mr. Tingle is on the phone line?

HOWARD ALPERN: This is Howard Alpern. If it's possible, I would like to speak as a citizen.

MS. LUCERO: Okay, Mr. Alpern. Let's see if Mr. Tingle is on the line and then we'll put you on the list next.

LYNN WALTER: And I would like to be on the list too. I don't know how to get on the list. This is Lynn Walter.

MS. LUCERO: Okay. All right. Did we unmute everybody?

JOSE LARRAÑAGA: Yes.

MS. LUCERO: Okay, Mr. Tingle, are you on the line?

BOB KIRKPATRICK: My name is Bob Kirkpatrick. I live on Avenida Malaguena in Las Campanas.

MS. LUCERO: Okay, Mr. Kirkpatrick. We'll get to you're here. We'll put you on the list.

DEANNE WATSON: This is Deanne Watson. I'd also like to speak.

MS. LUCERO: Okay, Ms. Watson. We'll add you to the list.

JOHN FLYNN: Vicki, this is John Flynn. I'd like to be added to the list as well, please.

CHIP MUNDAY: Vicki, I sent you a chat to be on the list as well. This is Chip Munday.

MS. LUCERO: Okay, we'll add you to the list.

MR. KIELY: This is Robert Kiely. I'd also like to ask a question when it's time.

MS. LUCERO: Okay. We'll let the Hearing Officer call on you once the public hearing part is over and how he wants to do that. It doesn't sound like Mr. Tingle is on the line. So let's go on to the next speaker and I'll call on Mr. Tingle a little bit later on down the road. Howard Alpern.

[Duly sworn, Howard Alpern testified as follows:]

MR. ALPERN: Thank you so much, Vicki. I'm Howard Alpern. I live at 30 Calle Mi Gusto, Santa Fe, New Mexico. I'm a proud citizen of Santa Fe County. May I proceed.

I don't represent Verizon or AT&T or any other carrier. I don't represent the homeowners association. I'm not a member of any committee. I'm just a very concerned citizen. I've lived here for over eight years. The cell service at my home and when I'm out hiking is pitiful. Calls are dropped. Sometimes you can't even get calls at all. It's a severe safety hazard for the people of the county. Anyone walking, driving, cycling, through this area is at risk because you can't use 21st century communications to contact the necessary people to provide safety and health services.

The County SLDC, for the purpose of helping the health and welfare of the citizens of the county, it has a provision in it calling for variances to the various rules that are there. The variance provision of the rules is clearly applicable in this situation. A variance is appropriate where the strict application of the SLDC would result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the citizens of the county. Without a variance in this case 21st century communications are unavailable to the citizens. It adversely affects the health, safety and welfare of the citizens of this county. The whole purpose of these rules is to protect the health, safety and welfare of the citizens.

Dropped calls, dead spots, no communication services, poor reception are unacceptable in the year 2020. This tower is going to be in Las Campanas. For those of you who don't speak Spanish that means the bells. A bell tower is a perfectly appropriate addition to Las Campanas. Only the few of us who know what's inside will realize it's a communication tower. It's a bell tower. What a beautiful addition to the community. To approve this tower at a 27-foot height is the epitome of absurdity. It serves no purpose

whatsoever. You've got engineers' reports in your file which show why a 27-foot tower is absolutely useless. It makes no sense.

The purpose of the government is to serve the needs of the people. We have rules that we need to comply with. The rules here clearly call for a variance in the situation where we're in right now. This is causing an undue hardship on our citizens. It shouldn't be permitted. Let's get this tower built and stop wasting everybody's time. Thank you.

MS. LUCERO: Okay. Next speaker is Lynn Walter.

[Duly sworn, Lynn Walter testified as follows:]

MS. WALTER: Hello. My name is Lynn Walter. I do want to say it's not really testimony it's my public comment. I've been asking myself, what is the down side to approving this 70-foot beautiful bell towers that's going to provide so many benefits for cell service throughout Las Campanas and the surrounding areas including the trails and the bike routes that people are using pretty regularly. I can't think of any down side. It doesn't damage the viewshed. It doesn't damage the environment. It's like a welcome piece of architectural interest if you get close enough to even see it.

So I ask myself why is it even not being – why are we not even using the amendment to provide safety in the community? I can't think of why we wouldn't use it, and I think Howard said it much better than I am saying it. But there is no downside that I can think of and if there is, somebody please point it out because I think there are no downsides to approving the variance for a 70-foot bell tower. And that's the end of my public comment.

MS. LUCERO: Okay, our next speaker is Bob Kirkpatrick.

[Duly sworn, Bob Kirkpatrick testified as follows:]

MR. KIRKPATRICK: I'm afraid this could be a case in point. All I want to do is support the testimony that's been provided thus far and provide a couple of anecdotes. I was in a serious bicycle accident about three years ago here on one of the paths, one of the trails, and had a number of dropped calls before I could reach anyone who could then provide me with medical assistance. And it could have been much worse.

We've had power outages where we had to get in the car and drive a distance so that we could get cell coverage and call Verizon and call the power company. Those kinds of concerns. They're more than inconvenient. They're a matter of public safety. And I think we've really – we've finally gotten to the point where we have a solution to this problem and we need to move on and to get on with this. So I just wanted to provide and call and provide a couple of anecdotes and also support the testimony that's been provided thus far. Thank you.

MS. LUCERO: Okay, thank you. Our next speaker is DeAnne Watson.

[Duly sworn, DeAnne Watson testified as follows:]

MS. WATSON: I mostly just want to second the comments that have already been made and add a few anecdotal pieces for myself. I very rarely can even get text messages inside my home. I usually have to step outside, and if there's even a little tiny bit of a cloud cover, I can't even get text messages, let alone phone calls. And I only live about a mile in from Las Campanas Drive. I can only imagine how bad it is for people that are further into the community. So where I live right now, I'll be probably a mile and a half to two miles away as the crow flies to where the new bell tower is proposed to be built, and I have no objections whatsoever. Even if I could see it I would have no objections because the upside of having this is so huge. Thank you.

MS. LUCERO: Thank you. Next speaker is John Flynn.

[Duly sworn, John Flynn testified as follows:]

MR. FLYNN: Hearing Officer Virtue, my name is John Flynn. I live at 4 West Arrowhead Circle in Las Campanas. I'm presently serving as the president of the homeowners association and in that capacity I've talked to a number of people, and I can say to a person, they enthusiastically support the construction of this tower. It's been literally years in the making. A lot of people have dedicated a lot of time and effort and it would be a shame for it to not go forward. Thank you.

MS. LUCERO: Okay. Thank you, Mr. Flynn. And the next speaker is Chip Munday.

[Duly sworn, Chip Munday testified as follows:]

MR. MUNDAY: Thank you. I live at 23 Avenida de Mercedes, which is not in Las Campanas. It is just off Caja del Rio near the Marty Sanchez Golf Course. I'm also the general manager of the Las Campanas Homeowners Association, so I'm wearing two hats in what I have to say. One of the things that struck me, when I went through the staff report was that it references Section 4.9.7.4, which gives the criteria for review of a variance, and I think that this application more than meets all three of those criteria, and I'm rather amazed that the staff would have an opinion to limit the height of the tower. To me, it's like the County granting a building a permit but then requiring that no construction materials could be used in building a home. It's that ludicrous to me.

I can tell you that my house is 2 ½ miles from my office here at 366 Las Campanas Drive and when I look at the coverage maps for those of you that can't tell, because it is kind of hard to see from what Amy put up on the screen. At the 22 feet, or at a height limitation that currently the staff is proposing, it barely meets the water tanks at the Buckman Diversion Plant, and there's two hills between my office and my home. In no circumstances that at 22 feet or even at 43 feet reach my house which is only 2 ½ miles away. Which includes beyond me is the Marty Sanchez Golf Course which serves a lot of people in the greater Santa Fe area, and there's no coverage there either.

So at the 70-foot tower height, which would put the mean level of the antenna at say, 65 feet, it not only helps cover the area of most of Las Campanas and a lot of the communities outside, including my own, but it also has the potential to reach people that are out recreating as far away as Diablo Canyon. So I really don't see any justification for the staff requiring that the limitation be placed based on the 1992 conceptual plan.

Cell phone use and cell towers were barely on people's radar in 1992. So I think that to try to hold it to that height restriction is a disservice to the community and it's actually somewhat of an ostrich-type approach to a problem. So I strongly suggest that the staff take a better look at how this application plays out for the benefit of the community, not just Las Campanas, and potentially amend their recommendation, as we get to the Planning Commission. Thank you.

MS. LUCERO: Thank you, Mr. Munday. At this point I didn't have any other speakers on the list. Let me go back and see. Jose, can you unmute everybody so that we can get the callers.

MR. KIELY: Vicki, I did have one question for staff when you're available.

STEPHEN COUTTS: I would like to speak too.

MS. LUCERO: Okay. Is that Mr. Stephen Coutts?

MR. COUTTS: Yes.

AL ANTONEZ: I would like to speak, Vicki.

MS. LUCERO: Your name?

MR. ANTONEZ: Al Antonez.

MS. LUCERO: Do I have Mr. Ralph Tingle on the line? Okay, so Mr. Stephen Coutts, you're next up.

[Duly sworn, Stephen Coutts testified as follows:]

MR. COUTTS: So I wanted to add one thing. I am a bio-tech consultant and every morning I go out on a ride with my dog, and I use that time to talk to my partner. We are developing a cancer adjuvant, and we filed a 9-D today with the FDA. However, I have had to look carefully within a couple miles of my home to find a place where my cell phone works. So this happens to be on Ventosa West. I live on Paseo Aragon which is roughly three-quarters of a mile from the HOA building. So it would make my life much easier if this cell tower is built. It's where I can see it and I embrace the concept wholeheartedly. That's the end of my testimony.

MS. LUCERO: Thank you, sir. So our next speaker is Al Antonez.

[Duly sworn, Al Antonez testified as follows:]

MR. ANTONEZ: I'm the general manager of the Club at Las Campanas. We have 806 members and 220 employees, and I live in Las Campanas. I live at 8 Avenida Herrera. Our staff is unable to reach me when I leave the clubhouse and head home. In cases of emergency I'll receive text messages or messages the next morning, and it's frightening and it's incredibly disappointing in this day and age. And I'm really, really quite shocked that given all the work and the research and the presentation that's gone in that there could be a recommendation for anything but this. So I would encourage the staff if they have not been out to this area to take a drive and to compare the notes that they receive from all of our members and our staff. I didn't ask our staff to do it but they're all residents of Santa Fe here as well and the fact that they're not able to connect with their families when they come to work here, in this day and age, in the capital of this state is really hard to believe, and it is in 2020.

So I would encourage them to come out with all the reports they received, all the different notes and take a look at it and see what this really does mean to our residents. It is a safety issue. It's incredible. We had two personal emergencies last year. I literally had to drive all the way past Marty Sanchez before I could reach the doctor's office to let them know we were coming in with an emergency. And it's just – it's frightening if you're driving and you're trying to use your phone when you're not supposed to be driving to do that, and it's really disappointing. I hope that the staff, many, will take the time to really understand what was a conceptual plan back in 1992 and 28 years put it into reality and find out just how dependent we've become on this type of technology.

The students that are studying at home sometimes come up to the club and that doesn't even work. They can't get coverage at our clubhouse. They actually literally have to go to the fitness center to do homework assignments. It's really unconscionable to not see the value in this right off the bat.

So I would just encourage the staff to do that. I appreciate the Hearing Officer. If there's any other information that you may need subsequent to this, please reach out to me, and again, please call me on the land line; don't try to reach me on my cell phone. It won't work. At all. Thank you.

MS. LUCERO: Okay, thank you. Hearing Officer Virtue, I didn't have any other speakers. Jose, can we unmute everybody one more time to see if there's anybody else that wishes to speak.

MR. KIELY: Yes, Vicki, this is Robert Kiely.

MS. LUCERO: Mr. Kiely, I think you're on behalf of the applicant, correct?

MR. KIELY: I'm on with the applicant. That is correct.

MS. LUCERO: Okay. So let's see if there's any other public testimony and then we'll let Hearing Officer Virtue go back to you if he so chooses.

MR. KIELY: Fair enough.

MS. LUCERO: Okay. Anybody else from the public that wishes to speak?

CATHY LEWIS: I'm Cathy Lewis and I have a question that I think --

MS. LUCERO: Ms. Lewis, go ahead and be sworn in.

[Duly sworn, Cathy Lewis testified as follows:]

MS. LEWIS: This is actually just a question that was initially directed to Ms. McKenzie. If approved, when would the tower be completed, and when would service be available? Thank you.

MS. LUCERO: Hearing Officer Virtue, do you want to continue with the public hearing and have them address that at the end?

HEARING OFFICER VIRTUE: Let me just, if I might just interject here. You may recall at the beginning of the hearing I asked that you ask any questions you have of witnesses while they are testifying or at the end of their testimony and not reserve the questions till later. So I'm going to allow the specific questions that were asked, but I just remind everybody that the rule is you generally only get one bite out of the apple. Having said that I will allow the questions that were asked and then we'll go from there. Ms. McKenzie, you can answer those two specific questions. Please be as succinct as you can.

MS. MCKENZIE: Okay. Thank you. Well, we still have to go through quite a number of hoops at the County. I don't mean that disparagingly. I just mean there's still work to be done for approvals with the Planning Commission, the County Commission. Then there's applications for our actual site as well as building permits, etc., etc. But it is on the 2021 build plan for Verizon. I would be remiss if I gave a specific date without consulting my client. But I can tell you it is on the 2021 build plan for Verizon.

HEARING OFFICER VIRTUE: Okay. Thank you for that.

MS. LUCERO: Okay, Hearing Officer Virtue. One more time, Jose, if you can unmute everybody so we can see if there's anyone else wishing to speak.

LOUISE ELDER: Hi, this is Louise Elder. I wish to speak.

MS. LUCERO: Okay, Ms. Elder, if you can be sworn in please.

[Duly sworn, Louise Elder testified as follows:]

MS. ELDER: Yes. Me and my husband are new residents in Las Campanas and I remember driving around with my real estate agent in September. We came for a house and I was ready to throw my phone out the window. I thought it was just my phone. I had no idea how bad it was. And my daughter was trying to go to college, trying to get to me. I didn't know what was going on. Anyway, we realized -- and we love it there; it's awesome, but I want to just wholeheartedly agree with all the

comments and testimony today. I just don't see a downside, and if there is one I'd love to hear it because it's an absolute necessity. I just can't imagine we wouldn't do something for the safety and welfare for this wonderful community, and not just Las Campanas, but the surrounding areas and the people that come and bike. I see so many bikers and I worry about them. There are so many bikers that are on that main street and if we don't have the right service – I don't even want to think about it. Anyway, that's all I have. Thank you.

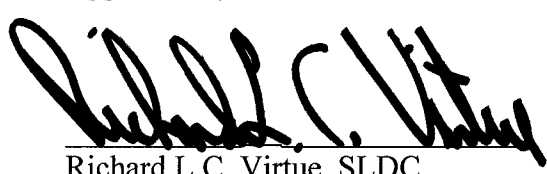
MS. LUCERO: Thank you, Ms. Elder. Okay, one more time, Jose. Is there anybody else that wishes to speak? Okay, Hearing Officer Virtue, it doesn't appear that we have any other speakers from the public.

HEARING OFFICER VIRTUE: Okay. There being no other members of the public that wish to speak, and the Applicant having presented its testimony and having received the staff report, I'm going to declare the hearing to be over, and I will issue a written recommendation within 15 working days from today. Thank you all very much for your participation.

4. Adjournment

Hearing Officer Virtue adjourned the hearing at approximately 4:11 pm.

Approved by:

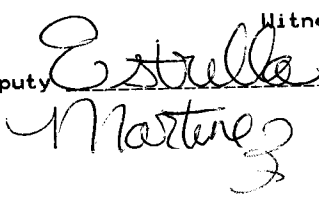


Richard L.C. Virtue, SLDC
Hearing Officer Santa Fe County



COUNTY OF SANTA FE) SLDC HEARING OFFICER M
STATE OF NEW MEXICO) ss PAGES: 15

I Hereby Certify That This Instrument Was Filed for
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Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy  County Clerk, Santa Fe, NM