

SANTA FE COUNTY

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

July 26, 2022

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:07 p.m. by Chair Anna Hamilton in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by Deputy County Clerk Evonne Gantz and indicated the presence of a quorum as follows:

Members Present:

Commissioner Anna Hamilton, Chair
Commissioner Rudy Garcia, Vice Chair
Commissioner Anna Hansen
Commissioner Hank Hughes

Members Excused:

Commissioner Henry Roybal

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hamilton and the Moment of Reflection by Anna Martinez of the Growth Management Department.

1. **F. Approval of Agenda**

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. The original agenda was posted on Tuesday, July 19th about 5:02 pm and the amended agenda was posted on Friday, July 22nd about 5:18 pm. In terms of changes to the agenda and additional changes that we would recommend be made today by the Board, we have moved the item related to the disposition of fixed assets from the Consent Agenda to Miscellaneous Action Items. We would actually now recommend that that be moved up to the next item of business after approval of the agenda, and the fixed assets that we're disposing of are K-9 officers who is retiring from service with our adult detention facility and those officers are getting anxious in the hallway, so we'd like to take care of that as soon as possible.

In terms of other changes to the agenda as posted, we added Consent items 4. A, and 4. B. Packet material was added with regard to items 6. C and 7. B. We also added

SFC CLERK RECORDED 09/08/2022

item 10. C to Matters from County Commissioners, and added packet material to Public Hearings 12. A, and informational items and Reports 13. G. So those were the changes from the original to the amended agenda, and again, we're recommending that the agenda be further amended so that the item concerning the disposition of fixed assets be moved to the next order of business after Approval of Agenda.

CHAIR HAMILTON: Thank you. In addition I've had a request to move Matters of Public Concern, which is item 8, to following the disposition of the canines, because apparently most of the people who've signed up for public comment are present and that would allow them not to have to sit around through all the other business before we got to Matters of Public Concern. So I'd like to add that after the dogs.

COMMISSIONER HUGHES: Madam Chair, I'd like to move the agenda as amended.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

CHAIR HAMILTON: I was also remiss when we did moments of silence, Commissioner Garcia had his hand up and wanted to take note of something, so if nobody objects I'd like to momentarily go back to that. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. If my colleagues would bear with me for a little bit. I'd like to have a moment of silence for a good friend of mine, Donna Medina, her son, Jordan Medina Montoya actually passed away in a car accident and it was not a good situation but a moment of silence for Donna Medina and her family. She's actually related to Brittney who is my liaison.

Another individual that passed away, he was an ex-County employee. His name was Charles Gonzales. He actually worked in the Open Space Division. He was involved in an accident as well.

And a good friend of mine's sister died on Friday. She's out of Las Vegas, New Mexico. Her name was Carla Arianas. So if we could just have a moment of silence.

CHAIR HAMILTON: Thank you, Commissioner Garcia.

2. APPROVAL OF MEETING MINUTES: June 28, 2022

COMMISSIONER HANSEN: Madam Chair, I move to approve the minutes.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: So I have a motion and a second.

6. MISCELLANEOUS ACTION ITEMS

A. Resolution No. 2022-055, a Resolution Authorizing the Disposition of Fixed Assets Worth Less Than \$5,000 in Accordance with State Statute

CHAIR HAMILTON: I see we have the warden. So would you like to

take it away, Warden?

DEREK WILLIAMS (Corrections): Madam Chair, Commissioners, thank you for having us. We just wanted to introduce and say good bye to Enzo, our K-9 that's been with us with the County for five-plus years now. So Shayna in front of you, this is Enzo. He's the one that is retiring. I'm going to have Shayna come up in a minute and give just a very brief bio of Enzo and some of the work that he's accomplished for the County during his five-year term with us.

And then this is Niko. He's a Belgian Malinois. The first one you saw is a German Shepherd. Niko is our newest K-9. This dog, he's incredible. Just tons of drive. One of these days you guys will have to come out and see him do some work.

CHAIR HAMILTON: We'll have to get a working demonstration.

WARDEN WILLIAMS: Go ahead, Shayna. Tall real quick about –

SHAYNA ABEYTA (Corrections): Hello. My name is Shayna Abeyta, and as you all know, this is Enzo, and I am currently his handler. He was born on May 20, 2015. He was originally bought by the Border Patrol Agency, but unfortunately he did not have the characteristics of an aggressive dog and so therefore you guys made it possible for us to actually have him. Today I would like to thank everyone here including the warden, my co-workers, you all, for allowing Enzo and me to conduct his retirement ceremony.

I would like to thank the County for taking the time to invest in this wonderful K-9 and allowing me to be his handler. Enzo dedicated his time to work with Santa Fe County Corrections. If it wasn't for you all we wouldn't have had the opportunity to create a strong, loving bond with each other. Not only is he a working dog, he is my ride or die and my partner in crime, literally. He now enjoys his time at home playing with all the toys he loves, running around freely, going on hikes and being Enzo, a kind, loving, energetic and most importantly a man's best friend – my best friend.

Finally, to my dearest friend and partner, I wish you the best in all your dog years you enjoy as a retired service dog. I enjoyed working with you. It is now time to enjoy the next chapter in your life. Congratulations, buddy. I love you. K-9 Enzo, you are now 10-7 from all the tasks and duties of Santa Fe County Corrections.

And so far, from the time being a service dog here with the Santa Fe County, he has actually recovered over \$100,000 worth of contraband in the facility, and that includes drugs and all the other homemade contraband that is intercepted. He had two previous handlers before me, so now he's their handler. He is a full-blooded German Shepherd and he will now be retiring with me and enjoy his time at home.

CHAIR HAMILTON: Fabulous. It seems that the worst part of it will be that you'll have to continue working without him.

WARDEN WILLIAMS: She's getting a new one.

CHAIR HAMILTON: That's good.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: So the dog stays with –

WARDEN WILLIAMS: Yes. Enzo will stay with Shayna. And I don't know if you heard her, but as far as the value, the asset these dogs are, we recover about \$60,000 in narcotics about every six months. So they're pretty incredible. They definitely

save lives. Most of that is due to fentanyl and heroin, is probably the largest two these dogs recover, so they're a tremendous asset to us. So we will stand for any questions from the Board.

CHAIR HAMILTON: Clearly, you do a lot of on the job training, exercises, to keep them on point, no pun intended.

ALEJANDRO ARROYO (Corrections): So the training is actually ongoing, so we do eight hours of specific training with them every single week with narcotic detection alone, and that's not to mention the training hours that we put in with the obedience training as well. Exercises.

CHAIR HAMILTON: That's really something. Commissioner Hansen, and then Commissioner Garcia.

COMMISSIONER HANSEN: I want to just say thank you for your service. Thank you, Enzo, for your service and thank you for taking such good care of him. I love dogs and I always want to pet them but I know better than to try and pet any of these dogs. But at least they have you to pet them and love them. So that's fantastic. Thank you.

WARDEN WILLIAMS: One last thing I want to say is we're one of two counties in the state that has the K-9 program. Sandoval County just purchased one K-9 dog, but I think that's a pretty awesome testament to our County, so we're very blessed about that.

CHAIR HAMILTON: Excellent. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Warden, for you and your entire team for what you all do. It's a hard job. But the passion that you have for your dog, that's great.

WARDEN WILLIAMS: Thank you.

CHAIR HAMILTON: Thank you so much. This in fact is a resolution.

COMMISSIONER GARCIA: Move to approve.

CHAIR HAMILTON: I have a motion. Do I have a second?

COMMISSIONER HUGHES: Second.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: I have a motion and several seconds.

The motion passed by unanimous [4-0] voice vote.

8. MATTERS OF PUBLIC CONCERN

CHAIR HAMILTON: I know there are several people here in chambers, so if you could come up and you can self-organize and come up, and give your name and give us your comments. Daniel, would you care to please run the three-minute –

SUSAN RUELL (via Webex): Madam Chair, thank you for allowing me to speak, Councilors. My name is Susan Ruell. I'm president of the Vista Redondo Homeowners Association. And I'm here representing them as well as the residents of Chupadero who counted on the Tesuque solid waste transfer station for our trash and garbage.

This station was closed without allowing public comment and we were only

informed of this a few weeks before closure. There was a subsequent meeting in Pojoaque on the 20th and a lot of the residents were there then. The reasons for closing this station were given that low volume and high cost, but the data used was from 2014. Since then the days at the station have been cut drastically and the cost of the tickets had gone from 24 punches at \$70 to 12 punches at \$119. So the cost to the residents was almost doubled. So the cost assumptions that were give to us were highly inaccurate and not satisfactory at all.

At the meeting was Governor Mitchell of the Tesuque Pueblo and he said he was open to negotiations. He said that he had not spoken to Councilman Roybal in over a year, so we're not sure how much we really know of negotiations that happened. So we're just asking that the rest of the Councilors here, or the Commissioners. I'm sorry. Give thought to closing this station. We fear that there's going to be a lot of trash along the road. It's an inconvenience for a lot of people, but it's a very bad problem for a lot of the Chupadero residents, people of lower economic means who have to drive 15 to 20 miles now to a dump station, probably 30 miles round trip. I think that's all I have to say. I'd appreciate any thought you all could give on this. I see Mr. Roybal is not here today and that's very disappointing. So thank you.

CHAIR HAMILTON: Thank you very much. Is the next person – if there's anybody else here would like to comment at this point? If not, is there anybody on Webex who cares to speak? Daniel if you could introduce them.

DANIEL FRESQUEZ: (Media Specialist): Madam Chair, Craig Slawson would like to speak.

CHAIR HAMILTON: Welcome, Craig. I you could introduce yourself and give us your comment.

CRAIG SLAWSON (via Webex): Yes, thank you. I appreciate the time. I'm Craig Slawson. I am a resident of Vista Redondo as well as having three lots and another home that my daughter resides in in Rio en Medio. We've come to rely on the transfer station for all of our recycling and of course our refuse, and it is hugely disappointing, again, that this was closed without very prior notice, and of course our representative is not in attendance today as the previous spokesperson just chimed in and we feel like there are all kinds of alternatives to a transfer station. If of course another transfer station cannot occur there are other alternatives.

We get very little services from our County for the taxes we pay. We are on water. We're on private sewer. We're of a County road and yet we now don't have refuse opportunities that are convenient and I think that's hugely disappointing considering the tax basis of that highway. So I just implore that everybody look into the opportunity and see what's out there for alternative solutions and ASAP, please. Thank you very much.

CHAIR HAMILTON: Thank you very much for your comments. Is there anybody else on Webex that would like to speak? Welcome. If you could please introduce yourself and make your comment.

LEAH POP (via Webex): My name is Leah Pop. I'm speaking on behalf my husband, Derek Wolf and myself. We're residents of Tesuque for 47 years. We've utilized the transfer station all of these years and are finding it incredibly disappointing that this closure was initiated with no community input whatsoever. Very little, as other people have stated. I think the interest in keeping this station open has been clearly stated

by the number of people who turned out for the community meeting in Pojoaque, with again, very little notice and during dinner time when people are just getting off work. Many of the people who live here are still working and to make the effort to drive out to Jacona or Nambe to get rid of their trash is really a burden, not to mention that a number of our community members are elderly and again, this drive on an incredibly busy highway, an incredibly dangerous highway, is more than should be asked of this community, which is a firmly established, old community and people have lived here for generations.

I'm speaking of course on behalf of reopening the Tesuque transfer station. I cannot imagine there is not some resolution that can be made to get this to occur. We're more than happy to speak with anybody about this. I think the president of Vista Redondo has also mentioned that the ex-Governor of Tesuque Pueblo, no one had met with him for over a year, maybe a year and a half. This is just untenable, an untenable situation, and again, as was mentioned by other folks, we do pay our taxes. Everybody out here has pretty considerable property taxes and it just does not seem right or just that our transfer station should be closed.

So we urge continuing discussions with the pueblo and we certainly hope that this can be resolved in a reasonable timely manner, because time passes and winter is coming. This is going to make things so much worse. So please, I thank you for the time to speak, but I strongly, strongly encourage you, because there may not be many of us speaking again because this is 2:00 on an afternoon of a work day, but as I speak and others who have spoken are speaking for hundreds of people that live out here. Thank you.

CHAIR HAMILTON: Thank you very much. Is there anybody else on Webex who would like to speak on Matters of Public Concern? Daniel, do you see anybody else or has anybody else signed up for speaking under Matters of Public Concern?

MR. FRESQUEZ: Madam Chair, I do not see anybody else on Webex, and I'm not sure if Leah Pop was one of the speakers already.

CHAIR HAMILTON: Yes, she just spoke.

MR. FRESQUEZ: Then we do not have anybody else. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much. So is there anybody else in chambers who cares to speak during Matters of Public Concern? Seeing none, I'm going to go ahead and close Matters of Public Concern and I want to thank everybody for coming out and giving us your inputs.

1. G. Years of Service and New Hire Recognitions

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I do want to take an opportunity to recognize both County employees of long tenure with the County as well as new hires. With regard to employees who have achieved their five-year anniversary mark, we have John Dupuis from the Utilities Department, Fermin Hernandez Andrad from the Sheriff's Department, Yvonne Herrera from our Finance Department, Maria Escobar from our Human Resources and Risk Management Division, Jessica Gonzales with our Land Use Department/Building & Development.

Peter Olsen in our DWI Division has achieved his ten-year anniversary mark with

the County. And celebrating 15 years with the County we have Glenda Ortiz from RECC, and David Padilla with Property Control in the Project and Facilities Management of Public Works.

So I want to congratulate them and thank them for their continued service to the County.

With regard to new hires, in the County Clerk's Department we have Adriana De Paula. In the Corrections Department or Division we have Raymond Nieto, Lynette Martinez joined us in the County Assessor's Department. Brenda Jaramillo in the Finance Division of the County Manager's Office. And in the County Treasurer's Office we have Gerald Mitchell. And in the Assessor's Department we have two additional employees, Josiah Griego, Fabian Larrañaga, and also in the County Manager's Office in the Finance Division we have Martha Coulter who joined us as the Deputy Finance Director. And then the Health and Human Services/Community Services Department we have Susanna Whitten, and in Public Works, we have Juan Carlos Valdez Ita and Savannah Parker joined us in the RECC Department as an emergency communications specialist trainee.

So again, we want to welcome our new team members and congratulate those team members who are recognizing significant milestones with the County.

CHAIR HAMILTON: Excellent. Thank you so much. It's always a great pleasure to both welcome new people and honor people who've hit significant employment milestones, because it's the people who are doing the work here who make it both a fabulous place to work and provide all the services for our constituents. Are there any other comments at this point?

COMMISSIONER GARCIA: Madam Chair, congratulations to staff that has been here a while, especially the 15-year individuals, and welcome the new hires.

CHAIR HAMILTON: Excellent. Thank you so much.

3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS

A. Resolution No. 2022-056, a Resolution Urging the State and Federal Government to Enact Common Sense Gun Safety Measures

CHAIR HAMILTON: I will go to Commissioner Hughes first.

COMMISSIONER HUGHES: Thank you, Madam Chair. This is a resolution urging the state and the federal government to take, as you said, common sense measures to reduce gun violence. On average, 32,000 Americans each year are killed in acts of gun violence which far surpasses the per capita death rate from guns in any other country in the world. And so what we've crafted here is suggestions that do not violate the second amendment or anyone's right to go hunting or otherwise possess a firearm legally but are measures that would keep guns out of the hands of people who should not have them.

As we know, mass murders are happening on a regular basis in our country. Some of the most shocking ones have occurred just in recent months, and we're not immune from gun deaths in New Mexico either with the recent death of a teenager, which we tragically had to memorialize just a few minutes ago. So I'll let Commissioner Hansen say a few other words but we would urge the Commission to pass this to give our state

and federal delegations a push to keep working on this issue.

COMMISSIONER HANSEN: Thank you, Commissioner Hughes. Thank you, Madam Chair. I know that we as a County do not have any control over gun usage in our county but what we have found as a Board of County Commissioners is that bringing resolutions forward that we can push up the ladder to our state and federal partners actually does mean something. We have seen that just recently with the EIS resolution that we passed that the Forest Service withdrew their EA.

So by bringing these resolutions forward on something so important as gun control that this Board, I believe, wholeheartedly supports that we really need to think about AR-15s and AK-47s, they do not belong on the streets. They are weapons of war. They belong in a war zone. I don't believe in war. I believe in peace. So even more so these weapons do not belong on our streets, and especially it is our children who are the ones who are suffering the most from these weapons. Women and children are the ones who are really affected.

So I think that it is important that we make a statement and are able to bring this forward, and then send it up the chain to our federal delegation, our congresswoman, our Senators and to Homeland Security and let them know that we at the local level care about these issues, and that we are the ones who are impacted at the local level. So thank you, Commissioner Hughes, for allowing me to sponsor this resolution with you. I think that it is really, really important and I am grateful that we were able to bring this forward. So thank you.

COMMISSIONER HUGHES: Madam Chair, I think I'll just mention the Now, therefore part of the resolution. We listed all the grim statistics in the beginning but things we're suggesting strongly for Congress and if not Congress then to the state as to require universal background checks with no exception for all persons who seek to purchase a gun, to ban the sale of assault rifles and large capacity ammunition magazines that have a capacity of, or that can be readily restored or converted to accept more than ten rounds of ammunition, enact a federal red flag law that would allow a judge to order the removal of guns from a person deemed to be a threat to themselves or others, to enact a lifetime ban on purchasing firearms for people convicted of domestic violence, and to enact a waiting period of ten days for any gun purchase.

I think at this point I would make a motion to adopt the resolution.

COMMISSIONER HANSEN: Second.

COMMISSIONER GARCIA: Discussion.

CHAIR HAMILTON: I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: So just for the record, this allows individuals to continue to hunt, right?

COMMISSIONER HUGHES: Yes.

COMMISSIONER GARCIA: And then another thing that I read when I read the resolution, it was interesting about how many women's lives are threatened, or unfortunately taken out or killed. But it doesn't mention how many men were actually assaulted by women. I don't know if that's a statistic or not. Then the only other thing was one of the things we should have mentioned in this resolution is actually Albuquerque. That's a great example of as into why this should probably be added to the

resolution, but nonetheless, I understand we're sending this to the federal government and it's actually for convicted felons – which I'm glad to see the word "convicted" in there. Those are the only comments that I have at this time, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you. I guess I feel compelled to mention that this is obviously a controversial topic on a national basis. And I'm really not sure why because I've owned many guns. I've enjoyed shooting quite a bit. I study all sorts of crazy weapons. There is just absolutely nothing that runs counter to having rational regulations that – of course nothing will completely eliminate violence but it would make a strong impact to mitigate what is just an untenable situation.

COMMISSIONER GARCIA: Madam Chair, I'd like to make one more comment.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: So I understand what the resolution is for. It's for the gun violence that we have out there, the tragic lives that are happening at malls and schools and everywhere else. And that's the intent of the resolution and I just want to put that on that record for myself that I don't agree with that at all that that should happen. It's horrible. So I understand that's the intent of the resolution from the two sponsors and I just wanted to put it on the record for myself that I understand the intent of the resolution. I wanted to put that in the record.

CHAIR HAMILTON: Okay. Thank you very much. Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Commissioner Garcia just reminded me of a couple things, one of which is that I meant to mention that I learned to shoot a rifle at the age of 16 under very strict adult supervision and the first thing we were taught was gun safety, and I don't want to brag too much but I was an excellent shot. I hit the bull's eye most of the time. And so I'm not opposed to people owning guns, and this is obviously, as Commissioner Garcia said, not aimed at preventing people from hunting. That's a very important part of life here in the West and our deer population would be way out of control if we did not hunt. And then the other thing I wanted to mention is I think the only reason we mentioned domestic violence against women in here and not the other thing that also happens, domestic violence against men is just because of the stark amount of women who are killed in that way,

CHAIR HAMILTON: It's a dramatic number. And there are many other things that could be mentioned but at some point there's no point.

COMMISSIONER HUGHES: Right. The whereases could go on for 30 pages. Yes.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I know that this Board and many of my constituents have known that I have advocated for shooting ranges, and I do not see that as a conflict. I see that as gun safety, because if people are able to use guns properly and have a place to shoot where they can properly shoot their guns to be a better shot to go hunting, then that is really important. And the reason I have advocated for shooting ranges is because my constituents are being inundated by people shooting at their homes and at their places of work. The greater Caja del Rio area and areas are being misused on BLM land. And we really need proper places for people to be able to use their guns in a

proper manner and in a safe manner with background checks and things that will protect them and protect the citizens of our county. So I just wanted to state that also, that I did not see that as a conflict.

CHAIR HAMILTON: Excellent. So if there's no further discussion, I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

4. CONSENT AGENDA

- A. Resolution No. 2022-057, a Resolution Requesting a Budget Adjustment in the Net Amount of \$19,600 to Various Funds (Finance Division/Yvonne S. Herrera) (Item Added)**
- B. Resolution 2022-058, a Resolution Creating an Employee Benefits Committee; Authorizing the County Manager to Authorize De Minimis Fringe Benefits Paid for, in Part, with Funds Raised by the Committee; Requiring the County Manager to Approve of Expenditure of Funds Raised by the Committee; Establishing that Funds Raised by the Committee are County Funds Subject to Court Purchasing and Other Policies; and Repealing Resolution Nos. 2004-66, 1992-61, 1990-86 and 1984-11 (Finance Division/Yvonne S. Herrera and County Attorney's Office/Rachel Brown) (Item Added)**

CHAIR HAMILTON: Are there any items that anybody wants to take off, or what's the pleasure of the Board.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I moved to approve the Consent Agenda.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

[Deputy Clerk Gantz provided the resolution numbers throughout the meeting.]

5. APPOINTMENTS/REAPPOINTMENTS

- A. Request Appointment of One At-Large Member to the Santa Fe County Ethics Board**

CHAIR HAMILTON: We have Olivia Romo for this.

OLIVIA ROMO (Staff Liaison): Good afternoon, Madam Chair, members of the Commission. I am also accompanied this afternoon with Assistant County Attorney, Estevan Sanchez, who also serves on the Ethics Board. As you all know, the Santa Fe County Ethics Board is a five-member body that provides advisory opinions regarding the applicability of the Santa Fe County Code of Conduct.

The Santa Fe County Code of Conduct authorizes the Ethics Board to hold public

meetings and to make findings of fact and conclusions of law with regard to sworn complaints alleging violations of the Code of Conduct by elected officials, appointed officials, or volunteers. Finally, the Ethics Board is authorized to recommend periodic amendments to the Santa Fe County Code of Conduct that we just adopted in May of 2022.

The Santa Fe County Ethics Board is comprised of five members who are appointed by the Board of County Commissioners. At least one member shall not be affiliated with County government in any capacity, including but not limited to employment, employment for which the salary is in any way funded by or through the County, appointment, election or serving as a volunteer. Members of the County Ethics Board may not hold elected public office or office of any political party within the county. Each member shall serve a two-year term subject to reappointment thereafter.

The Ethics Board meets at the call of the Ethics Board Chair, which is not more frequently than monthly and not necessarily every month.

ESTEVAN SANCHEZ (Asst. County Attorney): Madam Chair and members of the Commission, so on January 31st of this year, one of the Ethics Board members, Judith Kaye, resigned her position on the board leaving one vacancy. In order to fill that vacancy staff advertised and recruited potential members of the Ethics Board. In response to that advertisement five different members of the community submitted applications to become board members. Those five applicants were interviewed and their backgrounds and their experiences were reviewed through the documents they presented to myself and Olivia.

After interviewing those five applicants, who are Lorenzo Dominguez, Rachel Thompson, Tom Quaid, Peter Glankoff and Marty Gerber, staff selected Tom Quaid as the applicant we wanted to recommend to yourselves. Mr. Quaid is a publisher of yearbooks and he's also the owner and publisher of a small newspapers which covers closer the Oklahoma Ethics Commission, which has a lot in common with our own Ethics Board. Mr. Quaid has learned a lot about how Ethics Commissions work in covering the Oklahoma Ethics Commission. He's the president of his homeowners association so he understand the rules of order, how to run meetings, and conduct himself within a meeting, and we feel that his professional experience will fit in well on our Ethics Board and he would do a good job of maintaining meetings and following the rules of order as they're required to do. He has a good idea and understanding of how not only ethics in general work but in particular our Code of Conduct, he followed our adoption of amendments to our Code of Conduct and seems fairly up to speed for somebody who's not serving on the Ethics Board.

So that's why we have decided to recommend him to yourselves. And now we stand for questions.

CHAIR HAMILTON: Excellent. Thank you very much.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Estevan and Olivia for presenting this. I'm glad that you took the time to interview these candidates and make an assessment of who would be a good member for the Ethics Board because I do feel that it is very important that they understand that their position is

an advisory board and that we want to work with them and have a congenial relationship. I do feel in many ways our Board and our County is very ethical and we have a strong responsibility to our constituents. And so by you two doing the research on who will be the next member and I'm gratified to hear that Mr. Quaid actually has spent some time and was up to speed on our Ethics Ordinance. That is reassuring. And so with that I would like to move to nominate Thomas Quaid to the Ethics Board.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Further discussion? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just wanted to thank Olivia and Estevan to going to all the trouble it took to interview all five people and find the best of what I understand was a really good candidate pool. So thank you.

CHAIR HAMILTON: Any other comments? Any other further discussion? So if not, thank you for all the effort for doing such a good job on this.

The motion passed by unanimous [4-0] voice vote.

6. MISCELLANEOUS ACTION ITEMS

B. Resolution No. 2022-059, a Resolution Approving the County's Fiscal Year 2022 Fourth Quarter Financial Report for Submittal to the New Mexico Department of Finance and Administration, Local Government Division, as a Component of the Fiscal Year 2023 Final Budget Submission

CHAIR HAMILTON: We have Director Herrera.

YVONNE HERRERA (Finance Director): Madam Chair, Commissioners, the resolution before you is requesting that you approve the fourth quarter report. The fourth quarter report is just a quarterly report that local governments are required to submit to DFA on the year-to-date results for each individual quarter. The reason why we need the Board to approve through resolution the fourth quarter report is because it's part of the process of submitting the 2023 budget that was approved last June. So before we can submit that budget we have to have the Board approve the report and then submit that budget. And with that, Madam Chair, I stand for any questions.

CHAIR HAMILTON: Thank you very much. We'll go to questions first. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair and Yvonne, thank you for this. In my continuing quest to understand everything financial about the County I have a question about the local government budget management system charge that I think was one of the exhibits. The general operating fund line has an adjustment of \$230,269,140, which seemed like a lot of money to me, and I just wondered what that adjustment really means.

MS. HERRERA: Madam Chair, Commissioner Hughes, that adjustment is to break out the investments. So if you look at that line, so we have the general fund with cash of \$99 million, and then we have investments of \$229 million, and their system does is it collapses all available cash to use for budget or for expenses or what not. But it

lumps it all as cash. As part of the submission we're required to include a list of the County's investments and include that investment in that investment column. So all it's doing is just showing an adjustment to the cash balance but classifying it as investments. So it's cash and investments of a little over \$300 million in cash and investments. So that's it. It's a presentation for this report.

COMMISSIONER HUGHES: Yes. Thank you. A very good – so the adjusted balance at the end of \$85 million, is that a cash balance then, and that money's not invested?

MS. HERRERA: Yes.

COMMISSIONER HUGHES: Great. Perfect. Thank you. That was my only question.

CHAIR HAMILTON: That's interesting because my only question was why the investments and the adjustments aren't the exact same number.

MS. HERRERA: What was that again?

CHAIR HAMILTON: It's funny that Commissioner Hughes asked the question because my question was your answer made sense to me but I just expected the investment number and the adjustment number to be the same number and it's not.

MS. HERRERA: Madam Chair, that is because one of the other caveats to the report is we have to make any additional adjustments. These numbers that we're reporting to you now are unaudited. So for the second quarter we will true up the numbers for the previous year's audit, but in addition to that we had to do adjustments to funds that have negative cash, and those funds are particular to grants, because most grants are on a reimbursement basis, so they will always have negative cash.

CHAIR HAMILTON: Right.

MS. HERRERA: So we basically borrow money from the general fund to make those funds whole, and so part of the packet was an adjustment listing, so you'll see the investment as well as any other adjustments. We actually had two funds that we had to loan money to to make their deficit cash balance go to zero.

CHAIR HAMILTON: Excellent. Thanks so much. Are there any other questions? Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Yvonne, thank you for your good, detailed report. It's actually good to know Santa Fe County is doing great in our financial aspect of it, and that your team has actually helped out. Our previous County Manager was definitely on this stuff and she actually – but thank you for you and your team for helping out and Greg will actually take the reins from here, but cash reserves and that – I don't think there's any county in the state that has that. But thank you for your presentation. With that, Madam Chair, move for approval.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Is there any further discussion?

The motion passed by unanimous [4-0] voice vote.

6. C. **Request (1) Approval of the Award of Construction Contract No. 2022-0183-PW/APS for Chupadero Water-Sewer Corporation Water**

System Improvements, in the Amount of \$704,151.47, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Negotiate and Execute the Construction Contract and All Associated Purchase Orders

CHAIR HAMILTON: We have Bill Taylor. Welcome

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair. Good afternoon, Commissioners. We're before the Board today to request or to recommend to the Board award of a construction contract for a water improvement system in the community of Chupadero for the Chupadero Water/Sewage Corporation. We issued the invitation for bid. We received one bid from File Construction. It is a remote site. They are proposing a directional drilling. It's a very confined area, a single road. Trenching is going to be difficult so it is slightly higher than the engineer's estimate. However, it's reviewed by the engineer. They recommend the County to award this contract based on the bid items that were submitted. But we're also asking the Board to delegate signature authority or delegate authority to the County Manager to help finalize the construction contract and sign the purchase order. With that, I'll stand for any questions.

CHAIR HAMILTON: Thank you. And the bid amount is a little higher?

MR. TAYLOR: Madam Chair, that's correct. The original estimate for construction by the engineer was [inaudible] at approximately \$500,000.

CHAIR HAMILTON: So is the additional money available?

MR. TAYLOR: Madam Chair, we have received pre-encumbrance from Public Works for the funding to award the contract.

CHAIR HAMILTON: Okay. Thank you. Are there any other questions?

COMMISSIONER GARCIA: Yes, Madam Chair.

CHAIR HAMILTON: Commissioner Garcia, and then Commissioner Hansen.

COMMISSIONER GARCIA: So Mr. Taylor, when Commissioner Trujillo was a Commissioner this water system started getting worked on. I know Paul White and a few others will actually be happy that this is happening. So what exactly – the installation will include a new complete package alpha particle potable water treatment. I understand that that's the treatment. This system shall include a central water collection unit. What is that?

MR. TAYLOR: I'm sorry. There's a well house, Madam Chair, Commissioner. Specifically it's going to be the filtration system. A well house, they're going to provide a waterline to tie into the community services.

COMMISSIONER GARCIA: Thank you, Madam Chair. So Mr. Taylor, so we're not going to be redoing re-piping, we're not going to be doing storage at all?

MR. TAYLOR: Madam Chair, Commissioner, more specifically, as far as a storage facility, I may want to defer to Michelle Hunter with the Utilities that may address the storage capacity. There is a storage tank there at the facility, but I don't think there's any work being done on the tank.

MICHELLE HUNTER (Utilities): Madam Chair, Commissioner Garcia, from what I understand and what I've read and been talking with John Dupuis about is that there will be built a new well house with a treatment system for the elevated

concentrations for uranium that occur in this area. And so that's what is referred to with the alpha particle treatment system, and I do believe that there will be a storage tank put there as well, but like Mr. Taylor said, it's a very small site and so the additional funding is needed for the treatment system and the new well house.

COMMISSIONER GARCIA: Thank you, Madam Chair. So that brings me to another question. The new well house. Is it just a well house or are we going to redo the well? Is the pressure and the water – do we have water there?

MS. HUNTER: Madam Chair, Commissioner Garcia, the well is already there. It is not connected into the system yet, so some of this funding is in order to connect the new well to the treatment system in the well house and to the rest of the system.

COMMISSIONER GARCIA: Thank you, Madam Chair. So it is a new well.

MS. HUNTER: It is a new well. It has not been used yet. It's just waiting for us to hook it up.

COMMISSIONER GARCIA: Okay, good. That sounds good. And I know Commissioner Roybal would actually be excited about this. This is kind of long overdue but I'm glad it's getting done. Thank you. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. I think we're introducing some confusion. I have no problem. This is a good project to do, but there's no tank that's described as part of this particular construction.

MS. HUNTER: Madam Chair, that is correct.

CHAIR HAMILTON: Thank you. Okay. There's no confusion. Commissioner Hansen.

COMMISSIONER HANSEN: Yes, I would like to move approval of the award of construction contract #2022-0183-PW/APS for Chupadero Water-Sewer Corporation Water System improvements, and (2) Delegation of signature authority to the County Manager to execute the construction contract and all associated purchase orders for the subject project.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: So we have a motion and a second. Is there any further discussion?

The motion passed by unanimous [4-0] voice vote.

- 6. D. Resolution No. 2022-060, a Resolution Recognizing Santa Fe County as a Hybrid Entity in Compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Repealing Resolution No. 2003-59, and Delegating to the County Manager Authority to Adopt, Revoke and Amend HIPAA Policies and Procedures**

CHAIR HAMILTON: The other Katharine Miller. Welcome.

KATHARINE MILLER (Asst. County Attorney): Thank you, Madam Chair. I'm here today to present to you this item. The resolution that we are recommending is to recognize Santa Fe County as a hybrid entity in compliance with

HIPAA and to repeal Resolution 2003-59, and to delegate the County Manager with the authority to adopt, to revoke and amend policies and procedures.

So just a general overview, HIPAA is a federal regulation that establishes policies and procedures for maintaining the privacy and security of individual, identifiable health information, also known as protected health information. The previous resolution 2003-59 established Santa Fe County as a hybrid entity and recognized that the County must comply with HIPAA regulation. And as I'm sure you understand, the County operations have changed since 2003, and we are requesting that we update those regulations, those policies and procedures in order to bring us into full compliance.

So the resolution before you will update the way that we go about HIPAA in four different ways. The first will qualify the County as a hybrid entity and designate seven departments as what's called healthcare components. Those are components that relate to healthcare information and actually maintain healthcare information. The second, the resolution will designate a privacy officer which will be responsible for certain aspects of the County's policies. The resolution actually designated the Human Resource and Risk Management Director.

The resolution will also designate a security officer who will be responsible for securing the security of our patient information. The resolution currently designates the IT security administrator I to that position. And then lastly, the resolution will authorize the County Manager to adopt, revoke, and amend HIPAA policies and procedures.

So the adoption of this resolution is essential to ensure that the County maintains compliance with HIPAA and upholds the privacy and security of protected health information that is maintained by the County. I know stand for questions.

CHAIR HAMILTON: Excellent. Thanks so much. Are there any questions about this?

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you. Great presentation, Ms. Katharine Miller.

MS. MILLER: Thank you.

COMMISSIONER GARCIA: So we haven't updated this since 2003.

MS. MILLER: Yes. That is correct.

COMMISSIONER GARCIA: And the only changes that the County Attorney or the Attorney's Office would be in compliance with federal law, correct?

MS. MILLER: Madam Chair and Commissioner, yes. That's correct. The policies that we would enact would obviously be within the federal regulations to make sure that we're in compliance with them.

COMMISSIONER GARCIA: Thank you, Ms. Katharine Miller. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Is there further discussion or questions? Commissioner Hughes.

COMMISSIONER HUGHES: Madam Chair, I'll make a motion to adopt the resolution.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

7. PRESENTATIONS

A. Presentation on Youth Violence

CHAIR HAMILTON: Do we have Chanelle Delgado. Thank you very much.

CHANELLE DELGADO (Youth Services Manager): Good afternoon, Madam Chair and Commissioners. Thank you for having me today and I want to just start off by saying violence is a very complex issue and looking to shift the outcomes of violence in our community is going to take a lot of energy, collaboration, and sensitivity. So I just want to start off my presentation by stating that I'm here today and it's an absolute pleasure to present to you a collaboration between the City of Santa Fe and Santa Fe County. We have been in conversations for approximately one year, trying to discuss what viable solutions or viable programs we can create to respond to community and youth violence.

The City was able to procure a consultant, Sophie Andar, to achieve some goals that we had jointly come to discover were important. One was to engage community stakeholders to identify short term, immediate and long-term needs and priorities for the County and the City; to also learn about evidence supported violence prevention models that we could adapt to Santa Fe County; and to pilot – create plan to pilot a project focused on populations at high risk for experiencing violence; and then developing a sustainable approach in dealing with violence through the lens of public health.

So today I'm going to be focusing on the youth component, and I'm also really grateful to be coming up after the resolution was passed today regarding gun safety and gun laws, common sense gun laws. So nationally, gun violence has replaced motor vehicle crashes as the leading cause of death for children in the United States. In 2021 Santa Fe County had eight homicides, which was five more than in 2020. According to the Santa Fe Police Department, there were 1,340 reported assaults in 2021, which was twice as many in 2020. And then we all know that the concerns around violence involving youth and guns and substances are all intersected, and that that's been a growing concern. And so the City and County have joined together to build and sustain an effort to help violence in our community involving youth.

So how are we going to do that? So our plan is through a joint MOU. We will establish a community based violence prevention unit, specifically focused on youth and adolescent violence, and as stated earlier, this will be a model public health approach. And so that means that it will be informed by data collection and analysis, aligned and coordinated across departments and sectors, including City, County and other agencies within our community, building institutional and community based capacity, respond to population needs, so our community is unique in being able to understand what our community needs is important, and seeks out and engages in best practices that have been implemented across the nation.

So primary and secondary prevention are some of the areas we will be looking at that. We want to continue to fund and expand violence prevention education practices

and programs that have demonstrated value in school and community settings. So this includes programs and practices designed to assess and mitigate violence risk and build knowledge and skills in social-emotional learning, racial and gender equity, identification of violence types by standard intervention, restorative justice, and trauma-informed practices.

We want to invest an enhancement of community health and safety providers. This can be done by enhancing community health and safety providers knowledge in the following areas: violence as a preventable and treatable behavioral health problem, the traumatic effects of violence on individuals, organizations and communities, risk and protective factors for violent victimization and perpetration across the lifespan and human ecosystem, child abuse, elder abuse, intimate partner violence, human trafficking, sexual assault, digital/media/online predation, gun violence, and violence affiliated with intergroup conflict. And then how to assess violence and respond if it is detected.

We want to ensure that young people have an array of free, safe, welcoming spaces where they can connect and socialize without fear of violence occurring. We also want to increase culturally meaningful and relevant employment in social community building opportunities for people under the age of 25.

We also have our tertiary prevention. This is specific to what the MOU will be addressing, and that is support, educate and employ a cohort of youth at high risk for violence to serve as community support workers, and to contribute to violence prevention once sufficiently prepared. So coordinators should create a program that successfully recruits high risk youth, builds healthy connections among participants and adult supporters, cultivates social and emotional skills, assesses and responds to participants' health and safety needs, builds violence prevention knowledge, yields youth violence plans and projects to promote community health and safety and evaluates effectiveness.

We also want to promote the implementation of existing gun safety laws by increasing knowledge of the laws among judge, those who engage in high risk populations and across the population at large as stated in the resolution presented earlier. This is done by unlawful firearm possession, the actions of a person in a mental health crisis, and/or a person known to have committed and intimate partner violence.

Our timeline: As stated, this is a year in. We are currently working to finalize our MOU and we will collaboratively issue an RFA. County and City will select a contractor to execute these services and to pilot this program. The contract will then be issued and we will begin to implement the work in the community, and through the coordination piece, the City and County will work together to establish all those primary and secondary prevention components that I mentioned, as well as maximize violence prevention impact and invest in community health and safety workforce and infrastructure development and sustainability. So again, intersectionality will exist.

We will then evaluate and research. The City and County will endeavor to continue their mutual cooperation to continue this program for longer than one year if the program demonstrates sufficient success.

So in conclusion, violence is a major issue of concern in Santa Fe County and City due to its growing prevalence and the toll it takes on individual lives and families and community and institutions. Dealing with violence effectively requires specific prevention aims dedicated personnel and resources, and a comprehensive, research-

informed lens, community-driven approach. To maximize violence prevention we must invest in our community health and safety workforce and infrastructure to develop and sustain.

So as I mentioned at the beginning, it is a complex task to impact the outcomes of violence in our community. I would confidently say that each one of us in this room has either directly or indirectly been impacted by the violence in our community, and I feel very privileged that we're taking a step in the direction to start shifting those outcomes in our community and the partnership with the City of Santa Fe as well.

So, questions?

CHAIR HAMILTON: Excellent. Thank you so much. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, Chanelle, thank you for what you do. Like you mentioned earlier, children's violence is a tough situation, especially these days with this great cell phone. And I guess one of the questions I have is is it too late to actually include the schools in this?

MS. DELGADO: Absolutely not. I think, Commissioner Garcia, once we select a contractor I definitely think the schools will be a vital player in this conversation as it acts as a hub for a lot of the youth in our community. So I definitely think that's a conversation that will take place once a contractor is selected for services.

COMMISSIONER GARCIA: So that could actually include CYFD, Juvenile Probation Office, and district judges. So in can include a whole array of different individuals.

MS. DELGADO: Correct. Commissioner Garcia, I see it being a very well established collaborative partnership amongst many agencies. State judge, like you mentioned, schools. I see it being a community involvement once we have that contractor selected.

COMMISSIONER GARCIA: As you mentioned earlier, everybody has probably been involved. I actually – the shootings on the south side that have happened. You know about those. They'll look at targeted areas where there's a lot of violence out there and go communicate, educate kids, children, adults.

MS. DELGADO: Commissioner Garcia, I think those are the violence incidents that have really sparked and really pushed these conversations into development, into flourishing and having something that we could actually implement in the community instead of just having conversations – what are we going to do about it? Right? And so I think what really jolted these conversations in to max speed. So I do think that this will be driven by data and so the data is going to really show us where we need to really focus a lot of our efforts. And so, as you mentioned, I wouldn't doubt if the south side would be a primary place in which we were implementing some of these different programs. However, as mentioned earlier, violence exists across the span of Santa Fe County and we really need to look at that as a whole.

COMMISSIONER GARCIA: Madam Chair, I like your comment that you said, let's get it done. Don't just sit around, have meetings and talk about it. Let's get it done. I appreciate that. Thank you. Great presentation. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Commissioner Hansen, and then Commissioner Hughes.

COMMISSIONER HANSEN: Madam Chair, thank you, and thank you, Ms. Delgado for your presentation. Obviously, this is something really important that we need to address. What department in the City are you working with?

MS. DELGADO: Madam Chair, Commissioner Hansen, I'm working with the City Youth and Family Services Division.

COMMISSIONER HANSEN: Okay. And so one of my neighbors happens to be somebody who has worked in this kind of field so I've heard a few things about violence on the streets and different things like that. So one of the issues that she raised was when we have this violence on the street they already have their own rules and codes of conduct, and ideas. So they've created these cadres – I don't know what the exact right word is to use that are their rules. So I see that one of the things is bringing them into this process. So that seems like a real challenge in many ways to work with their ideas of what their rules are, and the ideas of what our rules are in society and how we help them and help ourselves to have better communication among everyone.

And so I applaud this effort because this is a big undertaking and something that is really important. Although I don't have the answers I want to know the answers and I want to know how we are proceeding. So I'm looking forward to hearing updates on how this is proceeding and I am very happy that we are working with the City because the City and the County are facing this together. Children and youth violence doesn't know what boundaries – where the county boundaries are and where the city boundaries are. So I think that's really important. So thank you very much. I appreciate it.

MS. DELGADO: Thank you.

CHAIR HAMILTON: Thank you, Commissioner Hansen. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Thank you, Chanelle for this excellent presentation and of course this really important program. Is this funded solely by the City and the County or do we have a federal or state grant to do this?

MS. DELGADO: Commissioner Hughes, Madam Chair, currently it will be County, City and we are looking to apply for a state grant as soon as it opens in regards to youth and community violence. So we will be jointly requesting funds from the state regarding this program.

COMMISSIONER HUGHES: Thank you. So are we also looking forward to – I see it's a one-year pilot program but assuming that it has some positive direction or positive results are we already looking forward to how we might fund it ongoing?

MS. DELGADO: Commissioner Hughes, Madam Chair, that is correct. We are looking for sustainability. We have confidence that the recommendations we have set for are going to make a meaningful difference but will need to be sustained to make a significant sustainable difference. And so we are currently looking at alternative and diverse funding outside of just City-County funds in order to sustain the project.

COMMISSIONER HUGHES: Okay. Thank you. And I'm glad that we're looking at data and using methods that have worked well elsewhere, because that's always a good place to start. Thank you very much. That's all, Madam Chair.

CHAIR HAMILTON: Thank you. Do you have a sense for how big this is going to be? How large a program you perceive it to be, just in the first year?

MS. DELGADO: Madam Chair, I think that as we start moving along and as we start recruiting and we have people on the ground we'll be able to assess what the need really looks like. Right now we're seeing the need from kind of a far off, but once we get our feet on the ground and we actually see what the community is facing on a day-to-day basis with people in the field I think I'll have a better way to respond to that.

We know the need is large. I think when it comes to violence we have the direct, blatant violence that's happening in our community, and then we have the violence that kind of goes under the radar, like we have young people carrying weapons in their vehicles, not necessarily in an active of violence but as a safety precaution. So those are all symptoms that we need to kind of feel out from our youth in our community. Like, why are you feeling the need to carry in your car for safety reasons. So we'll have insights that we might now have right now. So I think as we try and get a larger scope of the problem I think I'll be able to better tailor my answer to that.

CHAIR HAMILTON: Yes. It's a hard question, but even just in terms of how many people, how many professionals might be dedicated to it and what kinds of things, what would be the scope of the initial contract with a contractor. Obviously, you've alluded to some of the things you want to achieve so you'll need people to train the youth in whatever, what programs.

MS. DELGADO: Correct. Madam Chair, we have been thinking about a team of about four to six with about four on the ground and then some direct supervision. That would be provided, for instance, is that we'd need a little bit more specialized care in understanding the dynamics of violence that are being requested or are being brought up. So we're thinking right now four to six will probably be the initial pilot that we'd be looking at.

CHAIR HAMILTON: Interesting. That's good. Are there more questions? It was an important and good presentation. So thank you for bringing this to us.

MS. DELGADO: Thank you, Madam Chair.

7. B. Presentation on Los Potreros Open Space Natural Resource Management Successes

CHAIR HAMILTON: We have Peggy Darr and Adeline. Welcome.

PEGGY DARR (Open Space Resource Management Specialist): Yes, Madam Chair, Commissioners, today, I'm happy to be talking to you about a very special discovery that we recently made at the Los Potreros Open Space in Chimayo that is a direct result of our hard work managing the natural resources on the property. I'm going to be passing the first few slides off to Adeline Murthy, a new member of the Open Space team we're really happy to have. She's going to be talking about this exciting discovery, and then she's going to be handing it back to me and I'll talk about the management actions that directly led to this discovery.

ADELIN MURTHY (Open Space & Trails Senior Planner): Thank you, Peggy. Madam Chair, Commissioners, as she mentioned, we're talking today about Los Potreros, which is a County-owned open space property that sits at the confluence of two rivers, Rio Quemado and Santa Cruz. It also preserves the scenic backdrop to the Santuario de Chimayo.

Two weeks ago staff spotted fireflies at Los Potreros Open Space. The firefly sighting was confirmed by Anna Walker, a firefly expert from the New Mexico Biopark Society. And as you may know, fireflies are rare in New Mexico and they're also cherished but are declining globally. We were thrilled to discover, thanks to Anna Walker that the firefly population at Los Potreros is a new species in the Photuris genus that is currently being described by scientists. Other populations of the same species have been documented in a few locations in New Mexico, primarily along the Rio Grande. Researchers are unofficially calling it the Rio Grande flasher. The population found at Los Potreros is unique because it is the highest elevation site where this species has been documented.

Here you can see a photo of the firefly. It did have to be caught to be properly identified but was then quickly released. According to firefly experts the County's natural resource management worked to improve the riparian and wetland ecosystems at Los Potreros, created this rare habitat for fireflies. Now I will pass it back to Peggy who will share details about the natural resource management work that has been going on in Los Potreros and which led to this exciting outcome.

MS. DARR: Thank you, Madam Chair, Commissioners. There were two main actions that we took at the Los Potreros Open Space to help create this firefly habitat as well as habitats for a variety of other species. The first action was prohibiting cattle grazing on the property. According to experts, the expert that helped identify these fireflies, fireflies can't co-exist with cattle grazing. The other major action we took was protecting the current beaver colony that is on the Los Potreros Open Space.

So now I'm going to talk a little bit more in detail about those two actions so that first action, again, prohibiting cattle grazing, for many, many years cattle from neighboring pastures were getting into the Los Potreros Open Space Wetland and overgrazing it, causing issues, so the Open Space team had for many years, many discussions, tried different tactics, communicating with the landowners. I'm happy to report that about two years ago we did succeed and we have not seen or had any reports of grazing on our property. The cattle are now staying on the right side of the fence.

This was assisted of course by adding additional fencing to help assist us in this endeavor and for that we collaborated with the Rocky Mountain Youth Corps, and they installed a bunch of wildlife-friendly fencing to further ensure that cattle were not getting onto the open space property.

Action two was again, protecting the beaver colony that is on the open space. This was a bit more complicated. Beavers have a controversial presence about them. So we did host two onsite public meetings to hear residents' concerns about beavers and also to talk to them about the many positive things that beavers can bring to their community and to all communities. We talked about how they diminish fire risk. Beavers keep rivers running year-round. The Rio Quemado, one of the rivers that Adeline was talking about at the open space, usually, according to locals ran dry at the beginning of June. That was pre-beavers.

Post-beavers, this year the river never ran dry. And there are numerous acequia head-gates off that river so local farmers benefited by having irrigation water throughout the driest, hottest time of the year in northern New Mexico. Beavers also help to clean the water. They help raise water tables. Their ponds help to sequester carbon. Their many

ponds help to reduce damage from flash-flooding, and of course, you can gather from our presentation, they improve habitat for a variety of wildlife species.

So we did have these two public meetings. We wanted to make sure everyone knew about them so we did mail notices of the meetings to every Chimayo resident for both meetings. We also mailed to them a brochure from Defenders of Wildlife. They have a cost share program where they help residents pay for beaver co-existence devices so that they can co-exist with beavers instead of killing them. One such device is shown here in the presentation, caging around a large cottonwood. This helps to protect larger trees or any trees of importance that you don't want the beavers cutting down.

So in collaboration with Public Works as well as Nav Khalsa, our volunteer coordinator and her volunteers, we caged all the largest trees as well as a few medium sized trees. This was to address a community concern that, one, they didn't want to lose large trees, and two, they wanted to be able to see a continuous or mostly continuous green tree canopy along the river.

In collaboration with Defenders of Wildlife and Rio Grande Return, we installed numerous devices that prevent flooding of neighboring property, which we definitely don't want to do. So in collaboration with those same organizations we also installed devices over acequia head-gates. One of the concerns that came up at the meetings were that beavers would clog up acequia head-gates, so we installed devices to prevent that from happening.

In collaboration with Public Works we also built berms along some of the beaver ponds to help again keep neighboring properties from flooding. In collaboration with Public Works again, we are working with them to improve an access road that our neighbor uses to get to his pastures that was being flooded by the beavers, and here you can see a picture of their hard work raising the level of that road. And we installed signs regarding County open space regulations including the fact that it's illegal on open spaces to kill, harass or destroy habitat for beavers, as well as other wildlife.

And before we take questions, I just want to mention that Adeline and I, you'll be seeing our faces a lot more over the next few months. We will be coming to you asking you to adopt our beaver management plan, at which point we'll talk a lot more about some of those benefits I talked about and our management of beavers on all open spaces. We'll also be coming to you to ask you to adopt our piñon jay management plan. Piñon jays are one of the fastest declining species that we have in the county, country and world. Their population has declined by about 84 percent since the 1960s and the County has been doing a lot of piñon jay work that's actually been receiving a lot of positive attention lately. So we will be coming to you asking you to approve that plan, and then we will be coming to you as well asking you to adopt some properties' specific management plans.

With that, we can take any questions.

CHAIR HAMILTON: Excellent. Thank you so much. I'm just forced to ask, is managing beavers anything like herding cats? Commissioner Hansen.

COMMISSIONER HANSEN: I'll let you answer that.

MS. DARR: Madam Chair, yes. It is a bit like herding cats. Managing – trying to keep people and the beavers happy is a bit of a juggling act, and we'll talk about this in our beaver management presentation. Beavers are one of the major solutions for

drought-related issues, fires, etc., in the Southwest and they do their work for free. So it's very important to conserve them and promote them.

CHAIR HAMILTON: Excellent. Thank you.

COMMISSIONER HANSEN: It's very exciting to have a brand new species of fireflies. I have never actually seen a firefly in New Mexico, so I'm thrilled always. It warms my heart that you have worked and listened to the residents and that you have worked with Public Works and helped them to understand the importance also the wildlife of our community. Beavers sometimes get a bad rap. I've always been a fan of them. They have a really great habitat up on the upper part of the Santa Fe River, up in the reservoir in the watershed where they're quite happy, but sometimes they get a bad rap because of the dams that they have built down by Calle Debra, an area where Commissioner Garcia and I share. They were there actually probably, maybe before the road, but the road does get flooded and so it might be something that one of the areas that we do need to work on to provide them with a good space but also to help the residents figure out how we can get Calle Debra not flooded, and that's something that we have to work with Public Works on.

I also agree with you on the piñon jay. I used to have them in my backyard. I haven't seen a piñon jay for a number of years and they used to build nests. I have pictures of nests in my yard and I live in the city. And they don't build nests anymore and I don't see them anymore and that concerns me, because they are part of our really natural habitat here and so I want to thank you for the wonderful, great presentation, Peggy and Adeline. And I look forward to more presentations and more work that we can do to protect our wildlife and promote positive reinforcement of beavers in our community, and what a great service they provide, for free. So thank you very much. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Commissioner Hughes, and then Commissioner Garcia.

COMMISSIONER HUGHES: Thank you, Madam Chair. Just a quick question. How big is the Los Potreros Open Space?

MS. DARR: Madam Chair, Commissioner Hughes, it's only about 36 acres but it packs a really big punch as you can tell by our presentation. It's a very, very important property, not only for wildlife but also for local farmers, for the Santuario. It's the backdrop for the Santuario. So it's one of our smaller properties packs a really big punch.

COMMISSIONER HUGHES: Is it something we would look to perhaps expand in the future, if we had funding?

MS. DARR: Yes, Madam Chair, Commissioner Hughes. I think that would definitely be something to look into if neighboring property owners, particularly in the wetland, wet meadow area were to want to sell their property, I think that would be to the great benefit of the open space, wildlife and the residents of Chimayo.

COMMISSIONER HUGHES: Right. Like Commissioner Hansen, I've never seen a firefly in New Mexico but I grew up in southern Pennsylvania and used to go out with a big jar. My sister and I would have a contest to see how many we could get into a jar. I promise not to do that with this very rare species in New Mexico, but in Pennsylvania they were definitely not endangered. But thank you for the presentation.

That was great.

CHAIR HAMILTON: Excellent. Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Great presentation. Let's start with Mr. Juan Medina. That's why that road into Chimayo is called Juan Medina Road. Mr. Medina actually used to have cattle on that property for many, many years. Probably before we were all born. And it surprises me that you said banning of cattle. So that's just kind of – I just can't fathom that. I understand what we're trying to do, create an open space in this beautiful flower garden and this beautiful – what we need to do and the nature. I understand that. But for banning cattle, Mr. Medina used to have cattle there since, like I said, before we were all born.

Beavers. As Commissioner Hansen mentioned, you might want to go take a trip out to the Santa Fe River and what the beavers have done there.

MS. DARR: Madam Chair, Commissioner Garcia, we have been out there. We have installed a flow device in that beaver dam and we're hoping to – we would like to host numerous public hearings with the same model that we had at Chimayo to figure out how we can co-exist with the beavers there. It's more challenging because of the road issue but we installed a flow device in the dams next to the road and basically flow devices are – you dig a hole in the dam. You put a pipe in, and no matter how much the beavers build over it, you cage off one side, the beavers can't raise the level of the water, and so we dropped the level of the water several feet down, and because of that device it will never rise above that. So we are aware of the issue there and trying to work on it.

COMMISSIONER GARCIA: Because if you go out there and look at Calle Debra, those beavers, we let them go. And those beavers are never there. Those beavers actually got put there by the Wild Forest Guardians as a trial basis. And now the water is being slowed down. It doesn't go down because that portion of the open space needs help. It's actually a fire hazard. I'm saying that for the record because you can't even walk through there. And so I would hope that you all would actually work with Public Works.

Great job what you're doing up north. Commissioner Roybal would be excited. I'm excited because I remember when we purchased that property. So do we still irrigate that property? Because we have irrigation rights.

MS. DARR: Madam Chair, Commissioner Garcia, yes, we have water rights at the Los Potreros Open Space and we do irrigate a portion of the upper pasture and if you wish I can discuss a little bit about the reasoning behind why we're prohibiting cattle on that particular open space. If you wish.

COMMISSIONER GARCIA: Thank you, Madam Chair. So that would be your department. Who's the individual that goes out there and watches the acequia to make sure that the upper part that we water?

MS. DARR: Madam Chair, Commissioner Garcia, we have – I go out there regularly and then Nav Khalsa, our volunteer coordinator, we have monitors that sign up to go out to the property regularly to check on all of the beaver activity, all of the devices we've installed to make sure they're working properly and to make sure that acequia folks are getting the water that they need. We also have developed relationships through the public meetings with a lot of the acequia members and so I will say that they're very comfortable reaching out to me. I've had them reach out to me on numerous

occasions when there's an issue, and we prioritize addressing that issue, so we did have an instance where a neighbor's driveway was flooding and we went out the next day and the maintenance crew fixed the issue. So we do prioritize making sure that the community members are happy so that they can also benefit from all the positive things that beavers bring.

COMMISSIONER GARCIA: Thank you, Madam Chair. I'm sorry I'm asking some difficult, challenging questions, because if we water our fields and cleaning the ditch, who cleans the ditch when it's time to clean the ditch for Los Potrereros? Also head-gates – who's installing the head-gates. Because you can't just open the valve and let it water. It doesn't work like that. So you have to adjust the water, move the water, so as long as we're looking into that and not just worried about the beavers, because I understand beavers are important but I just want to make sure that the County has that open space and it looks beautiful. It's nice. That we're on it.

MS. DARR: Yes, Madam Chair, Commissioner Garcia. We are a member of the acequia. The County is a member of the acequia association and we pay dues and we do help clean up ditches on the property. As far as the head-gates are concerned, the individuals that run those, they have access to the property as they need to come and go to open and close those ditches and to clean out their ditches. And again, we have many if not all of them throughout public meeting process, so they do have our information as well and we encourage them to reach out if anything we installed wasn't working or if they had any other concerns.

COMMISSIONER GARCIA: So when does it open, Madam Chair?

MS. DARR: Madam Chair, Commissioner Garcia, I'm not sure what you mean, when does it open. When do they open the head-gates?

COMMISSIONER GARCIA: No. I'm sorry. Madam Chair, when can the general public go out there and walk around?

MS. DARR: Right now, the property is closed to the public. It's my understanding that a major reason was because the community didn't want it open to the public, so there are no plans right now to open it to the public

COMMISSIONER GARCIA: Thank you. I would like to meet with you all so we can go look at the Santa Fe River, because that Calle Debra bridge, as Commissioner Hansen mentioned, it's overflowing. It's almost like this close. But thank you. Good presentation.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. I'm sure there's a number of ideas of exactly where the beavers on the Santa Fe River came from, but according to a number of people, including Phil Bové, the beavers have moved down from the upper river and the males have moved down because there were too many males at the top, and so they migrated down to the open space because the Wild Earth Guardians built this wetlands. And so therefore the beavers found it. They're opportunists just like raccoons. They are opportunists and they found out about this open space and they moved in. And that is what I've heard from a number of people because I've asked a number of questions about how did the beavers get down to the bottom and move down by Calle Debra? But I agree with Commissioner Garcia. We need to work on the issues at Calle Debra and I'm glad that you're paying attention so I really appreciate all of that and thank

you for your great, great work, because it is fantastic. I am very happy. Thank you.

CHAIR HAMILTON: Excellent. Thanks so much for the presentation. Very interesting. Great work, guys. Thank you so much. Keep bringing stuff back to us.

9. MATTERS FROM THE COUNTY MANAGER

A. COVID-19 Updates

MANAGER SHAFFER: Thank you, Madam Chair, Commissioners. I don't have much in the way of COVID-19 updates other than to note that our community level, as measured by the CDC did decrease last week from high to medium, which did allow us to return to mask optional policy for County employees and members of the public who are fully vaccinated. There are exceptions to that rule based on individual department policies, but for the most part that's where we stand relative to COVID.

B. Miscellaneous Updates

MANAGER SHAFFER: I did want to provide some additional information relative to the Public Works Department free greenwaste disposal days, which happened on July 1st, 2nd and 3rd at Stanley, Eldorado and the Jacona convenience centers. Overall we collected approximately 18 loads, which is a mix of trucks and trailers at the various stations. We have upcoming free greenwaste days, August 5th, 6th, and 7th, and we will be updating the community on those opportunities to clean up property and help create defensible space, notwithstanding our recent change for the better relative to the monsoon weather, still encouraging the public to be pro-active as it comes to the creation of defensible space around their properties.

We will be featured, Santa Fe County, in the upcoming tenth anniversary season of Travels with Darley on PBS this fall. This was an undertaking of our Community Development Department and the Economic Development Division in particular. Ms. Lisa Katonak, our marketing coordinator, worked with Sunny 505 to coordinate a feature on PBS this fall. The segment will feature travel host Darley Newman as she visits a variety of sites, including the International Folk Art Market, Canyon Road galleries, our Turquoise Trail National Scenic Byway, a train ride on the sky railway to Lamy, amongst other tourist destinations.

We also, relative to the Fire Department, the improved moisture outlook has resulted in the expiration of the emergency ordinance that the Board passed, Ordinance 2022-02. The Wildland Division reports that all fire danger signs have been changed to moderate conditions and finally, the Fire Marshal has rescinded his order concerning open burning permits. So constituents who have open burning permits may resume burning in accordance with those permits and new opening burning permits may be applied for online at this time. Again, we'll continue to monitor fire conditions and moisture levels but that's where things stand at this point. Thank you, Commissioners.

CHAIR HAMILTON: Excellent. Thank you so much. Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I don't know if there's anybody else who wanted to make public comment but did you want to open it again?

CHAIR HAMILTON: No. Unless you know there's somebody around.
But thank you.

**10. MATTERS FROM COUNTY COMMISSIONERS AND OTHER
ELECTED OFFICIALS**

**A. Commissioner Issues and Comments, Including but not Limited to
Constituent Concerns, Recognitions and Requests for Updates or
Future Presentations**

CHAIR HAMILTON: Commissioner Hansen, why don't we just start with
you?

COMMISSIONER HANSEN: Thank you, Madam Chair. Commissioner
Hughes and Commissioner Roybal and myself, we attended NACo, the National
Association of Counties last week. I found it very beneficial for the policy committee that
I serve on, Environment, Energy and Land Use. We stopped a resolution opposing the 30
X 30 by the conservative side of NACo, so I felt like that was a win for us, since we
support 30 X 30, so at the moment, NACo has a neutral position on that, which in my
humble position is a good place to be.

Commissioner Hughes, he attended with me a number EELU meetings and I'll let
him speak about what else he did. I also was extremely honored and surprised. I was
nominated and elected second vice chair or vice-president of the Women of NACo,
which is a fairly active organization and I have been a member since I have joined
NACo, and so it was quite an honor to be nominated and elected by my fellow
Commissioners in this organization, so I wanted to share that with everyone.

My next Coffee and Tea under the Trees will be on August 13th, which is coming
right up. I think we might have a Board meeting before then. We will have Public Works
and Roads and Brian Snyder and Projects with P.J. Montano at our Coffee and Tea under
the Trees. So I look forward to seeing everybody. There's probably something I forgot
but I think it was worthwhile for all of us to be at NACo and to represent Santa Fe
County and have a presence there. We are a unique situation and also we had another
commissioner from Taos join us and it was her first time too, AnJanette Brush, and so
that was great to have that representation there. So thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Yes, I was at the
NACo conference. It was my first time and it was very, very interesting. In addition to
some of the policy sessions I also went to workshops on the opioid epidemic and racial
and ethnic equity. And the conclusion I took away from both of those, actually, was that
we should work on ending child poverty, which interestingly enough the Food Depot has
a plan for that that they're going to present to us in the next month or so, and I think that
will be very interesting.

I also, because Commissioner Hansen and Commissioner Roybal flew home
early, I was left with the vote Sunday morning for Santa Fe County and the voting was
very interesting. It's not very exciting because one person got most of the votes but they
way they set it up was like either a political convention. Each state had a little marker
where we were supposed to sit, and then they had each state report its votes. The voting

was for the second vice president who I guess is the person who eventually becomes president but each state would call out their votes and our representative talked about being the chili capital. So that was way more exciting than it probably should have been, but it was very interesting.

And I'm not having any community meetings in August. As you may know, my liaison, Olivia Romo, asked for a month off and I foolishly said that was okay with me, so I'll be on my own with a little help from Brittney and Cindy during the month of August. That's it for me. Thank you.

CHAIR HAMILTON: Excellent. Commissioner Garcia, Matters from Commissioners.

COMMISSIONER GARCIA: Thank you, Madam Chair. I hope this gets back to the crew. I had a family member last Thursday that actually got – the paramedics picked them up and they did an excellent job. They did an unbelievable job, those paramedics that were driving that ambulance Thursday. But I hope that actually gets to them because they did an excellent job. And I wasn't there but I heard from my other family members that it was just phenomenal, like, they told me be sure and thank those individuals because they're top gun. Thank you, Madam Chair.

CHAIR HAMILTON: Excellent. Good to hear. Thank you for that.

B. Elected Officials' Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HAMILTON: Madam Deputy Clerk.

EVONNE GANTZ (Deputy County Clerk): Nothing at this time, Madam Chair.

CHAIR HAMILTON: Excellent. Are there any other elected officials? I'm looking in the audience, or on Webex who want to speak. Daniel, do you see anybody?

MR. FRESQUEZ: Madam Chair, I see Treasurer Manzanares and the Undersheriff online.

CHAIR HAMILTON: Excellent. If anybody wishes to speak, other elected officials, please feel free to unmute yourself. So hearing none, I'll go on to C.

10. C. Report and Request for Direction on Annexation Negotiations with City of Santa Fe Pursuant to Joint Resolution No. 2021-105

CHAIR HAMILTON: I'll go to Commissioners Hansen and Hughes. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. We have been having ongoing negotiations and at our June 28, 2022 meeting the Board of County Commissioners authorized additional time to complete negotiations pursuant to joint Resolution No. 2021-105, and we believe that further negotiations may be fruitful. Accordingly, we would respectfully request that the Board authorize additional time to complete the non-binding negotiations through August 31st. So I am requesting that we continue our ongoing negotiations.

CHAIR HAMILTON: I have no problem with that. Are there any other updates that you're free to –

COMMISSIONER HANSEN: I don't have any other updates. We submitted a counter proposal and we're waiting for a proposal back from them.

CHAIR HAMILTON: Okay, so do we need a motion?

COMMISSIONER HANSEN: Yes, that would be good. I move that we continue and complete non-binding negotiations through August 31st.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: That's great. I have a motion and a second.

The motion passed by unanimous [4-0] voice vote.

CHAIR HAMILTON: Thank you for the update. I understand that Treasurer Manzanares had some technical difficulties but has an update for us. Welcome, Treasurer Manzanares. I'll go back to Matters from Other Elected Officials.

MR. FRESQUEZ: Madam Chair, it appears she may have logged off to maybe troubleshoot the issue she's having. I can let you know if she logs back in.

CHAIR HAMILTON: That would be great. I can go back to her if she's able to log back in. Thank you very much.

11. MATTERS FROM THE COUNTY ATTORNEY

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**
- 1. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Concerning AFSCME 1782**
 - 2. Disputes Between Beaty and Steward Family Trusts and Santa Fe County Arising Under Water Service Agreement**

CHAIR HAMILTON: Attorney Young.

JEFF YOUNG (County Attorney): Thank you, Madam Chair, Commissioners. We have a few items tonight for executive session, so at this time I would ask for an executive session to discuss bargaining strategy preliminary to

collective bargaining negotiations as allowed by Section 10-15-1 (H)(5) NMSA 1978. Also threatened or pending litigation in which Santa Fe County is or may become a participant as allowed by Section 10-15-1 (H)(7) NMSA 1978, and discussion of the purchase, acquisition and disposal of water rights as allowed by Section 10-15-1 (H)(8) NMSA 1978. So specifically including, again, discussion of bargaining strategy preliminary to collective bargaining negotiations concerning AFSCME 1782, and dispute between Beaty and Steward Family Trust and Santa Fe County arising under a water service agreement.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: I'd like to make a motion to move into executive session in accordance with State statutes as Manager Shaffer mentioned [sic], one, discussion of bargaining strategy preliminary to collective bargaining negotiation concerning AFSCME 1782, and two, disputes between Beaty and Steward Family Trust and the Santa Fe County arising under water service agreement.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Can I have a roll call please?

The motion to go into executive session passed by unanimous roll call vote as follows:

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Not Present

[The Commission met in executive session from 5:10 to 6:21.]

CHAIR HAMILTON: We're out of executive session. I'd entertain a motion. Commissioner Hansen.

COMMISSIONER HANSEN: I move that we come out of executive session and the only thing that was discussed was matters listed on the agenda.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

The motion passed by unanimous [3-0] voice vote. [Commissioner Garcia was not present for this action.]

11. B. Settlement Agreement and Release of All Claims Between Beaty and Steward Family Trusts and Santa Fe County

CHAIR HAMILTON: We have one more item of business, and I'll go to

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Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, I move to approve a settlement agreement and release of all claims between the Beaty and Steward Family Trust and Santa Fe County.

CHAIR HAMILTON: Thank you. I have a motion. Do I have a second?

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Is there any further discussion?

The motion passed by unanimous [3-0] voice vote. [Commissioner Garcia was not present for this action.]

12. PUBLIC HEARINGS

- A. **Case # 22-5150 Hacienda Doña Andrea Site Development Plan (SDP) Appeal. Max & Britt Contreras, Appellants, are Appealing the Planning Commission's Decision to Deny Development Permit 22-3036 to Allow an Event Use (Weddings) within an Existing Bed & Breakfast Site. The Use Would Allow Hacienda Doña Andrea to be Utilized as a Large Event Wedding Venue, in Addition to the Existing Bed & Breakfast, for the 2022 Season Running through November, 2022, only. After the 2022 Season, the Property Will Revert Back to Solely a Bed & Breakfast. The 63.78-Acre Site is Zoned Agricultural/Ranching (A/R). The Site is Located at 78 Vista del Oro, via Goldmine Road in Cerrillos, NM, Within Section 13, Township 13 North, and Range 7 East (Commission District 3) [Exhibit 1: Appellant Material; Exhibit 2: Letter of Appeal and Site Development Plan; Exhibit 3: Appellant's Site Photographs; Exhibit 4: Opponents' Submitted Material; Exhibit 5: Staff Material from 1999 BCC Meeting]**

CHAIR HAMILTON: Gabriel, are you taking this? If you could just start us with the presentation I would very much appreciate it.

GABRIEL BUSTOS (Case Manager): Hacienda Doña Andrea is an existing 11,000 square foot residence that was granted approval from the Board of County Commissioners under development Permit 98-5780. This approval allowed the Hacienda to operate as a nine-room bed and breakfast facility that would also host small group meetings with a limit of 18 people at a time. This was approved prior to the adoption of the SLDC.

In October of 2021, Santa Fe County Growth Management received a complaint related to the size of the events and the noise generated at the Hacienda Doña Andrea property. These events had up to 180 attendees, in which the use and number of guests was not in compliance with the approval granted for Permit 98-5780. Staff then notified the owners of the Hacienda that they would need to obtain proper zoning approvals to host large events. It was tentatively determined these types of events would be a permitted use and would fall under both a retreat and a bed and breakfast in the SLDC Appendix B Use Matrix. The applicants then prepared and submitted an application for a

site development plan to allow the events as a permitted use.

Staff allowed Hacienda Doña Andrea to apply for special use permits to allow the already scheduled weddings to take place as a temporary, makeshift measure while the Site Development Plan was being reviewed. This was done to let weddings proceed but was not intended as a way to circumvent obtaining proper zoning approvals for this type of use. The early special use permits were conditioned to prohibit outside music after 9:00 pm. Water and noise meter readings were also required after every event. This policy of issuing special use permits was initially adopted before the County learned that the Applicant had contracted for dozens of weddings for 2022.

Staff allowed Hacienda Doña Andrea to apply for special use permits to allow the already scheduled weddings to take place as a temporary, makeshift measure while the site development plan was being reviewed. This was done to let weddings proceed but was not intended as a way to circumvent obtaining proper zoning approvals for this type of use. The early special use permits were conditioned to prohibit outside music after 9:00 pm. Water and noise meter readings were also required after every event. This policy of issuing special use permits was initially adopted before the County learned that the Applicant had contracted for dozens of weddings for 2022.

As the wedding events proceeded, neighbors complained frequently, with excessive noise and late hours being the main issues. It became clear that noise was not stopping at 9:00 pm at some events. Therefore, County staff-imposed stricter conditions on the special use permits that required all events to cease by 9:00 pm and all guests who are not registered to stay at the bed & breakfast to leave the venue by 9:00 pm.

A noise study was conducted by the applicants on the property during one of the wedding events and was included in the site development plan submittal. The study showed that the noise levels did not exceed an average of 55 dBA measured over a 30-minute period. The County has twice required the applicants to submit ambient noise level readings to determine if they were exceeding the maximum noise level allowed by the SLDC, which is five dBA above the ambient, or 55 dBA, whichever is less. The applicants have not submitted the ambient readings to this date.

Table 4-1 allows for a pre-application community meeting to be required. The Administrator required this to try to alleviate concerns that the community had and to increase communications. Items discussed at the pre-application meeting were plans for the venue, as well as measures being taken by the venue to ensure safe events. The summary is included in Exhibit 2.

With continuing tension between neighboring property owners and the applicants, the owners amended their site development plan application for the events to only continue for the remainder of 2022, so that they could honor the remaining wedding contracts that had been signed for this year. After the last event in November 2022, it is proposed that the property will revert back to solely a bed & breakfast.

Due to the conflicting statements by the applicants and the neighbors, and knowing that an appeal was a near certainty regardless of her decision, the Administrator, under Section 4.4.9. then chose to defer this case to the Planning Commission for a public hearing in an effort to initiate a more efficient and expeditious process. Major concerns by neighbors include the hours, noise, risk of fire through smoking or outside fires, overuse of water, and access roads being blocked. Emails from neighbors are attached in

Exhibit 4.

On June 16, 2022, this case was presented before the Santa Fe County Planning Commission. At the hearing, nine members of the public spoke in opposition, while no one spoke in favor of the project. One concern expressed by the public was that, a wedding venue with 120+ guests is a more intense use than contemplated by the bed and breakfast permit. Neighbors also questioned the Haciendas staff's ability to achieve proper oversight of the venue during events. The decision of the Planning Commission was to deny the request via a unanimous 7-0 voice vote. The Commission also felt that all existing weddings be cancelled.

The Planning Commission's final order was approved at its July, 21st meeting. Because the applicants submitted an appeal promptly after the June 16th meeting, staff was able to place this appeal on the BCC's July 26th agenda so a final decision can be made due to the upcoming scheduled weddings. Special use permits have been issued for events after the June 16th Planning Commission hearing. Specifically, permits were issued for events on June 16th, 18th, 25th and 28th as well as July 2nd and 16th. Staff received complaints for the weddings that took place on June 21st and 25th, stating the weddings proceeded well past the 9:00 pm curfew.

Members of staff visited the site on April 1st during the setup of an event to ensure there was no obstruction of fire lanes, no vehicles parked along Vista del Oro, and that portable restrooms were also in place. All of these items were complied with according to staff that visited the site. Staff also visited the site on June 28th during a 40-guest wedding event where no alcohol was being served. Staff arrived at 8:45 pm and did not hear any music coming from the venue and did not observe any activity at the venue. Another site visit was conducted on July 2nd for a 120- guest wedding at which alcohol was being served,. Code Enforcement staff arrived at 8:45 pm and could hear talking and laughing, with no music. By 9:08 pm, cars began to leave the property and continued to leave through 9:15 pm. At 9:50 pm Code Enforcement drove up the driveway and observed five cars in the parking lot, no one was outside and no lights were on in the Hacienda. A fourth site visit was done on July 16th. As the Code Enforcement officer began to approach Vista del Oro, he observed cars leaving the venue, this was at approximately 8:40 pm. All site visits were done unannounced.

Planning Commission recommendation: On June 16, 2022, this request was presented to the Santa Fe County Planning Commission. The Commission memorialized findings of fact and conclusions of law in a written order recorded July 22, 2022. The Commission, based on the evidence presented, recommended denial of the site development plan request.

Staff recommendation: Staff has determined that the proposed temporary expansion complies with the requirements of the SLDC, and recommends that the appeal be granted and the site development plan be approved for the 2022 wedding season subject the following conditions. Madam Chair, may I enter the following conditions into the record?

CHAIR HAMILTON: Yes, please.

[The conditions are as follows:]

1. Site Development Plan for wedding use would only be valid through 2022 for no more than the 12 scheduled events as illustrated in the updated schedule of Hacienda Weddings (Exhibit 7). After that time, this property shall revert to the

- previous approval of a 9-bedroom Bed and Breakfast that hosts small group meetings subject to the previous conditions approved by the BCC and the conditions listed in this approval.
2. Every wedding shall be managed by an on-site staff member who shall ensure that all conditions of approval are complied with.
 3. Temporary tents or structures are prohibited.
 4. Water use is restricted to 0.6AF per year. Water meter readings shall be submitted to the County after each event and prior to the next event. Quarterly meter readings shall be required for one year, after which they will be required yearly.
 5. All of the scheduled events must end by 9:00P.M., and guests not registered to stay at the Hacienda Dona Andrea B&B must leave the venue no later than 9:00 P.M.
 6. All events shall clearly be marked as no-smoking events, no outside open flames will be allowed, including, but not limited to barbeques and fire pits.
 7. Events must comply with all Santa Fe County Fire Prevention approval conditions.
 8. Events must comply with all Santa Fe County Public Works approval conditions.
 9. A maximum of 57 cars are permitted to be parked only in the designated parking areas. No vehicles may be parked on the driveway to the side of the house (where 5 spaces are shown) to ensure width for 2-way traffic, no parking may be located on the roadway or driveway, including the 2-way driveway leading to the parking.
 10. No additional grading or development work shall occur on this property without the required permits.
 11. The kitchen facilities are not to be utilized by any guests or for any events unless the water budget is amended and proof of adequate water is provided. This condition shall be noted on the Applicants' web page and on the site development plan.
 12. Failure to comply with the conditions of approval may result in cancellation of the remaining events.
 13. All previously disturbed areas on the property shall be revegetated as per Chapter 7, on 7.17.7 (Restoration of Disturbed Areas).
 14. Noise studies shall be conducted within 7 days, by a certified engineer to determine the ambient noise level. Noise levels during the events shall comply with Table 7-21 of the SLDC. If it is determined that noise levels exceed 5dBA over the ambient or 55 dBA, whichever is less, recommendations for noise mitigation measures from the certified engineer shall be submitted to the County for approval and put into place by the Applicant immediately. The ambient noise studies shall be conducted in a natural resting state with no man made noise or interference such as music, yelling, talking, machinery, etc. These ambient noise readings shall be conducted at 8 pm.

Revised condition 14:

14. Within five business days of the date of the BCC hearing, a noise-level reading/noise test shall be taken by County personnel at the property boundary at approximately 8:00 p.m. The noise test shall be conducted in a natural resting state with no man-made noise or interference such as music, yelling, talking,

machinery, etc. The results of the noise test will be reported to the Applicants immediately, and will be accepted as the ambient noise level, unless clearly erroneous. The County will perform subsequent noise tests, at its sole discretion and without advance notice to the Applicants, during future events between the hours of 7:00 p.m. and 9:00 p.m. The results of those tests – which will be accepted as accurate unless clearly erroneous -- will also be provided to the Applicants promptly. If subsequent noise levels exceed 5dBa over the ambient or 55dBa, whichever is less, Applicants shall submit recommendations from a certified engineer to the County for approval and to be put into place immediately by the Applicant upon approval by the County, and in no event later than the next scheduled event.

MR. BUSTOS: I would like to add there was an amendment to condition #14, and I believe that was passed out. At the Planning Commission meeting one Commission member suggested two additional conditions if the project were to be approved, as follows: The applicant shall hire a private security company to ensure people leave the facility promptly at 9:00 pm. All guests not staying at the facility shall be bused in for the events.

Staff concurs with the first suggested condition and agrees that the concerns raised by the second suggestion warrant consideration by the Board. There was also some additional information that was, I believe, passed out. There was a page missing from Exhibit 3 on BoardDocs, so that was also passed out as well as I believe letters of support and the amended request for the appeal, and that was provided by Mr. Graeser. I now stand for any questions. Thank you.

CHAIR HAMILTON: Thank you. Before we go to questions from the Commissioners, is the applicant or applicant's representative present to make a statement? Do we need to swear you in?

CHRIS GRAESER: Christopher Graeser, 316 East Marcy. I am an attorney appearing under my obligation to tell the truth. And Britt Contreras is here tonight too as well.

Commissioners, I do appreciate your time. We are here asking you to overturn the decision of the Planning Commission and follow the recommendation of County staff to approve this request. By brief way of history, this was approved in 1999 and I've got to say as an aside, it makes me feel a little old because I don't remember a lot of the site visits I did when I was staff attorney to the County Development Review Committee but I do remember doing this site visit and dealing with Penny and I think Commissioner Garcia was the Land Use Administrator at the time. We're all getting a little more gray hair now.

When they found out fairly soon after that that there was a demand for weddings, lots of people wanting to have – it's a beautiful site – and wanting to have weddings there. And the business kind of transformed. And they should have got a permit. Absolutely, they should have got a permit. But it wasn't an intentional violation. It just kind of occurred that way. And for the next 20 years there were no complaints, no notices of violation from the County. I think what really triggered this the last couple years was the pent up demand from the pandemic where a couple years of weddings got stacked

into one year. There was also a lesson that Max and Britt learned was if a movie production company calls you and wants to do a shoot you need to ask them to make sure they have a County permit. Because one did and they did a shoot and they didn't have a County permit, and there were issues with traffic and stuff. So I think that's what kind of brought it on everybody's radar.

So then they met with staff. They learned they needed approval. They hired Nathan to help them get that approval. They hired me to help them get that approval. They could have applied – this was an allowed use in the zoning district. They could have applied for permanent approval but it became fairly controversial. They really don't want to be where they aren't wanted. They recognized that it had gone beyond what the approvals had before and they acknowledged that and they apologized for that.

But what they're requesting now is really a compromise. They are offering a compromise, trying to do the right thing, offering a compromise and I think it's a significant compromise, because the compromise is rather than apply for permanent approval to do this forever, which they would be allowed to do under the zoning. They're asking for approval to finish up the weddings that are already under contract. Couples who already have contracts to have their weddings there.

The other hand-out said 17. Since there – it's been unfortunate; there's been a lot of cancellations. They're now looking at ten more weddings for the next couple months through November. Maximum of 13 weddings between now and November. The business would then – it would then revert to the bed & breakfast operation – no further wedding events.

And some of these weddings are as few as 20 or 30 people, really not big. And then also as we move into cooler weather, starting in October, the events are going to be moving more inside and having even less impact on the community there.

So Commissioners, this is administrative approval, an allowable use under the code. It's a non-discretionary approval. It did get kind of controversial, which I believe is why County Staff Land Use Administrator kicked it to the Planning Commission, but staff did find that it meets all the code requirements, recommended to the Planning Commission that it be approved, recommended to the County Commission that it be approved. I'm not your lawyer; it's not my job to lecture you on the law. I would certainly encourage you to listen to your lawyers on the points. I think what happened was the Planning Commission responded to concerns expressed by the opposition, but the Planning Commission didn't really follow the SLDC requirements that this application did meet all of them.

I have a couple more things I want to talk about but Britt will talk. She will say a statement. She was reluctant to because it got kind of ugly at the Planning Commission meeting. Britt and Max' integrity, honesty was questioned. An appointed County official called them scofflaws. It was really kind of distasteful, but she will make a statement and she will answer any questions.

The two kind of big issues that came up at the Planning Commission are water and noise. So the 1999 approval required installation of a water meter and reporting of water meter readings. They didn't do that. They did not install a meter. They didn't report readings. They are hardly alone. At that time I think that requirement may have been met more in the breach than in honoring it. They never got a notice that they were supposed to

install one. They never heard a word about it until the recent controversy. I did actually submit a public records request just to see if the County had done any studies as to who was supposed to put in meters and who did and who didn't, if there were any enforcement actions, there's no record on any of that.

But once they were informed they put in a meter, they took readings. The readings are showing that they are well under their allowable budget, so I don't think water is really an issue here.

As to noise, they did submit a noise report. County staff reviewed that. County staff recommended it as being in compliance with the County code. The opponents did submit some studies which were not done in accordance with the County code. Code Enforcement's been out there four times now and hasn't identified an issue. So we did, and I assume – was the updated language on condition #14 – was that circulated? Yes. Okay. So Mr. Prucino and Ms. Long and I kind of spent the afternoon negotiating language on Exhibit 14 due to some concerns I had about constitutional issues with it, etc. So I think we have language that the Legal staff and myself are comfortable with. So my client certainly will accept the conditions 1 through 14 as proposed.

On the noise, they really have been doing everything to keep that noise in check, and I believe it's not been an issue recently.

There were two conditions of approval that the Planning Commission proposed, which was interesting because they denied it but they also proposed conditions of approval. And that had to do with hiring a security guide and hiring buses. And we really, with all due respect, feel that those are unnecessary. There's already a condition in staff's suggested conditions that onsite employees be there to monitor compliance, and there certainly have been – as you know, they have been really pressing the couples and the guests to close it down by 9:00, which they've been doing and I think Code Enforcement visits confirm that there's no other illegal or public affray or any type of issues like that going on out there, so really the expense of a security guard doesn't seem necessary.

And the same with the bus. You've received photographs, County staff, Fire Marshal inspected. They're clearly complying with the parking requirements, with the fire lane requirements. There's not an issue with having the cars out there. So we'd respectfully request that those conditions that were not staff recommended conditions but Planning Commission recommended conditions not be imposed because we really think they're unnecessary and frankly they're quite expensive.

And I'll say a little bit about that. My clients – this at this point is not about making money. They are seriously, seriously upside down this year in this what is supposed to be a business. Between all the cancellations, all the refunds of deposits, paying planners, paying lawyers, paying for trying to comply with County conditions like fire suppression systems. It's been exceedingly expensive and they're really, really having a tough go of it just meeting those requirements. Every dollar really does count.

So our focus, their focus really is just on meeting commitments. They signed contracts with all these couples. They really need to meet those. They really want to meet those. Quite frankly, they're just scared that they won't be able to. It's a really scary proposition to not be able to meet those contractual commitments.

Again, County staff is recommending approval. They have – they fully acknowledge and apologize they went beyond their approvals but they're doing what they

can to address it and they're making significant compromise of just asking to finish out this year, just the next couple months with these – like I said, maximum of 13 at this point – weddings.

So I very much appreciate the Commission's time, the Commission's attention, and Mr. Manzanares will give you a little technical overview of the application, and then Ms. Contreras would like to speak, and I'm happy to answer any questions you might have. Thank you. And I would like to just reserve a rebuttal at the end if there are any opposition comments. Thank you.

CHAIR HAMILTON: Thank you.

NATHAN MANZANARES: Good evening, Madam Chair, Commissioners. My name is Nathan Manzanares. I'm with NM Land Solutions, doing business as Siebert and Associates, Inc. My address is 915 Mercer Street, Santa Fe, New Mexico, 87505.

Vicki and Gabe just handed out some supplemental material to you that was not part of your packet. If you want to look at that, it shows, like Chris said, this has been in operation for a while. It's never been more organized than it is during this 2022 wedding season.

[Duly sworn, Nathan Manzanares testified as follows:]

MR. MANZANARES: So back to the material that was just handed out to you. We have some photographs of the current parking situation out on the site. It also shows that there's parking attendants onsite at every wedding. These photos are from one of the larger weddings of the max capacity of 120 guests. There's also staff inside assisting with anything inside the wedding. There is a dedicated fire lane that has been approved by County Fire that is not obstructed at any time, and there's someone there to verify that and stand there and make sure. They also make sure that there's someone at the entry of the property to show how to get into the property and not to go into anyone else's property.

In addition, we've shown that there's adequate parking out here. Like I said, this is for the max capacity. There's plenty of room. There's also within the parking area, a 20-foot fire lane that's not obstructed. This has been observed and measured by County Code Enforcement during a site inspection. They verified that. There's also some letters of support from members involved with this. We have brides and grooms that are planning to get married, that have got married. We have vendors who are local caterers, photographers, makeup artists, designers, wedding planners, that will take a pretty big hit off this. And I think Gabe did a great job of summing up how this report, or how this project meets the code.

We provided a development report with our submittal. In that development report we identified every sustainable design standard within Chapter 7. We showed how we are in compliance with this. This was our original proposal and at that point we were asking to do this for the foreseeable future. As the progress progressed and the wedding progressed, just to cool the temperatures and to appease the neighbors, Max and Britt requested to amend their site development plan to only be in for the 2022 wedding season, as noted in the letter in Exhibit 3. Essentially they've waived their right to do a permitted use out here, and they've shown that they're compliant with the SLDC.

I'd also like to thank all the County staff that's been involved in this – Land Use,

Fire, the Sheriffs, Public Works. Over the past couple weeks more than half, I'd say three-fourths of the weddings have been approved through special use permits. From day one we acknowledged that that was not a long-term solution and we were willing to do the site development plan as we went through the process and the County graciously agreed to allow for those special use permits and granted those special use permits. We're grateful for that.

Tonight, we just ask that Max and Britt get to end on a high note with the Hacienda, not have any brides and grooms have their special day ruined. A lot of clients are from out of state. They have family members flying in. There's already been a number of cancellations and we just ask that you follow the recommendation that's been given by staff and recognize that this is compliant with the code. There hasn't been a single notice of violation issued by Code Enforcement through the multiple site visits they've conducted over the special use permits that have been issued. And with that I thank you and I stand for any questions.

CHAIR HAMILTON: Thank you very much. We can proceed.

[Duly sworn, Britt Contreras testified as follows:]

BRITT CONTRERAS: My name is Britt Contreras. My address is 1022 Galisteo Street in Santa Fe, and I'm under oath. My husband is Maxmiliano Contreras. We are the owners of Hacienda Doña Andrea de Santa Fe. Max built the Hacienda together with his wife Andrea. Unfortunately, Andrea died at New Years 2000 of pneumonia just as the Hacienda was getting finished. So Max renamed the Hacienda in her honor.

Hacienda is a commercially zoned bed & breakfast. It was not built to be for weddings but people started inquiring and pushing to have their family weddings held there. The business grew in a sort of natural way just from that. Relatives got married. Other people who knew them got married from going to weddings. So the weddings have been going on at the Hacienda for almost a quarter of a century.

The Governor's edicts shut down the Hacienda for 18 months due to COVID. Now people tend to book their weddings a year or more in advance, sometimes two years in advance. So we had this huge surplus of booked, contracted weddings that we had to fit into 2022. Everybody wanted to stay and it was a lot of extra work and there was indeed more traffic, more noise, more everything. June of this year was incredibly busy, peak wedding season, but we got through it and everybody had a wedding.

When we were notified by Jose Larrañaga on November of last year that some neighbors had complaints against the Hacienda we immediately made an appointment to see him, to figure out how to rectify these complaints. We hired the land use planning company and our attorney to help us with their specialized expertise because this was really way out of our area.

Now, all weddings at the Hacienda are based on a bed & breakfast stay. We are a bed & breakfast. We don't provide any specialized wedding services. We don't have a wedding in the morning, one in the afternoon, one in the evening like many, many wedding venues do. We are a bed & breakfast. So there's no dinners, there's no alcohol, no flowers, no cake, no dress, no wedding table cloths. We just provide the building. And we truly believed that we were operating correctly as allowed because we had never really been told differently.

Now, this year our focus became how to get the contracted weddings finished. We've complied with every County rule and there have been many, just so that we could have the special use permit that would allow these weddings to go on Saturday after Saturday. On April 1, 2022 we had 42 weddings scheduled for this year. Now we have less than a dozen. Many have cancelled and we asked the County to let the remaining weddings go forward. It seems unfair to have the brides and grooms penalized and pay for this and have their day ruined while the Hacienda is negotiating with the County.

We are not scofflaws or have we ever been. We work honorably and have a great reputation. This is why families come back to us over and over again. We respectfully request that these dozen weddings be allowed to take place and get finished. Thank you.

CHAIR HAMILTON: Thank you very much. Before I go to preliminary questions from Commissioners. Oh, did you want to also speak, sir. Please.

[Duly sworn, Jerry Watts testified as follows:]

JERRY WATTS: My name is Jerry Watts. 4001 Office Court Drive. That's my firm's company address. I'm a licensed fire protection engineering consulting firm for the last 31 years here in Santa Fe. We're licensed engineers in 12 states and the Republic of Texas, and my sole purpose for being here tonight is to report to you the status on the progress in improvements on the fire protection systems and life safety of the Hacienda. We're about two weeks out from completing the fire sprinkler systems and the fire alarm systems and bringing the facility into full compliance with the County fire code and the state fire code and the road has been widened to Fire Marshal Jaome Blay's specification to exceed 20 feet, and that's just about it for me, except to inform you that right now, we're north of \$160,000 for the fire protection improvements. Thank you very much.

CHAIR HAMILTON: Thank you for the information. So before we go to some questions from the Commissioners and then to the public hearing portion I'd like to just read some of the rules regarding the public hearing that I'm going to adhere to, so everybody can plan accordingly.

The County rules of order allow a party to cross-examine or question a witness. We've had a few witnesses but mostly we're likely to have public input after this. If the applicant wishes to cross-examine or ask questions of County staff or a member of the public, the applicant must notify the chair before the staff member or member of the public is excused. So I don't think that will be a difficulty. A failure to do so means the right to cross-examine with regard to staff or the particular member of the public is waived.

Members of the public who are not called as witnesses by the applicant will be allowed five minutes to speak. Please focus your time and presentation accordingly. And then there are going to be some general rules of order that I really am going to enforce. First, the prohibition on redundant, irrelevant, or harassing testimony and comments. So if someone else has already testified to something I'm not going to allow someone else to present the same testimony. You can simply state that I agree with what was just said and then add more testimony. I'll stop anything that's more extensive than that. If testimony is not relevant to the issue raised by the application I will not allow it.

If the testimony consists of personal or other improper attacks or is otherwise out of order I will stop it. We've identified seven members of the public who wish to testify

at this hearing. When we get to the public hearing, shortly, we will call those who have registered to testify. Each person will be sworn in by the court reporter as you've observed, as has already happened, before being allowed to testify for up to five minutes. Once we have gone through the list of registered members of the public wishing to testify we will confirm that there are no additional members in chambers or on Webex who wish to testify, but then they will be held to the same rules of order. So I very much appreciate everybody considering this beforehand.

At this point, do Commissioners, before we go to public hearing, have questions they would like to ask now on any of the material?

COMMISSIONER GARCIA: I do, Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: So this is for staff. Once again, this got approval in 1999, correct? For a bed and breakfast.

MR. BUSTOS: That is correct.

COMMISSIONER GARCIA: On conditional #2, every wedding shall be managed by an onsite staff member. Is that County staff?

MR. BUSTOS: Madam Chair, Commissioner Garcia, that is the staff from the Hacienda venue that is onsite for all weddings.

COMMISSIONER GARCIA: So, Madam Chair, the applicant is requesting not to get a special use permit for the remaining weddings, or they don't have to get a special use permit?

MR. BUSTOS: Madam Chair, Commissioner Garcia, can you state that one more time? I'm sorry.

COMMISSIONER GARCIA: Madam Chair, does the applicant need to get special use permits?

MR. BUSTOS: Madam Chair, Commissioner Garcia, this request is for a site development plan for the remainder of the year till November 2022. So if this was approved by the Board they would not need to apply for special use permits. The remaining contracted weddings would be allowed to proceed without having to obtain a special use permit.

COMMISSIONER GARCIA: Madam Chair, how long has the property been owned by the applicant? The reason why I'm asking is because I'm familiar with that area and I know how that area was actually cut up, chopped up, divided. Whatever you want to call it.

CHAIR HAMILTON: Is that relevant to the decision?

MR. MANZANARES: It's our understanding that Max Contreras purchased this property in the nineties, so it's been close to 30 years, quarter of a century as Britt earlier stated. It's remained in Max Contreras' ownership since the original approval for the bed and breakfast in 1998.

COMMISSIONER GARCIA: 1999, right? Madam Chair, thank you for placing the fire protection in there because that's something that's needed in that area. I think for now those are the questions that I have.

CHAIR HAMILTON: That's great. We'll have time after the public hearing as well.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: Okay, seeing no other questions just before the public hearing I'm going to go ahead and open the public hearing. Daniel, can you put the five-minute timer up? And I'm going to go in the order of the names that were presented to me, and as I said, each person – I assume many of them are on Webex. If anybody's here you could just come to the mic when I call you. Otherwise, you would unmute yourself on Webex and get sworn in and then give your testimony. Please pay attention to the clock. So first is Betsy Siwula. Is Betsy Siwula available. Daniel, do you see Betsy on the Webex?

MR. FRESQUEZ: Madam Chair, I believe Betsy is under Wolfgang Brandt's profile on Webex, and I see she just turned her camera on.

CHAIR HAMILTON: Excellent. So Betsy, if you could unmute yourself and indicate your presence and get sworn in.

[Duly sworn, Betsy Brandt testified as follows:]

BETSY BRANDT (via Webex): I'm Betsy Brandt. I live at 95 Vista del Oro, Cerrillos, New Mexico. And I am under oath and will tell the truth.

CHAIR HAMILTON: Thank you. You can proceed.

MS. BRANDT: Yes. Thank you. We may have a problem with our internet connection. There's a storm, so I hope it's going to hold out. I am one of the community coordinators. My summary is longer than three minutes, Madam Chair. Joanne Martinez wanted to donate her minutes to me. Would that be okay?

CHAIR HAMILTON: If it's longer than three minutes – I've given you five, so let's see what happens.

MS. BRANDT: Thank you, Madam Chair. Do you have a folder in front of you?

CHAIR HAMILTON: Yes.

MS. BRANDT: It has two presentations. Okay. Great. That's a summary that you can follow along as I kind of shorten that. The Vista del Oro and Goldmine Road neighborhoods have been dealing with Hacienda special event center for over a decade. The Planning Commissioners unanimously voted to deny this permit, and here's why. Starting with the Hacienda Master Plan approved in 1999 for a nine-bedroom B&B, numerous requirements were violated, especially in four ways. The master plan stipulated hosting six to 18 people. That's their business license that they renew every year. The Hacienda hosted up to 150 people.

Number two, they did not have enough parking spaces. Only 13, so they used our private roads creating traffic and fire escape danger and additional liability for the neighborhood.

Number three, they exceeded their maximum allowable occupancy for the B&B of 18 people. They advertised a hosted lodging for 30 people for many years.

Number four, the Hacienda has not complied to the Office of the State Engineer's water requirements. They use their well to service all wedding guests. The OSE confirms the owner never meter his wells for 23 years as required by you all. In 1999 the Hacienda was supposed to put a meter on their well and report meter readings annually in January. The OSE confirms that the Hacienda B&B well is incorrectly permitted as a single household domestic permit, which don't require meters. The OSE advises that it is up to the owner to file the permit correctly as a domestic commercial permit. Following this

correctly still has not happened to date, 23 years later.

Also, their incorrect current permit expired in 2004. This was a condition in the master plan. If it was violated it states this is grounds for future denial of development permits. Hacienda has completely ignored this requirement. They cannot report their water usage to OSE next year in January without a new permit. The email on page 2 shows, from the OSE, that they have not received the application to date. This is a big deal. Water sustainability is a huge issue for our neighborhood.

Next, the Hacienda special use permit violations. First, the County tried to placate everyone and let the weddings continue with special permits, which have conditions like all weddings must end at 9:00 pm. This stop time has been violated repeatedly. Second, another condition is that a certified sound engineer must record and report the noise levels. Hacienda did not hire a certified engineer and self-reported their own noise recordings, which highly differ from our neighborhood's reportings.

Number three, another condition for the development permit was a proper indoor sprinkler system to be installed. Hacienda has held these huge weddings for over a decade without a sprinkler system. As of the Planning Commission last month the sprinkler system had not been completed. I understand now that it's two weeks out. All we know is that there's a huge fire risk and it scares us. We don't believe the owners can totally control smoking outside or in parking areas with 150 people.

Number four, the Hacienda held at least two weddings, we believe, without a special permit. So failure to comply with these conditions was to be grounds to deny further special permits. This has not happened. The County has issued an unprecedented 20 special permits so far. Who gets that? These are meant for one-time events. Hacienda has made their problem of booking illegal weddings the County's problem.

Next, the basis of their application today is not valid because they are not operating as a legitimate B&B.

CHAIR HAMILTON: Could I interrupt for just one minute? Who was donating your minutes to you?

MS. BRANDT: Yes, Joanne Martinez. She's a neighbor for Lack Minerals, and I believe she wrote in.

CHAIR HAMILTON: That's fine. She's not registered.

MS. BRANDT: Mr. Garcia. He didn't realize he had to register.

CHAIR HAMILTON: No worries. Daniel, can you just restart the clock at five minutes for Ms. Brandt? She'll take somebody else's time. Thank you.

MS. BRANDT: Okay. We have proven with an extensive analysis. It's in Appendix 1 for your reference. Wayback Machine's archival webpage is legitimate evidence that can be used in litigation for looking back at websites, and I refer that to you. It clearly shows Hacienda marketed as a special event and retreat center since 2010 and quit marketing as a B&B in 2009. One must put the entire Hacienda through an event link and there are no B&B reservations available. There is no B&B advertising for the Hacienda anywhere on the internet including Trip Advisor Airbnb.

Next, the original wedding schedule is shown on page 4 you and you can see that there was originally 41 weddings and we understand that there have been cancellations. But please understand that each one of these weddings is a two-day minimum, so that's 82 parties for us. In June there were eight weddings and 16 parties, and trust me, the pre-

parties are loud. So it is a huge imposition on the neighborhood. And also there's more than 120 people because the staff and the contractors aren't counted in those numbers.

So these are the recommendations very quickly that we have. Please deny this unprecedented temporary permit application. It really boils down to a six-month blanket special permit whereby the County can't hold the Hacienda accountable for compliance. It would set a very bad precedent for our entire area.

The wedding noise does not meet the noise code and the next speaker is going to address that in detail. It shows noise well above 5 dBA code above ambient at our property lines. No neighborhood ambient study was ever conducted by the owner, even after we emphasized this at the pre-app neighborhood meeting in April.

There has been no willingness by the owner to work with neighbors from the beginning when we repeatedly reached out to him beginning in August of last year. The application, number three, the basis of an expansion of existing B&B is not valid because it doesn't operate as a B&B. It is a wedding center. Therefore it should be denied.

Number four, special use permits are approved, if they are approved, then we would recommend a 9:00 pm stop time be enforced. Buses should be used instead of the 57 parking spaces. We never approved all those parking spaces in our neighborhood. They create a real burden, undue liability, possible accident that we would be responsible for that was never addressed by the agent to the neighborhood regarding such overuse of our private roads. We have steep, rugged, deeply crowned, rutted roads, and the guests can't see in the dark.

All activities should happen inside in order to have a chance to meet the noise code and be monitored by a legitimate noise engineer. And then our last recommendation: please, for other neighborhoods here. Do not expand the B&B code to include special event centers. These do not meet B&B usage for ag/ranch in rural neighborhoods. A Planning Commissioner said I know what a 150-person wedding is and I know what a B&B is and they are not the same.

The Administrator testified that large events like this don't exist in the SLDC for rural areas. By denying uses that are permissible she added this usage to the B&B category. We agree with the Planning Commissioners. It's totally incompatible usage for our super, ultra-quiet areas. The intended purposes were ag/ranch and rural zoning are shown in your Appendix 2. The reinforce each other. The permitted uses for each are exactly the same for both, and if you look at Appendix 3, the permitted uses for ag/ranch are shown. All of those nine uses – they're quiet uses. They're not noisy Vegas parties. They're quiet uses. And also B&Bs are quiet and they reinforce ecotourism. Special events don't. We ask you to not expand B&B uses away from a nature-based, environmentally sensitive eco-tourism. We hope that you'll vote this way today because this does not comply with the SLDC code. Thank you, Madam Chair, Commissioners, for your attention tonight.

CHAIR HAMILTON: Thank you very much for your testimony. Next on the list is Mariana Hatten. Are you available?

MARIANA HATTEN (via Webex): Yes, I am.

CHAIR HAMILTON: Can you please get sworn in and give your testimony.

[Duly sworn, Mariana Hatten testified as follows:]

MS. HATTEN: My name is Mariana Hatten. My address is 29 High Feather Ranch, and I am under oath. Madam Chair, Commissioners, thank you for this opportunity. I came before the Planning Board and Board of County Commissioners in 2000 in order to be approved to operate a bed and breakfast down Goldmine Road from the Hacienda. I was approved without objection. I knew, and I followed the requirements for permits, both County and state, and operated successfully until I retired in 2013. I never had a complaint or a violation of any kind and I know what it takes and I complied, and I'm immensely proud of that.

I second all the previous comments as to how the Hacienda negatively impacts the neighborhood and it's outside of their permit. As a former B&B owner and operator I know what it takes to comply with the regulations. Based on past and current operating procedures, this enterprise has not demonstrated a willingness to comply. And now they are asking for more exceptions to more rules. There's a pattern here.

What we have here is an operation that is morphed beyond its original scope and not finding a quick and easy way to get legal through the site development plan, they're now begging to just be allowed to do this for the rest of this year, and then promise not to do it anymore. No doubt the owners don't want to cancel the business they've already booked illegally, so they are just asking for some more time into the future to keep doing it illegally, and then they won't do it anymore.

They've long operated outside the license granted them for a B&B, operating as a wedding venue for years, which they've admitted to. When finally this was exposed they did not complete the process for the development plan, which highlighted many shortcomings in how they even run the wedding venue. And now they just want to be a B&B, by the way, that just happens to host large wedding events with the inherent issues that bring us here today. They were temporarily granted quite a bit of leeway to continue weddings with individual event approvals and even with that the violations continued.

Violations of existing permitted operations include noise, events not ending at 9:00, the fire code, which is still not completed, so they're hosting events in a building that is not up to code for the fire suppression system. The New Mexico Environmental Department food service permit is not current as of June 16th. That could have changed but it hadn't been allowed to lapse. There have been no inspections for the breakfasts that they serve there. Their liquid wastewater system is inadequate and the New Mexico Environmental Department cannot approve the development plan request. Their private well is not metered as required and the state cannot approve the private well use for event purposes as it is inadequate and it violates the setbacks.

They failed to pay lodgers' tax for the years 2019, 2020, 2021 and 2022 to date. That was confirmed by one of your own County employees, Lisa Katonak. But if you'll just let them finish out this year while violating the well, the septic, the food permit, not having the proper fire suppression, they promise not to do it anymore.

In looking at their water budget that they presented in this site development plan, it is way off. They estimated one to two loads of laundry per day. It clearly would be impossible to keep nine guest rooms furnished with clean linens and towels if they're only washing one load per day. With three bedrooms here I sometimes did three loads a day for those three rooms. This water usage is a major concern again and clearly indicates bad faith in presenting a water budget that is preposterous. The same is true for the

budget for the dishwasher. One load a day? I often ran the dishwasher twice a day for three rooms, and I'm not sure how they could possibly arrive at an average number of toilet flushes per guest per day. And then there are showers and other uses.

Typical calculation is 60 gallons per person per day using an occupancy of 18 for 200 bed-nights annually times 60 gallons per person is 216,000 gallons. Their well is metered as a private well for .6 acre-feet or 195,000 gallons. And my calculations I just read you are based solely on lodging. If you include the water use to prepare for during events up to 120 or 150 or 180 people –

CHAIR HAMILTON: I need to ask you to conclude please.

MS. HATTEN: Okay. I just want to thank Penny Ellis-Green for bringing this this far because it required then that testimony is sworn and under oath.

CHAIR HAMILTON: Okay. Thank you very much. Very much appreciate your input. Is Tom Tammann there?

[Duly sworn, Tom Tammann testified as follows:]

TOM TAMMANN (via Webex): My name's Tom Tammann. I live at 88 Vista del Oro in Cerrillos, and I'm under oath for the time of this testimony. May I ask to share some slides so the stopwatch goes away, but I agree with the five minutes?

CHAIR HAMILTON: Yes.

MR. TAMMANN: Let me quickly upload the files. Only three slides and one sound file I would like to share also with the Commission. We can start the clock at 7:23. I hope I get within five minutes.

CHAIR HAMILTON: I will watch.

MR. TAMMANN: Good evening, Commissioners. I am Tom Tammann of 88 Vista del Oro, adjacent to the Hacienda Doña Andrea and here I am yet again after a unanimous Planning Commission vote having to present what we are being put through over and over when these large-scale commercial events occur. I'm a computer science and mechanical engineer. I work for IBM as a senior architect. My entire career has been gathering and analyzing data. I did a lot of reading and research on how to measure, analyze and interpret sound and sound data. As a community, we invested a significant amount of money to get both certified and calibrated equipment.

So I want to provide you with an accurate representation of the disruptive afternoons and evenings we are experiencing week after week, month after month, and now year after year. After the red divider in your documents we have approximately – I think it's 38 pages of information of our sound analysis and there's even a link to a drop box where there's more details on our equipment which we use an actual sound recordings which one of them I'll play at the end of the session.

First, I have to continue to challenge the sound data submitted by the Hacienda. Frankly, it is very rudimentary and lacks essential information to be credible. Despite explaining in front of the Planning Commission how to do more accurately measure sound emissions I still find that the data you have been given by the Hacienda is highly misleading. Here is why. A) The details about equipment and procedures are entirely missing and clearly not conducted by anybody with an engineering background, despite the County's requirements in the special permits. Number two, the results are not presented according to standards supported by the CDC, nor OSHA, nor any other official agency.

C) Their ambient readings, such as they are, are equally spurious and eventually not submitted as I just found out. I'm going to bottom-line it here. The Hacienda cannot operate a wedding event within the accepted County Noise Ordinance, which states that anything above five decibels above ambient is excessive. The ambient readings in our area are so low that it's impossible to have music and large groups of people without breaching the code. And I don't just claim this randomly. On July 16th at 8:00 pm when the County asked that the sound be measured onsite we clearly heard the music turned down. We have data that shows that, and the sound went back up after the measurement period. Coincidence? The clear implication is that the Hacienda knows that any music at such a celebration is going to exceed acceptable levels.

But let me show you a few more pieces of evidence. This is the sound reading that with calibrated and certified equipment on the event of July 2nd. The blue lines are the actual readings which are around 4 decibels and higher. Much more interesting is, however, the orange line, which is basically the same data but benches it to a generous ambient level of 38. And you see at no point in time was the Hacienda less than five, or actually within 5 decibels. It was always 5 decibels or more, sometimes even 25 decibels, which is like a crazy amount of more data.

And this statement shows actually on this day, same spot, same equipment, we made an ambient reading of less than 32 on average. So the 38 from before was even 6 decibels on the actual ambient reading of today.

However, let me share quickly the other reading so you get an idea. I hope you are hearing. Please turn on your volume. This will get you an idea of the hollering. [Plays recording]

This was not even at the property line. This was probably 200 yards from the property line in the middle of my property.

MR. FRESQUEZ: Madam Chair, the five-minute timer has timed out.

CHAIR HAMILTON: Thank you very much for your input. Is Dennis Kurtz there?

[Duly sworn, Dennis Kurtz testified as follows:]

DENNIS KURTZ (via Webex): My name is Dennis Kurtz. My address is 42 San Marcos Road West in Santa Fe. I am president of the San Marcos Association which has a Post Office Box #722 in Cerrillos, New Mexico, and I am under oath for the period of this presentation.

CHAIR HAMILTON: Thank you. You can proceed.

MR. KURTZ: Thank you. As I stated a second ago, I am president of the San Marcos Association and that's how I'm appearing here this evening. The San Marcos Association is a registered organization under the Sustainable Land Development Code, and one of our missions is to protect the rural nature of the area and ensure that any kind of development, any kind of business operation, any kind of activities are done according to the applicable laws, applicable ordinances, applicable regulations.

The Hacienda Doña Andrea is a complicated issue. I don't have any testimony specifically about that, but I am here to express the opinion of my board of directors, the San Marcos Association board of directors, and that the County needs to consider, tonight, the County Commissioners, need to strongly consider the long-term impact of any decisions that are made. What you have here by all accounts – I've yet to see whether

it's proven one way or another, but by all accounts a business that does what it feels like and then basically gets away with saying, I'm sorry, and that's it.

The County, if they get complaints, needs to investigate, needs to enforce its rules, needs to ensure that businesses and operations in the county, especially out in these rural areas, are following the applicable regulations. Water usage is a major concern for the San Marcos Association and there's no evidence whatsoever that I've heard this evening that the Hacienda Doña Andrea is conserving water or doing what it needs to do in order to conserve water resources.

So I'm not going to spend a lot of time talking. I'm just going to reiterate, the San Marcos Association expects that the decision tonight and encourages the Commission tonight to strongly think about the long-term effects on this entire community of a decision that basically allows a business that should know better – I'm sorry; you can say whatever you want, but a business should know what they're doing, and they're lawyer himself clearly admitted twice that they knew that they did things wrong and that they were in error, and yet they're asking to just continue. Whatever you decide tonight, please consider the future implications because there are lots of "businesses" that will be popping up around the county and they will be probably looking to ask forgiveness rather than permission in many of the cases. Thank you tonight for your time. I look forward to your decisions.

CHAIR HAMILTON: Thank you, Mr. Kurtz. Is Elizabeth Blumenstock there?

[Duly sworn, Elizabeth Blumenstock testified as follows:]

ELIZABETH BLUMENSTOCK (via Webex): My name is Elizabeth Blumenstock. I live at 64 Vista del Oro in Cerrillos, and I am under oath for the duration of this testimony. Following your rules, Madam Chair, I won't enumerate the concerns that I have because most of them have been addressed with the possible exception of liability, which is a big and scary thing for many of us, and I don't think that has been fully addressed, in the event of, say, for example, a really serious fire and property damage beyond the Hacienda property. Liability could become a really terrifying and destructive force in the lives of many people in that area, including myself.

Thank you. I just wish to add on the basis of what I've heard this evening, I'm sorry I forgot the name of the gentleman who spoke on behalf of the Hacienda, a lawyer, mentioned that noise and water were the main issues. I just wish to say that for me that is not the case, and I testified to that at the Planning Commission as well. Fire is for me the really critical issue and I second the statements by a previous speaker that it's inconceivable to me that fire can be adequately monitored in the presence of so many people wandering about the landscape, people who are not invested in this land, just there for a good time.

The other thing that I wish to say, again, based on what I've learned this evening, is that I'm just extremely perturbed to learn that these permits that have been handed out – forgive me – like party favors for these events have been allowed in the absence of full fire prevention guarantees by equipment and oversight. That is very disturbing to me. Thank you very much.

CHAIR HAMILTON: Thank you for your comments. Is Chase Morrison there?

[Duly sworn, Chase Morrison testified as follows:]

CHASE MORRISON (via Webex): Chase Morrison. My address is 64 Vista del Oro, and I'm under oath for my testimony today. We are adjacent to the Hacienda. I don't think we should simply cross our fingers and hope that nothing happens between now and November that concerns possible fire, a depleted aquifer, or road accidents. And we're not confident that the Hacienda will, after November, revert to a B&B and stay that way. That's my biggest concern at this very moment. I hope you also consider these when you're deliberating, and that is all I have to say. Thank you very much.

CHAIR HAMILTON: Thank you very much, Chase, for your input. Is Mira Burack there?

[Duly sworn, Mira Burack testified as follows:]

MIRA BURACK (via Webex): Yes, my name is Mira Burack, and I live at 90 Corazon de Oro in Cerrillos, New Mexico, and I am under oath for the duration of this hearing. [poor sound quality] I just want to thank you, Madam Chair and Commissioners for listening to all the community on this very important issue. I just firmly agree with everything that has been said by community members so far and I'm here to support [inaudible] and offer a few little qualitative statements from my family perspective.

We live one road down from the Hacienda and it's very important to understand that in this terrain, the sound [inaudible] very strongly is down to our home and into our yard. And I have two young children and we moved here away from the city to live in the natural world, and [inaudible] especially while my kids were in school and are going to be going back to school in two weeks. My children, with our windows open on the summer evening were complaining about the noise, like really boisterous, loud music and screaming multiple nights a week.

I am also very concerned about the long-term potential for this in such a beautiful natural, rural community. In addition to that, I don't think it's fully been mentioned that with the amount of guests coming to celebrate a wedding with alcohol, that there is a very strong concern about drunk driving on these narrow roads at night with hundreds of people leaving at one time. That is a serious issue. All it takes is one accident and we are very concerned about that. So thank you very much for your time and for your careful consideration of all of these issues.

CHAIR HAMILTON: Excellent. Thank you very much for your inputs. That completes the list of people who indicated they wanted to speak. Is there anybody else present or on Webex who wishes to make a public comment at this time.

MR. FRESQUEZ: Madam Chair, Stephanie Portillo is raising her hand, as well as Marie Berman and Lloyd Christensen.

CHAIR HAMILTON: Okay. You're going to have to remind me of names.

IAN AARONS (via Webex): I'm Ian Aarons and I will be speaking on Stephanie's behalf today.

[Duly sworn, Ian Aarons testified as follows:]

MR. AARONS: My name is 8 Camino Tres Cruces in Tesuque and I am under oath for the remainder of this. Thank you, guys. I just want to thank everyone who

is listening for taking time out of your day. So I am a groom-to-be who was scheduled at the Hacienda, and I took all the comments down. One of the things I did notice is that everyone seems to be – Betsy Brandt, Mariana Hatten, Tom Tammann, Dennis Kurtz, the rest of them – they are all in the community so I understand their issues with it.

It seems that a lot of their issues have to do with the long-term effects but we are dealing with the short-term effects right now. I understand there is no – if they're going to end or not after the November but that is kind of outside of this meeting I believe. And so what I would like to bring to point is that the 13 nights that are scheduled may be an inconvenience to them, but the one night of our wedding is a once in a lifetime thing.

And I'm sure many of them have had a wedding and to have this situation happen I'm sure maybe they could have a little humanity to think about and put themselves in our shoes. What is a groom and a bride-to-be supposed to do. I'm 26 years old. I don't have money to plan another wedding. And I understand the anger and what not in the community towards the owners at the Hacienda but that has nothing to do with us. And so I just don't see really any sympathy for the to-be-weds.

So I would just like to ask for their sympathy, truly, and for everyone to consider the very special nights that are supposed to happen at the Hacienda. I understand noise complaints. I guess I want to ask how important it is, those 13 nights for them, to ruin someone's wedding. So that is all I would put forward. I totally understand their points, but I just want to say that these are things that they've agreed to stop. They've already agreed they made mistakes and they've already agreed they will stop after the remainder of the weddings. How important is it for them to get rid of these weddings and have they taken into account our situations. Thank you all for your time. That's all I have. Thank you.

CHAIR HAMILTON: Thank you very, very much for your input. Daniel, who is the next speaker, please?

MR. FRESQUEZ: Madam Chair, the next speaker is Maria Berman.

[Duly sworn, Maria Berman testified as follows:]

MARIA BERMAN (via Webex): My name is Maria Berman. My address is 3018 Oakgreen Court in Ellicott City, Maryland, and I am under oath for the duration of this testimony. So as I mentioned, my fiancé and I, we are in Maryland currently. That is where we live and we traveled last year to Santa Fe to visit the Hacienda and we fell in love. We absolutely couldn't imagine our wedding anywhere else. We have been looking forward to this event for a whole year already. We booked this way in advance. This is not even something that was on our radar as a potential issue until recently, and it's just heartbreaking to even think about the day that we've looked forward to.

For me it's been years of my life, looking forward to this big special day and then to have everything come crashing down. It's truly – I'm close to tears right now speaking on this topic, so I just agree with everything that was just mentioned from the groom's perspective. I feel like a lot of the opinions that have been spoken tonight are valid and I understand that. Personally, our wedding will have a maximum of 25 guests. Nobody is leaving that night. Nobody will be driving the whole weekend really. It's just 25 guests. We're having a little speaker on an iPhone, so no noise complaints should be a thing. None of us are smokers. This is just so frustrating because I feel like a lot of the issues that are brought up are not something that – we are specifically not doing any of the

things that were mentioned tonight in our wedding and we are one of the 13 wedding remaining, as was the individual who just spoke. So you have both of our commitments to keeping our noise down and following – we signed contracts to follow the noise ordinance and we will absolutely stick to that. So that is all I have to say. Thank you for your consideration and your time tonight.

CHAIR HAMILTON: Excellent. Thank you very much, Maria. Daniel, who was the third speaker you mentioned?

MR. FRESQUEZ: Madam Chair, the next speaker is Boyd Christensen.

[Duly sworn, Boyd Christensen testified as follows:]

BOYD CHRISTENSEN (via Webex): My name is Boyd Christensen. My address is 183 Grenfell Ranch Road, Cerrillos, New Mexico, and I am under oath for this testimony. There are two issues that have not really been brought up yet that I wish to address. The first is a matter of equity. This involves the County treating a large organization much differently than they do small people. I have a neighbor who's a single lady who wanted to build a house. She bought the land. She hired an architect. She got the plans. She hired a contractor. She went to get a building permit and she was denied the building permit because the Sustainable Land Development Code required certain widths and surfaces on the roads leading up to her house. This part of the code had not been enforced before. It's a legal part of the code.

So she had to comply with this. It cost her \$35,000 which was very difficult for her to raise and it cost her six months to get all this straightened out, but the County enforced the code even though it was a great problem for her.

Now we are faced with a condition where a corporation – this is a corporation – has repeatedly violated the code and now it wants to be enforced and they don't want it to be enforced because it's going to be an imposition on them. It's a matter of equity. If you're going to enforce this on the little people, let's enforce this on the big people as well.

The second item I wish to talk about relates to fires. All of this area up here, if it had to do an evacuation would evacuate through Goldmine Road. There are no other ways out of here. At the bottom of Goldmine road where you come to New Mexico State 14 there's an area that's fenced with solid fences so you can't see and it's on a curve. And about two years ago I was going into this area when I met, right in the middle, a fire truck from Madrid coming to a fire. You can't pass a fire truck in that area. I had to back up, get out, the fire truck went on.

That was relatively easy to do because it was 8:00 on a Sunday morning. If it had been – if I had had 20 people coming down behind me in something of a panic because of it being a fire and unfamiliar with the area, not realizing that we were going into an area that was very constricted, it would have been impossible to back up. There would have just been chaos, particularly if there were more cars coming after that with this maximum 74 cars or whatever it is. This would just be chaotic thing. That's enough to ruin your day also. So I encourage the Commission – thank you for your time. I encourage you to not accept this recommendation. Thank you.

CHAIR HAMILTON: Thank you very much, Mr. Christensen. Okay, so I'll ask one more time. Is there anybody else from the public who wishes to speak to this matter?

[Duly sworn, Wolfgang Brandt testified as follows:]

WOLFGANG BRANDT (via Webex): My name is Wolfgang Brandt. I live on 95 Vista del Oro and I am under oath for this testimony. First of all, thank you for giving me the opportunity to speak here tonight. Forgiven me if I use “you know” too many times. I’m not used to speak publicly but I’ll try to do my best not to do that too many times. What troubles me about the entire affair and I would like to address the groom and the bride that spoke earlier, but first of all I would like to read you a comment that the County’s attorney made in a court meeting. As you know, the Hacienda Doña Andrea is suing the County. Probably they weren’t too happy with the Planning Commissioners’ decision and now they’re trying to circumvent all of this by going the legal route rather the administrative one.

But I would like to read to you a quote from Ms. Long. It is really their problem that they want to make the County’s problem, Long said. They just want to plow forward and receive the funds for these weddings, even though they know they have been operating illegally since at least last year. This is the crux of all of this. From day one it was about one thing and one thing only, to make money. I don’t have a problem with making money. Of course when you’re making money illegally operating there is an issue.

They never want to talk about this. They never want to talk about the fact that the County needs to take into consideration, the Commissioners need to take into consideration that the precedent this sets. When Ms. Long talks about the fact they’re trying to make their problem the County’s problem, that goes exactly after what the bride and groom just said. The bride and groom said just a moment ago – the groom, I should say – that we don’t have sympathy for the people who want to have weddings. We have sympathy for the people who have these large weddings for ten years.

One of the reasons why they didn’t have a notice of violation is because we said that from the get-go that we do not want to call the Sheriff on them to ruin their wedding day. So ask yourself if the Hacienda would have the same sympathy for the bride and groom knowing all of these years they’re operating illegally, why would they have scheduled these weddings in the first place knowing they don’t have the permit to do so?

A year ago, maybe from November at least on, the County made them aware of what they’re doing they can’t do. They don’t have the proper permit to do so. What does the Hacienda do? They do not cancel the weddings. They continue having weddings without a permit. Then they’re violating the special use permits they’re having. Now I ask you, if you care so much about the bride and the groom, you want to put the bride and the groom in this position? Because the reason why they’re here tonight asking for you to allow them to do what they’re doing is based on the fact that they and they alone have put the bride and the groom in this peculiar and desperate situation.

They had, like the Planning Commissioner said in the meeting, plenty of time to cancel these weddings and refund the money, but as Ms. Long said, they wanted to receive the funds for these weddings, and they just want to – even though they know they’re operating illegally. This is a very dangerous precedent we’re setting here. If you grant this, what are you telling the public? That it’s okay since 1999 we have violated the existing permit we have because a bed and breakfast license that they have, they have now violated for 23 years in a row not recording their water to the State Engineer’s

Office. That violation alone was grounds for a denial for any application. They shouldn't have even gone any further than this.

Then they continued violated. In 2010 they all of a sudden developed and realized to the fact that they only had a license for an 18-people bed and breakfast, yet, they naturally somehow, mysteriously developed into this large event center, and if you want to have the bed portion of the bed and breakfast you had to lease the entire event, the entire 11,000 square foot Hacienda for a two-night minimum and if you want to have breakfast you've got to phone your own catering company.

Now, I don't know about you but that doesn't sound like a bed and breakfast to me. In the advertisement it clearly shows they have not operated as a bed and breakfast for at least a decade.

CHAIR HAMILTON: We've had testimony to that effect, so if you have something additional to add, please add it.

MR. BRANDT: Yes. The only thing I would like to add to this is they televised an event in a news conference on TV, one of the owners stated basically, well, we want to have these weddings of course and if the County, if these are not granted to us we're going to do anyway. And if you don't like it you can arrest us. Okay. I appreciate your time. Thank you for your consideration.

CHAIR HAMILTON: Thank you very much. Daniel is there anybody else who appears on Webex to make comments?

MR. FRESQUEZ: Madam Chair, we have one request by the name of Daniel raising his hand on Webex.

CHAIR HAMILTON: Okay, Daniel, are you there? If you can get sworn in and please adhere – I won't entertain redundant testimony.

[Duly sworn, Daniel McCoy testified as follows:]

DANIEL MCCOY (via Webex): Yes, my name is Daniel McCoy, my current address is 2441 Beverly Avenue, Santa Monica, CA 90405, and I'm under oath. So I'm counting myself in amongst the grooms and brides that are in this meeting right now. I don't want to be redundant so I'll just kind of stick to what's important to me. My fiancée, Alexandra Bailey and family are multi-generational inhabitants of Santa Fe. I'm originally from Utah but I basically fell in love with Santa Fe every since I've been dating here which is over ten years now.

I proposed to her basically in the mountains overlooking the Hacienda and so over the past few years my fiancée is a COVID nurse so we haven't been able to hold a wedding during really the peak COVID wave, before vaccines were available. We really only have a very small window to really complete this wedding before she herself has to go off to basically graduate school elsewhere while I continue my final year of my PhD at UCLA. And then we're hoping to move to Santa Fe afterwards.

So we're really hoping to start our lives in Santa Fe and again, if we couldn't be able to hold a wedding in the past two years and this summer is our only shot at really holding one, and so we had made plans with the Hacienda. I really love the Hacienda area. I appreciate hearing from everyone else who lives in this area. I know why you guys live there. It's a really incredibly gorgeous landscape and I can understand why someone would want to live out there.

So again, we just heard about all these issues with the permitting and the

Hacienda, the complaints from the community, and really, it seems like if we're not able to hold this wedding we're looking at completely cancelling the wedding because Santa Fe Indian Market is basically over the weekend of our wedding so there's no more hotels to rebook. People who were going to stay at the Hacienda with us can no longer find cheap housing. They're probably going to have to cancel their trip to come see us. The family from out of town who again, maybe had lived in Santa Fe previously but want to come to visit, they're not going to be able to come to the wedding if we can't have it at the Hacienda, and honestly, I'm glad I came to this meeting and I'm really happy to hear from the community and I understand noise complaints.

If we were allowed to continue and host this wedding it won't matter much to the community but I will personally swear that we will happily follow any regulations that are asked against us. The DJ is a personal friend of mine so I can just tell him, hey, let's not even try and upset anyone. Let's just move this inside and if we have any sort of issues with noise we'll just shut it down. It's just more important to me that we start our lives in Santa Fe. And it would be financially devastating to us if we couldn't hold this wedding.

So, yes, I just humbly ask that we are allowed to basically compromise with the community and be allowed to host these weddings under these really quite reasonable new restrictions that were just imposed on us. So again, anything else would be redundant. We really hope for the community to just have some sort of compromise with the brides and grooms and the Hacienda. So thank you for your time.

CHAIR HAMILTON: Thank you very much, Daniel. Daniel Fresquez, is there anybody on who wishes to speak that you see?

MR. FRESQUEZ: Madam Chair, I see Ken Purlow on Webex that would like to speak.

[Duly sworn, Ken Purlow testified as follows:]

KEN PURLOW (via Webex): My name is Ken Purlow. I live at 64 Vista del Oro, which is right next to the Hacienda.

CHAIR HAMILTON: Please proceed and please adhere to my restriction on no redundant testimony.

MR. PURLOW: I'll try, but I'm at a music workshop in Ohio and I didn't hear everything but I can be very brief. I totally understand and sympathize with the people who want to get married in this wonderful place. We live there. It's a wonderful place. But unfortunately, they have been sold goods under false pretenses and I'm not sure what to do about that but when we moved to this wonderful place and there was this wonderful bed and breakfast and I even stayed there before we built and it's a very nice bed and breakfast. But it isn't a bed and breakfast anymore. It is a nightclub and I don't think that's a permitted use. And if they want to hold these weddings, weddings can be done in town. The Hacienda could find suitable space where they can be really loud and funky and weddings should be loud and funky. But not here. And that's really all I need to say. Thank you.

CHAIR HAMILTON: Thank you very much, Ken. Daniel, is there anybody else you see that wants to speak to this issue?

MR. FRESQUEZ: Madam Chair, I do not see anybody indicating that they would like to speak.

CHAIR HAMILTON: Okay. Thank you very much. I'm going to go ahead and close public comment. Yes, I know you had requested for rebuttal.

MR. GRAESER: So we're not denying concerns of neighbors and opponents but the vast bulk of what you heard are things that we have worked with County staff to address. As far as fire, this has been approved by the Fire Marshal. You've heard testimony that they are going way above and beyond anything that's required as far as fire protection and fire warning systems. As far as liability, the Hacienda carries insurance policies. They require all their guests to carry million dollar insurance policies. It's heavily insured.

In 20 years of operation there hasn't been any fires. There hasn't been any DWIs. There haven't been any accidents. There's no reason to think that that's going to start in the next three months, Commissioners. And again, the assertions of being intentional scofflaws really doesn't reflect reality. When they found out in November that the County was saying, listen, you're not approved for this, they did what they could to address it. They came in. They said, what do we need to do? They applied.

Assertions that they violated their special use permits – they never received notices of violation. There's been no enforcement action. What they've done is come into the County voluntarily to some into compliance, offered again, as I said, a compromise. Commissioners, ever since I've been involved with the County, people do things that are unpermitted. It happens. The County has always allowed them to make an application to come into compliance. The County has never said, the fact that you were operating without a permit means that you're a scofflaw – I guess is the word that's been thrown around – and therefore we're not going to allow you to apply to bring it into compliance.

And more importantly, that's not part of the SLDC code criteria for this use. So we again respectfully request that the Commission approve this very limited use. Thank you. And I'm happy to answer questions of course.

CHAIR HAMILTON: Thank you very much. At this point I would maybe turn to – I'm sure we'll have questions when we come back, but yes, it is time.

COMMISSIONER HUGHES: Okay. Madam Chair, I move that we go into executive session to deliberate on Case #22-5150, Hacienda Doña Andrea Site Development Plan Appeal, as allowed by Section 10-15-1(H)(3) NMSA 1978, Board deliberations in administrative adjudicatory proceedings, including those in the agenda tonight for public hearing, and as allowed by Section 10-15-1(H)(7) NMSA 1978, threatened or pending litigation in which the County is or may become a participant.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second to go into executive session. Can I please have a roll call?

The motion to go into executive session passed by unanimous roll call vote as follows:

Commissioner Garcia	Aye
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye

Commissioner Roybal

Not Present

[The Commission met in executive session from 8:09 to 8:53.]

COMMISSIONER HANSEN: Thank you, Madam Chair. I'm going to make a motion to approve the temporary site plan. They cannot schedule any more events, period. You have 12 events and that is it, with the conditions and the revised condition 14.

CHAIR HAMILTON: With the staff conditions?

COMMISSIONER HANSEN: With all staff conditions, and the revised staff condition 14.

CHAIR HAMILTON: I see Vicki coming to the podium.

VICKI LUCERO (Building & Development Services): Madam Chair, Commissioners, does that include the two conditions recommended by the Planning Commission?

COMMISSIONER HANSEN: No.

CHAIR HAMILTON: No.

MS. LUCERO: Thank you.

COMMISSIONER HUGHES: I'll second the motion.

CHAIR HAMILTON: Thank you so I have a motion and a second. I don't have to have a roll call, right? No, I don't.

The motion passed by unanimous [3-1] voice vote with Commissioner Garcia casting the negative vote.

COMMISSIONER GARCIA: I'd like to explain my vote. The reason why is first of all, I don't know that there's actually proof that there is so many weddings till the end of the year. Is there any alcohol served there on the premises? I don't know that. And it actually was approved from six to 18 individuals back in 1999. Now we have many more individuals than 18. This has been going on for 20 years, and we're just installing the fire protection plan now. I just can't go along with the motion, Commissioner, with all due respect. Thank you.

CHAIR HAMILTON: Thank you. So we have a vote and I think that finishes this proceeding. Thank you everybody for all your inputs and your concerns and all the time. Thank you very much.

13. INFORMATIONAL ITEMS / REPORTS

- A. Community Development Department June 2022 Monthly Report**
- B. Community Services Department June 2022 Monthly Report**
- C. Finance Division May 2022 Monthly Report**
- D. Growth Management Department June 2022 Monthly Report**
- E. Human Resources and Risk Management Division June 2022 Monthly Report**
- F. HB364 Restrictive Housing Second Quarter 2022 Report**

SFC CLERK RECORDED 09/08/2022

- G. **Public Safety Department June 2022 Monthly Report**
- H. **Public Works Department June 2022 Monthly Report**

There were no questions concerning these items.

14. CONCLUDING BUSINESS

- A. **Announcements**
- B. **Adjournment**

Upon motion by Commissioner Hansen and second by Commissioner Garcia, and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 8:57 p.m.



Approved by:

Anna Hamilton, Chair
Board of County Commissioners

ATTEST TO:

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

SFC CLERK RECORDED 09/08/2022



Date: Monday, July 25, 2022

To: Board of County Commissioners of Santa Fe County

From: Chris Graeser

Re: Appeal of Decision of Planning Commission in No. 22-3036, Hacienda Dona Andrea Site Development Plan

On behalf of Hacienda Dona Andrea, LLC and Max and Britt Contreras (“Applicants”), this will constitute an appeal pursuant to SLDC §4.5.4 of the July 21, 2022 written decision (the “Order”) of the Santa Fe County Planning Commission as to the application heard at its June 16, 2022 meeting.

This is an application to hold no more than seventeen (17) weddings, some as small as 20 or 30 guests, over four (4) months, and then to revert to the prior bed and breakfast use (the “Application”). Max and Britt acknowledge that when their business changed from a bed and breakfast to focus on hosting weddings, they should have obtained the necessary permit for what is a use permitted by zoning. That is why they are making the current application, and respectfully requesting the Commission’s approval of their compromise plan.

Because of their commitment to the couples, who have been planning their wedding days for a long time (several years, in many cases), they are asking the Board of County Commissioners to approve their application to simply finish out the 2022 wedding season. They have not taken any bookings past this fall, and do not intend to do so. As a practical matter, The Applicant has never received a notice of violation of any sort, and up until recently neither the Applicant nor Santa Fe County had received any complaints.

The basis of the appeal is that the Planning Commission’s decision was not supported by substantial evidence, and was not in accordance with law.

Therefore, Applicants respectfully request that the Commission overturn the decision of the Planning Commission, and accept the recommendation of County staff that the application meets all code requirements.

SFC CLERK RECORDED 09/08/2022

The Order makes six (6) separate findings of fact, each of which is addressed separately below.

14. One neighbor testified that starting in approximately 2010, the applicants began using the property for outdoor wedding events.

The finding itself is of what an opponent testified to, not that the testimony was in fact true or correct. That said, Applicants do not dispute that they have hosted weddings at the property since 2010.

15. On more than one occasion, noise levels during events hosted on the property exceeded permissible levels.

The finding does not cite any evidence in support, as required by *Albuquerque Commons Partnership v. City of Albuquerque*, 2008-NMSC-025 ¶ 35, 144 N.M. 99: “the decision-making body should provide a clear statement of what, specifically, it believes, after hearing and considering all the evidence, to be the relevant and important facts upon which its decision is based, and a full explanation of why those facts lead it to the decision it made.” (internal punctuation omitted). Moreover, there is no indication that the Planning Commission considered the Applicant’s noise study, as required by *Albuquerque Commons* and SLDC § 3.3.4.5, which was done in accordance with the SLDC, found by County staff to be conforming, and submitted to the Planning Commission.¹

16. Noise level readings taken by neighbors during events frequently exceeded 55 decibels and at least one exceeded 60 decibels.

¹ Due to concerns about noise data being used against them to enforce an ordinance with criminal penalties, and criticism by opponents that the noise study submitted by Applicants was biased, the Applicants have been advised not to submit any additional readings, and to simply allow code enforcement to do the job if it becomes an issue.

SFC CLERK RECORDED 09/08/2022

The noise readings submitted by the opponents,² were taken by “microphone roaming at various spots on the neighboring properties,” and not apparently on the property line as required by the SLDC. Minutes p. 33. Moreover, the SLDC is silent as to where on the property line the readings are to be taken. Given that land use regulations “are enactments in derogation of the common law constituting restrictions upon the free use of property, they are strictly construed against the governmental body attempting to enforce them,” *State ex rel. Anaya v. Select W. Lands, Inc.*, 1979-NMCA-161 ¶ 10, 94 N.M. 555, a violation of the SLDC noise requirements would only result if noise readings exceeded the specification along the entire property line.

17. One neighbor who identified himself as a computer science and mechanical engineer, identified an ambient noise range for the neighborhood of 30 to 38 decibels.

The relevant metric is not the ambient noise “for the neighborhood.” Rather, the relevant metric is “the average conditions calculated over a thirty (30) minute period, at the property line.” SLDC § 7.21.4. The calculation by a computer scientist and mechanical engineer (not a “certified noise engineer” which is the requirement of the County, as stated in each Special Use Permit) did not comply with the code requirement.

18. On multiple occasions, neighbors complained that the event extended beyond the 9:00pm end time identified in the special use permit for each event.

The finding itself is of what opponents complained about, not a factual finding, citing evidence, that the testimony was in fact true or correct. Moreover, Santa Fe County code enforcement staff has made at least three (3) visits to the subject property and has found no substantive violations.

² The neighbors themselves testified that it would not be objective for an involved party to take their own noise readings. Minutes p. 32.

19. Applicant did not install a water meter per the condition of approval of the Bed and Breakfast Inn and, therefore, did not submit annual water meter readings to the County Hydrologist, which was also a condition of approval.

Applicants readily acknowledge that the original 1999 conditions of approval required installation of a totalizing water meter, and that they did not install one. However, they did so as soon as they were notified by the County about the oversight, and have reported readings since installation. Those readings indicate that their water usage is substantially less than their allowed water budget. No NOV was ever issued, and as we all know, Applicants were hardly alone in overlooking this requirement.³

Most critically, any fault in following conditions of approval for other uses does not form any part of the relevant SLDC criteria for approval of the currently requested use.

For these reasons, on behalf of Max and Britt I respectfully request that the Commission overturn the decision of the Planning Commission, which was not based on substantial evidence, and accept the recommendation of County staff that the application meets all code requirements.

Sincerely,



Christopher L. Graeser

cc: clients

³ The County does not keep any consolidated record of metering requirements or compliance with requirements, and has no record of any enforcement actions.

Requested Modification to Approval Condition No. 14 of Staff Report:

14. If a noise study conducted by a certified engineer determines that noise levels exceed 5dBA over the ambient or 55dBa, whichever is less, Applicants shall submit recommendations from a certified engineer to the County for approval and to be put into place immediately by the Applicant upon approval by the County The ambient noise studies shall be conducted in a natural resting state with no man made noise or interference such as music, yelling, talking, machinery, etc. The ambient noise readings shall be conducted at 8pm.

SFC CLERK RECORDED 09/08/2022

To the Honorable Francis J Mathew,

My name is Hayden Walker, and my fiancée is Roxanne Pinsky. Though we live in Michigan now while we go to graduate school, we met in New Mexico a little over four years ago. When we got engaged in late 2020, we knew without doubt that we wanted New Mexico to be where we got married. Living in Michigan would certainly make planning a wedding thousands of miles away tough, but we love New Mexico, with the amazing views and perfect sunny weather.

We found Hacienda Doña Andrea early on in our search of venues and fell in love with it immediately. The pictures of the property were beautiful, the views of the valley stretched beyond the eye could see. They had rooms where we could stay and spend time with our family the night before the wedding. Best of all, it looked so isolated and private, far away from the city, where you could just enjoy your wedding day alone with friends and family. We contacted other venues - dozens all over northern New Mexico - but we couldn't stop thinking about this one. Though we were searching for venues over a year and a half before we planned on getting married, it was already filling up for 2022, along with every one of the other venues we contacted, as the weddings canceled over the pandemic got pushed to this year.

It was only weeks ago that we became aware of the issue with the Hacienda Doña Andrea neighbors, and we found out the way that most residents of Santa Fe did: through the Santa Fe New Mexican newspaper. An article titled, "No more weddings at the Hacienda Doña Andrea?" is definitely eye-catching when you are in the midst of planning your wedding in one month at that venue. We were appalled when we read the Letters to the Editor and saw one in which a neighbor compared living next to the Hacienda to living next to a nightclub.

We have a lot of sympathy for the neighbors of the Hacienda Doña Andrea. Growing up, I lived very near to a park where events were often held. I know first-hand what it is like when loud music goes on into the night, and how people park all up and down the street. If we had known that these neighbors were so negatively affected by the events held at this venue, we surely would not have booked it. Certainly, we will do everything to make sure our wedding has as little impact on the neighbors of the Hacienda as possible. The venue owners have already made us aware of the new restrictions to the venue, and we accept them fully. We can turn music off and send our guests off at 9 PM, we can make sure everybody carools to the venue to reduce traffic, and keep the volume low during the short times when we do have music on. We are exploring options to move our rehearsal dinner, which we were planning on hosting at the Hacienda, to another venue. We will keep looking for ways to make this event as low-impact as we can.

If this venue is shut down altogether, though, that poses a significant threat to our wedding. After being made aware of this issue, we immediately began scrambling to find options for other possible venues. Unsurprisingly, venues across northern New Mexico filled up their reservations for 2022 over a year ago, and are already working on their schedules for 2023 and 2024. It feels as though the rug has been ripped from under our feet, and that we may have spent a year and a half planning a wedding and suddenly have nowhere to put it. Even forgetting about the deposits we personally have put down for the event, our family and friends have booked non-refundable flights, hotels, rental cars, and more, all for an event that we now

SFC CLERK RECORDED 09/08/2022

can't promise to them will actually happen. Our caterer, photographer, and other local small businesses providing services for our wedding stand to lose their final payments on this as well.

The Contreras's came before the Santa Fe Planning Commission In June to request permission to finish out the year's wedding season, and then to cease holding weddings at the Hacienda. Though we recognize our bias, we feel this is a reasonable request. We hope that you agree, and allow us to have the wedding day we've been looking forward to for so long.

"I affirm under penalty of perjury of the laws of the state of New Mexico that the above statement is true and correct."

Hayden Walker

Signature

07-10-22

Date

Renee Boley

Signature

7/10/22

Date

SFC CLERK RECORDED 09/08/2022

July 12, 2022

Dear Sirs/Madam:

RE: Hacienda Dona Andrea de Santa Fe, New Mexico

My name is Daniel McCoy, please accept this letter as testimony in support of the reconsideration by the County Commission of the request by Maximiliano Contreras, owner of the Hacienda Dona Andrea de Santa Fe, to apply for special-use permits to continue holding contracted weddings at the venue.

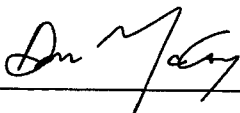
My fiancé (Alexandra Bailey) and her family are multi-generational inhabitants of Santa Fe, New Mexico. After falling in love with the rich culture and history of her hometown, in early 2021 I proposed to her on a hike that overlooked the incredible landscape of the region. Hoping to recreate that moment again, we immediately set out to find a venue nestled within the natural environment that makes Santa Fe the beautiful place we know it to be. Due to Alexandra's increased risks as a COVID-care nurse for the Veteran's Health Administration (VA) in Los Angeles, the pandemic delayed our wedding plans for 2021. However, we were incredibly excited to book the Hacienda for our wedding on August 20th, 2022 and have taken immense steps over the past year to arrange for housing and transportation for many of the wedding attendees that are traveling from out-of-state.

Understandably, with a potential denial of Contreras's special-use permit application for our wedding (and others), and the lateness of the county commission final decision, all arrangements for this August wedding event would be greatly compromised and potentially result in significant financial impacts to ourselves, Santa Fe county residents, and other attendees. In the worst case, due to conflicting demands associated with the Santa Fe Indian Market, it might require cancellation of the wedding entirely.

We are more than happy to follow any new restrictions, and we humbly ask that the County Commission reconsider Contreras and the Hacienda's amended site application and grant permission to allow the site to act as a wedding venue and to finish out the years' wedding season.

I affirm under penalty of perjury of the laws of the state of New Mexico that the above statement is true and correct.

Sincerely,



Daniel McCoy

SFC CLERK RECORDED 09/08/2022

05 July 2022

Dear Ms. Ellis-Green and Honorable Judge Francis J. Mathew,

My fiance and I were made aware on July 3rd of the current situation between Hacienda Dona Andrea and Santa Fe County. My family and my fiance's family are from Texas and have been planning our big day in Santa Fe, New Mexico since August 2021. We chose Santa Fe for our wedding due to our love of the landscape and rich / artful history. When we found the Hacienda under several blog recommendations / testimonials, we knew the Hacienda was the perfect fit for us.

Our wedding date is set for November 5, 2022 and has been contracted with Hacienda Dona Andrea since September 2021. All vendor deposits have been made and second deposits are due within the next month. As of today, we are exactly four months out from our wedding day. We have already booked/purchased: our venue, caterer, cake, flowers, videographer, photographer, DJ, additional linen/decor rentals, my wedding dress, his suit, hotels, and flights. We have family and friends that have already booked their hotel stays and flights for our wedding (coming as far as South Carolina).

Our contract with the Hacienda specifically states that we have to be completely out of the venue by 10 PM on the night of the event, and music is not allowed past 9 PM. The Hacienda is situated on (60) sixty-acres along a lengthy, private driveway. I firmly believe that noise would not be an issue from our event.

The loss of this venue will have a tremendous financial impact on my family; it would be extremely difficult for us to recoup the money, time, and effort that has gone into planning our wedding. The deposits / full payments we have made so far total to approximately ten-thousand dollars. My family has worked so hard for almost an entire year to get to November 5, 2022... and we are so close. The large number of weddings scheduled for this year due to covid delays is overwhelming, so it will be next to impossible to find another venue for our wedding on such short notice. We are anxious and confused as to what the next step would be if the Hacienda Dona Andrea is not allowed to host our wedding.

We are hopeful that the court will listen to reason and take into account the many undo consequences that will occur if our wedding, which was contracted almost a year ago, is not allowed to take place as originally intended. We implore you to grant the Hacienda permission to host our previously contracted wedding on November 5, 2022.

Thank you,
Bella Turek & Colton Cunningham
512-496-8107

SFC CLERK RECORDED 09/08/2022

To the Honorable Judge Francis J. Matthew,

We are Kristin Lucero and Christopher Graham, a couple who are 4 days away from our wedding at Hacienda Doña Andrea. This is the first wedding for both of us and a day that we have dreamed about our entire lives.

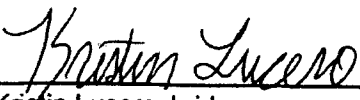
We have recently been given notice that our wedding may be canceled due to events completely out of our control. Such a cancellation would be devastating to us both emotionally and financially. Hacienda Doña Andrea is a special place to us as it represents everything that we love about our home, New Mexico. We have a long history with the Hacienda as both my brother and best friend were married there.

We have been planning our wedding for over 16 months now. We are working with 9 reputable and professional vendors all of which we have contracts with and have been paid in full to date. We have dutifully complied with ongoing changes passed down to us from the Hacienda due to recent county regulations. These changes have caused us a financial and emotional burden; including physical ailment from stress. Given the short notice of potential cancellation, we have been unable to secure an alternative location for our wedding. What this means is that if we cannot have our wedding at the Hacienda, then we will most likely have no wedding at all, with over \$45,000 lost. We are not wealthy people, and this would set us back years, with no possible avenue for a wedding other than a few close relatives gathering at the county courthouse. Such a fate would be devastating to our dreams. We want to share this special day with our close-knit, New Mexican family, many of whom are coming back home from around the world for this event.

We do not want to cause any consternation or hardship to the community of Cerrillos. We have and will comply with all of the county's regulations. We are in no way a raucous crowd. We, the bride and groom, are professionals in our 40's, and our family and friends are respectful people who are there to share our love and joy, not to cause disruption. This is also a dry wedding, meaning no alcohol will be served at any time.

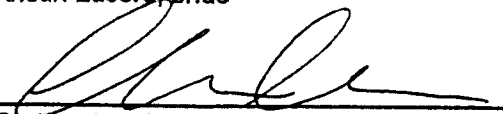
We would like to plead with you and ask that you allow us to have our wedding in 4 days. We'd also like to ask you to consider all of the other couples who have worked so hard on creating their own special day at the Hacienda. The pandemic has been challenging and traumatic for us all. We were hoping that our wedding would be a day of respite for ourselves and our loved ones, a day that everyone needs right now, a day to celebrate love, family, and togetherness. We understand that the Hacienda may need to phase out its weddings, but please allow those of us who have booked and signed contracts for the current season to fulfill our dreams.

I affirm under penalty of perjury of the laws of the state of New Mexico that the above statement is true and correct.



Kristin Lucero, bride

7/3/22
Date



Christopher Graham, groom

7/3/22
Date

SFC CLERK RECORDED 09/08/2022

Nathan Manzanares

From: Chris Graeser <chris@tierralaw.com>
Sent: Friday, July 8, 2022 10:46 AM
To: Nathan Manzanares
Subject: Fwd: Statement on behalf of the Caliendo Wedding
Attachments: PastedGraphic-1.tiff



Chris Graeser
PO Box 220
Santa Fe, New Mexico 87504-0220
(505) 982-9074
chris@tierralaw.com

Begin forwarded message:

From: Britt Santa Fe <brittabourque@gmail.com>
Subject: Fwd: Statement on behalf of the Caliendo Wedding
Date: July 8, 2022 at 10:42:55 AM MDT
To: Chris Graeser <chris@tierralaw.com>

----- Forwarded message -----

From: Joey Caliendo <joeycaliendo182@gmail.com>
Date: Fri, Jul 8, 2022 at 10:39 AM
Subject: Statement on behalf of the Caliendo Wedding
To: <brittabourque@gmail.com>, <Contreras-maxhda2000@gmail.com>, <Romero-info@cozycowboy.com>, Alexandria Ortiz <ajcaliendo9192@gmail.com>

To whom it may concern;

My name is Joey Caliendo, my fiance Alex and I have been together for nearly 10 years now and planned to marry at Hacienda Dona Andrea.

Wedding planning during the times we live in has come with its share of hurdles but nothing compares to the let down we feel knowing we may have to change wedding venues - two months before the big day no less.

I can't help but to think not only of the impacts to us - things like the financial cost of having to pivot (which can be in the range of thousands of dollars) but also the emotional burden placed on us and countless other couples who are having their dream weddings pulled from them

SFC CLERK RECORDED 09/08/2022

The terms in which our venue is being asked to comply are, in many ways, egregious and ill-thought out.

Revoking the venue's ability to continue its long standing tradition of hosting weddings is an impact not only to the livelihood of the business owners, but many couples, their loved ones, and their pocketbooks.

Asking a venue to maintain noise levels less than 50dba, when a normal conversation can often exceed that threshold, is a purely an arbitrary attempt to set the venue up for failure.

With all due respect we can understand restrictions put into place to protect neighbors, but we ask that these restrictions follow common sense guidelines and be attainable in nature.

We hope you reconsider your decision to revoke permits for weddings and find compromise in this situation.

Respectfully

Joseph Caliendo, Alexandria Ortiz 7.8.2022

"I affirm under penalty of perjury of the laws of the state of New Mexico that the above statement is true and correct."

SFC CLERK RECORDED 09/08/2022

MS. FOMA: I'm questioning myself in that I'm not sure Cerrillos is serviced by PNM.

MEMBER KATZ: Okay, well, someplace that is serviced by PNM.

MS. FOMA: I'm thinking of my map – did you have something, Paul?

MR. OLAFSON: Mr. Chair, I was just going to add that the who can sign up and how they sign up is part of the developer's packet that they present to the PRC to get through the RFP process. So the PRC has its rulemaking and they would also determine how the distribution would be. So to your direct question, that this person can have it or this person can't have it, they would have to demonstrate how they're going to be fair and equitable and that they have at least a 30 percent –

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I would imagine that anyone who is going to build this would have had to establish that there is a demand for this before they put their money in and go through the whole state process and the bid process in order to build this. So I am sure there's going to be more people wanting to sign up than we will have facilities and that is why, as Lucy said, we're hoping that in future years that the cap is raised on this. But this would allow them to actually construct the facility. The how they do it is really regulated by the PRC but we need to make sure that we've got the ability to do the zoning portion and construct.

MEMBER PIERARD: I have one more question.

CHAIR GONZALES: Yes, Wendy.

MEMBER PIERARD: Did you say that this is a pilot project; are developers are offered to apply for something like this as part of the pilot project?

MS. FOMA: Commissioners, this was as Nate mentioned, the Act was passed in 2021; rules came out in 2022. They'll be soliciting RFPs pretty soon here. Because it's capped at 200 megawatts, that's why it is a pilot to see how it works throughout the state.

CHAIR GONZALES: Thank you. Any other questions. Frank.

MEMBER KATZ: I would make a motion if there's no other comments. I would move to approve the project and I guess it's a recommendation to the Commission, I believe, that we recommend the Commission approve the project.

MEMBER LOPEZ: Second.

CHAIR GONZALES: Okay, we have a motion and a second. Are there any conditions?

The motion passed by unanimous [7-0] voice vote.

MR. OLAFSON: And, Mr. Chair, if I can just be indulged for one more second. I wanted to mention some of the staff who worked on this who aren't here today.

CHAIR GONZALES: Sure.

MR. OLAFSON: There's Alex Fitzgerald with our Economic Development Department, Chris Hyer who is our Economic Development Manager. Jacqueline Bean our Sustainability Manager and Adeline Murthy who was a Sustainability Specialist. So that's a big group – and of course, Roger Prucino with our Legal, he was pretty important in the process too. So it was a team effort and everyone did great and thank you for your support of this.

CHAIR GONZALES: Thank you all.

Nathan Manzanares

From: Chris Graeser <chris@tierralaw.com>
Sent: Tuesday, July 5, 2022 3:50 PM
To: Nathan Manzanares
Subject: Fwd: Wedding Impact Statement (corrected)
Attachments: PastedGraphic-1.tiff

Categories: Red Category

for BCC packet:



Chris Graeser
PO Box 220
Santa Fe, New Mexico 87504-0220
(505) 982-9074
chris@tierralaw.com

SFC CLERK RECORDED 09/08/2022

Begin forwarded message:

From: Britt Santa Fe <brittabourque@gmail.com>
Subject: Fwd: Wedding Impact Statement (corrected)
Date: July 4, 2022 at 2:39:23 PM MDT
To: Chris Graeser <chris@tierralaw.com>

Chris unsolicited statement there may be others coming

----- Forwarded message -----

From: Clay Benedict <photographer@claybenedict.com>
Date: Mon, Jul 4, 2022 at 2:33 PM
Subject: Wedding Impact Statement (corrected)
To: <brittabourque@gmail.com>

I am a wedding photographer based in New Mexico and serve New Mexican couples and Venues. I have recently learned from a couple the fate that Hacienda Dona Andrea de Santa Fe may be subjected to, and the loss of such a beautiful wedding venue. Not only would this negatively impact many brides and grooms, it would negatively impact many vendors such as myself. If the ability for Dona Andrea de Santa Fe to host weddings is revoked, I will be out two weddings at a value of greater than \$6000 in income, The State would be out the sales tax and income tax associated with that income. Now, that is just me personally for one quarter of business. If you add in caterers, DJ's, Planners, and the various other vendors, you will see losses of sales tax to the state as well as income to these New Mexican small businesses in the

hundreds of thousands of dollars. This brings me to my second point, the pandemic has already made it hard to find wedding venues in the state of New Mexico, as over half of them were forced to shut down during the pandemic. Too close even more venues is detrimental to the wedding industry in the state of New Mexico. I humbly ask that the county and this court consider allowing Dona Andrea de Santa Fe to continue doing business as a wedding venue. It is truly a small gem showcasing the natural beauty of New Mexico.

I affirm under penalty of perjury of the laws of the state of New Mexico that the above statement is true and correct.

Clay Benedict

Clay Benedict Photography

SFC CLERK RECORDED 09/08/2022

Nathan Manzanares

From: Chris Graeser <chris@tierralaw.com>
Sent: Tuesday, July 5, 2022 3:52 PM
To: Nathan Manzanares
Subject: Fwd: Letter to the Court from Couple
Attachments: PastedGraphic-1.tiff



Chris Graeser
PO Box 220
Santa Fe, New Mexico 87504-0220
(505) 982-9074
chris@tierralaw.com

Begin forwarded message:

From: Britt Santa Fe <brittabourque@gmail.com>
Subject: Fwd: Letter to the Court from Couple
Date: July 4, 2022 at 12:28:30 PM MDT
To: Chris Graeser <chris@tierralaw.com>

Chris we now have two letters to the court so far.
Britt Contreras

Begin forwarded message:

From: Emily Lutgen <eclutgen@icloud.com>
Subject: Letter to the Court from Couple
Date: July 3, 2022 at 7:30:47 PM MDT
To: brittabourque@gmail.com, Contreras-maxhda2000@gmail.com

Hello,

I have attached a letter to the court.

To Whom It May Concern:

My fiancé and I have been planning and anxiously awaiting our wedding at Hacienda Dona Andrea since we booked over a year ago in May of 2021. We are very excited to host our friends and family in New Mexico, the state we now call home. I'm sure it is common knowledge the amount of effort and expense that goes into planning a wedding. We have patiently awaited a safe time to hold a wedding with our closest family and friends. I moved to New Mexico during the pandemic and have been testing and treating patients for COVID 19 since I moved here. It is devastating to have the County hold so little regard for couples that have been working hard to support our state throughout this difficult time. We have learned to love it here in New Mexico, and it feels right to host our wedding here. The Hacienda

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Dona Andrea is the perfect location to accommodate our guests in a bed and breakfast as well as have an intimate ceremony and reception.

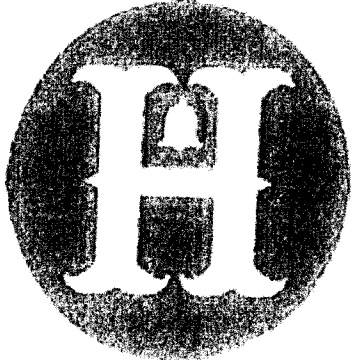
It is difficult to understand why a long-standing and well loved location in Santa Fe County is being held to standards the rest of the County is not. As the bride and groom, we have every intention of meeting the County standards for noise, traffic, and to be courteous to neighbors. This is a once in a lifetime event that we have been planing for over a year now. As the date quickly approaches, our families have all purchased plane tickets, we have made non refundable deposits for other local vendors, and we do not have the means or ability to simply plan another wedding from both a financial and professional work life stand point. I urge everyone to please consider that commitments have been made for many couples for what should be one of the most important days of their lives. If neighbors are disgruntled by noise and traffic, we are happy to be courteous but simply ask that they also respect this monumental commitment we have made. This is not simply a birthday party or family reunion that can be rescheduled or held at another location. Not only will we lose out on the day celebrating our love for one another with our closest friends and families, but due to the abrupt nature of these changes, we will lose out on the ability to have another wedding anytime in the near future. Both, us as a couple but also our families, will suffer both financially and emotionally. Please consider how important these dates our to each couple to be wed.

Thank you,
Emily Lutgen

"I affirm under penalty of perjury of the laws of the state of New Mexico that the above statement is true and correct."

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tabbles EXHIBIT 2



HACIENDA DOÑA ANDREA — de Santa Fe —

To: Ms. Penny Ellis-Green - Santa Fe County Land Use Administrator
From: Max & Britt Contreras - Owners of Hacienda Doña Andrea
Date: May 6, 2022
Re: Hacienda Doña Andrea 2022 Weddings

Dear Ms. Ellis-Green,

As you are well aware Britt and I are in a very unfortunate situation at the moment, as owners of Hacienda Doña Andrea we have made commitments to a number of brides and grooms under the assumption that the prior approvals received for our property allowed for weddings to be held at Hacienda Doña Andrea. Please do not make the brides and grooms hoping to share one of life's greatest moments pay for our misunderstanding and incorrect assumptions.

We appreciate the county allowing for weddings to continue and for having sympathy for the numerous brides, grooms and family members who have spent a substantial amount of money time and energy into planning flights, finding hotels, and taking time from their hectic lives to make the arrangements required to attend a wedding at Hacienda Doña Andrea.

As the owners of Hacienda Doña Andrea, we apologize for the stress and confusion caused over the past few weeks as we have been working and moving forward with the county on submitting both special use permits as well as a site development plan to bring the expansion of Hacienda Doña Andrea into compliance with the current standards now in place with Santa Fe County that differ from the standards we were previously approved under. Britt and I have committed and responded in a timely manner to everything asked of us by the county thus far and strive to continue to provide a safe and professional environment for all guests attending weddings at Hacienda Doña Andrea.

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tabbles EXHIBIT 3

However, as of late Britt and I have been doing some soul searching and have come to the realization that a new approach may be required in order to satisfy the county, the neighbors in opposition and most importantly the brides and grooms that have spent months (if not years due to the pandemic) planning for one of life's most important moments; and that new approach is to request a temporary six-month blanket special use permit to fulfill the weddings paid for in advance and contracted out for the 2022 wedding season and withdrawal our application for a site development plan application and go back to operating under our prior Bed & Breakfast approvals after the 2022 wedding season is finished.

We strongly believe this new approach is the best path forward for all parties involved, it allows for couples to not have a once in a lifetime experience ruined, it alleviates concerns from neighbors, provides peace of mind to said neighbors and above all this new path ensures the county does not have to deal with further complaints once the 2022 wedding season is completed.

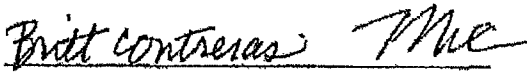
Also, at 81- and 76-years of age, Britt and I are severely suffering from the effects caused by the stress associated with this whole ordeal and although our livelihoods will be drastically affected by the new path forward, the stress of living week-to-week and waiting for a decision on a wedding-to-wedding basis is not worth continuing to lose sleep over at our ages.

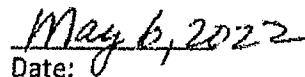
To conclude, Britt and I respectfully request a moment of your time via a zoom meeting to further discuss this new path forward and to continue to work together with the county on agreeing on the approval conditions required in order to make this new approach successful and beneficial to everyone involved.

Once again thank you for your patience, your kindness. Britt and I really hope that the County agrees to allow for a blanket temporary use permit to permit for contracted weddings for 2022 to take place.

Please let us know your soonest availability to discuss this matter in greater detail and we hope to hear from you soon.

With Kindest Regards,


Max & Britt Contreras
(Hacienda Dona Andrea De Santa Fe LLC.)


Date:

Graeser & McQueen
— ATTORNEYS AT LAW —

Friday, June 17, 2022

Penny Ellis-Green
Growth Management Director

via: email to pengreen@santafecountynm.gov

Re: Appeal of Planning Commission Decision in Case # 22-3036,
Hacienda Dona Andrea Site Development Plan

Dear Penny,

This letter will constitute Hacienda Dona Andrea's appeal, pursuant to SLDC Section 4.5, of the decision made by the Planning Commission on June 16, 2022 to deny the application for a site development plan.

Staff found that the application met all code criteria. See June 16, 2022 memo from Gabriel Bustos. A site development plan for a permitted use such as this is not a discretionary review process. See SLDC Table 4.1.

The Planning Commission voted last night to deny the application, apparently on compatibility grounds. However, there is no discretion in the SLDC to deny a conforming application due to a finding of incompatibility.

In your June 17, 2022 email to Nathan Manzanares, you state that "The decision from the Planning Commission on the Hacienda project takes effect **immediately**, no Special Use Permits will be issued due to that decision, including the ones submitted for 6/18, 6/21, 6/25 and 6/28 and no further Special Use Permits will be accepted." However, your email goes on to say, "The final order can be appealed **when the planning commission have approved that order.**" As you know, that process can take several months. These two positions are inconsistent. Either the Planning Commission decision takes effect when it adopts its written findings and conclusions in accordance with New Mexico law, or it becomes a final, appealable decision immediately upon being announced.

Second, please note that the application before the Planning Commission was to "request approval of a Site Development Plan to allow an Event Use (weddings) within an existing Bed & Breakfast site." The Planning Commission denied that request. However, the Planning Commission has no further authority to direct the Land Use Director not to issue special use permits pursuant to Section 10.9. Moreover, temporary use permits under Section 10.9 for public assemblies have no maximum number per year and are non-discretionary.

The Graeser Law Firm LLC • Matthew McQueen PC • The Hiatt Firm LLC

316 E. Marcy Street • PO Box 220 Santa Fe, NM 87504 • 505-982-9074 • chris@tierralaw.com

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Finally, under 4.5.4, "The timely filing of an appeal shall stay further processing of the application unless the Board determines that special circumstances exist." I suggest that this dictates that the Planning Commission's decision is not final, upon filing this letter appeal.

By this letter, I respectfully request that you confirm **immediately** that the permits in question will be issued.

Sincerely,



Christopher L. Graeser

cc: Gabriel Bustos, Senior Development Review Specialist
Vicki Lucero, Building and Development Services Manager
Roger Prucino,
Nathan Manzanares
Client

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**HACEINDA DONA ANDREA B&B "2022 WEDDING SEASON" TEMPORARY EXPANSION
REQUEST-SITE DEVELOPEMNT PLAN REPORT (prepared by James W. Siebert & Associates)**

INTRODUCTION

Revised Request to Finish "2022 Wedding Season" Summary

On May 6, 2022, a revised request to the Site Development Plan for the Hacienda Doña Andrea B&B Expansion Application (Originally Submitted on April 15, 2022) was presented to Santa Fe County Staff.

The revision presented on May 6, 2022, proposed that Hacienda Doña Andrea be allowed to finish the "2022 Wedding Season", and upon completion of the "2022 Wedding Season", Hacienda Doña Andrea would revert back to operating under the original Bed & Breakfast approvals granted by the BCC under development permit #98-5780.

A letter from the property owners summarizing the revised request for a temporary expansion approval to complete the "2022 Wedding Season" can be found in *Appendix I*.

In addition to the revised request, a list of executed / contracted weddings with guest counts and scheduled dates for the "2022 Wedding Season" has been provided under *Appendix J*.

Site Location and Project Summary

The subject property is located at 78 Vista Del Oro, which is accessed via Goldmine Road in Cerrillos, NM, within Section 13, Township 13 North, and Range 7 East (Commission District 3). The property consists of 63.78 +/- acres and is located within the AG / Ranch (A/R) zoning district of Santa Fe County. As per Appendix B (Use Matrix) of the Sustainable Land Development Code (SLDC), Bed & Breakfast Inns are a permitted use within the AG / Ranch zoning district.

Prior approvals for the Bed & Breakfast were obtained prior to the SLDC's adoption and were granted by the BCC under development permit #98-5780.

The applicant now proposes a temporary expansion to the existing B&B approvals to allow Hacienda Doña Andrea B&B to be utilized for wedding functions / ceremonies for the 2022 wedding season, per the dates referenced in *Appendix J*.

Proposed "2022-Weddings" held at Hacienda Doña Andrea B&B range from twenty (20) individuals to one-hundred and twenty (120) individuals.

Larger weddings are not common and most weddings during the "2022 Wedding Season", will range between 50-70 individuals. *Furthermore, Hacienda Doña Andrea staff will be present for all 2022 wedding functions, in order to facilitate an organized and safe environment for guests attending wedding ceremonies held at the Hacienda.*

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The following updated water budget has been updated / over-estimated and reflects estimated water usage required to complete the "2022 Wedding Season".

In addition, water consumption for both the existing Bed & Breakfast Use and proposed temporary "2022 Wedding Season" expansion will be metered and well meter readings will be submitted to the county before and after each wedding held during the 2022 wedding season.

In addition, the calculations below are higher than average due to the high demand for weddings having to be postponed due to the COVID Pandemic.

Furthermore, the provided water budget was done in accordance with the original Bed & Breakfast approvals from 1998 and includes estimates for the "2022 Wedding Season" at the highest capacity (120-guests), to show sufficient water availability is available to complete the "2022 Wedding Season".

Annual well-meter readings will be sent to both the Office of the State Engineers Office (OSE), as well as Santa Fe County in accordance with the original B&B Master Plan approvals / existing water-restriction covenants after the completion of the "2022 Wedding Season", to verify water use for the B&B will be in compliance with the original B&B approvals granted by the BCC under development permit #98-5780.

Annual Caretaker Apartment Water Use

(Caretakers: 2 Adults) x 50 (gallons per day) x (365 days per year)
= 36,500 gallons or 0.11 AFPY

Seasonal Bed & Breakfast Water Use

(18 Adults) x (50 gallons per day) x (100 days per year on average based off original Master Plan Approval) = 90,000 gallons or 0.27 AFPY

(18 Adults x 50 gallons per day) x (41 Additional Wedding Ceremony stays per "2022 Wedding Season" referenced in *Appendix J*) = 36,900 gallons or 0.11 AFPY

Seasonal Bed & Breakfast Daily Miscellaneous Water Use

(2 Front Load Washing Machines @ 2 washes per day based off original Master Plan Approval)
= 20.4 gallons

(20.4 gallons per day) x (100 days per year on average)
= 2,040 gallons or 0.006 AFPY

(20.4 gallons per day) x (41 Additional Wedding Ceremony stays per "2022 Wedding Season" referenced in *Appendix J*) = 836.40 gallons or 0.0025 AFPY

(1 Dishwasher @ 1 wash per day based off original Master Plan Approval) = 7 gallons

(7 gallons per day) x (100 days per average)
= 700 gallons or 0.002 AFPY

(7 gallons per day) x (41 Additional Wedding Ceremony stays per "2022 Wedding Season" referenced in *Appendix J*) = 287 gallons or 0.00088 AFPY

2022 Wedding Season / 2022 Wedding Ceremonies Water Use

(4 Staff per Wedding) x (1.28 per flush) x average 41 weddings per year per *Appendix J*)
= 209.92 gallons or 0.00064 AFPY

(120 Adults*) x (1.28 Gallons per flush) x average 41 weddings per year per *Appendix J*)
= 6,297.6 gallons or 0.019 AFPY

The "2022 Wedding Season", water usage was exaggerated to show the usage of each guest at the largest wedding provided, using the restroom at least once per wedding. The average wedding size for the "2022 Wedding Season", is much lower than 120 guests and it is extremely unlikely that each guest attending a wedding during the "2022 Wedding Season", would use the restroom at least once well attending a wedding). In addition, portable restrooms will be provided on-site for each wedding held during the "2022 Wedding Season", to further conserve water consumption.

In conclusion, the average wedding provided during the "2022 Wedding Season", is approximately 75 guests, therefore the "2022 Wedding Season", water usage calculated is much higher than anticipated, but was done to show that sufficient water is available for the "2022 Wedding Season", even with the number of guests as well as the 41 weddings proposed to be held on a seasonal basis over-estimating water use.

Total "2022 Wedding Season" Water Usage for Both Approved B&B / Temporary Expansion = 169,442 gallons or 0.52 AFPY

**Approved Water Restriction for original B&B Master Plan
= 195,510 gallons or 0.60 AFPY**

Indoor Water Fixture Specifications

Low-Flow Toilets - 1.28 gallons per flush (gpf)

Low-Flow Showerheads – 1.0 gallons per minute (gpm)

Bathroom Faucets – 1.2 gallons per minute (gpm)

Kitchen Sink Faucet – 1.2 gallons per minute (gpm)

UTILITIES

All existing electrical, water, wastewater, telephone, propane, and communication lines are installed underground. No construction or extensions of existing utilities lines are proposed under the current Site Development Plan application.

WATER HARVESTING

The Hacienda on the property is existing and has three (3) 1,500-gallon cistern tanks for collection of rainwater for existing established landscaping. A total of 4,500 gallons of existing water harvesting is available and utilized by Hacienda Dona Andrea. Any overflow from existing cistern tanks will be diverted to passive retention ponding area as depicted on provided site plan.

WATER CONSERVATION

The following water conservation measures for outdoor/indoor water use will be included for the proposed expansion to the Bed & Breakfast as per SLDC Chapter 7, Section 7.13.11.2 and 7.13.11.3.

- 1. Low water use landscaping techniques or xeriscaping shall be utilized for all development. Drip irrigation and landscape mulching shall be provided.*
- 2. Only low water use grasses, shrubs and trees that are appropriate to the New Mexico climate shall be used. Sod or grass seed that contains Kentucky bluegrass is not permitted.*
- 3. Lawns of non-native grasses shall not exceed 800 square feet and shall only be watered with harvested water or grey water.*
- 4. Landscaping may be watered as needed during the first and second years of growth to become established; thereafter landscaping may be watered as is needed to maintain viability.*
- 5. Watering or irrigation shall be provided through a timed drip irrigation system that ensures that landscaping is not watered between the hours of 11 a.m. and 7 p.m. between the months of May and November. Irrigation systems shall be equipped with a rain sensor so that the irrigation system does not operate when it is raining or has recently rained. Such approved systems include but are not limited to evapotranspiration-based controllers. This paragraph does not apply to gardens or agricultural uses.*

6. *Outdoor watering or irrigation is prohibited between 11 a.m. and 7 p.m. from May to September*

Of each year, except for the following:

- a. *Plants being prepared for sale.*
- b. *Manual watering by landscape maintenance and contracting personnel.*
- c. *Water derived from rainwater catchment systems or a grey water re-use system.*
- d. *Water derived from an acequia or other agricultural irrigation.*

7. *Vehicle washing is only allowed with the use of a shut-off hose nozzle.*

8. *An outdoor irrigation system may not be operated if leaking.*

9. *Water leaks shall be repaired promptly and in no event more than ten (10) days from the beginning of the leak. Proof of repair shall be provided upon request.*

10. *Water saving fixtures shall be installed in all new construction, remodels and in all remodels and renovations when a fixture is being replaced.*

- a. *All toilets and flush urinals shall be EPA Water Sense certified or equivalent standard.*
- b. *All lavatory faucets shall be EPA Water Sense certified or equivalent standard.*
- c. *All showerheads shall be EPA Water Sense certified or equivalent standard.*

11. *Water conserving appliances shall be installed in all new construction and in all remodels or renovations when an appliance is being replaced.*

- a. *Residential dishwashers shall be EPA Energy Star certified or equivalent.*
- b. *Residential clothes washers shall be EPA Energy Star certified or equivalent.*

12. *Water conserving fixtures shall be installed in strict accordance with the manufacturer's instructions to maintain their rated performance.*

13. *Hot water systems shall ensure that hot water is delivered within five seconds of a tap being opened. This requirement can be achieved through the use, either alone or in combination, of*

the following devices or designs: (i) an on-demand circulation system; (ii) a centrally located water heater; (iii) a point-of-use water heater; (iv) short hot water pipe runs; (v) small diameter piping; (vi) "instant hot" hot water fixtures; or (vii) super insulation methods.

14. A certificate of compliance by a licensed mechanical contractor or plumber that new construction meets the requirements of the SLDC shall be provided.

15. Evaporative coolers shall circulate bleed-off water.

16. Greywater recycling, if provided, shall reduce the annual amount of water needed for the use, by the amount of the anticipated greywater recycling.

17. All permanent swimming pools, and any temporary pools with a fill capacity over 3,000 gallons, shall be prohibited in accordance with Section 7.24 of the SLDC.

18. All swimming pools, hot tubs and spas must be covered to prevent evaporation when not in use. Swimming pools may only be emptied once per year.

LIQUID WASTE

The Hacienda is served by an existing approved septic system. The NMED permit for the existing septic system is found in *Appendix D*.

SOLID WASTE

Solid waste generated on the property is taken to the nearest transfer station on a weekly basis by a contracted trash removal service.

PARKING

There is an existing parking area which is utilized by the existing B&B and will also be utilized for wedding functions. A total of fifty-eight (58) parking spaces will be provided for both the Bed & Breakfast establishment as well as for the proposed expansion. This includes two (2) ADA compliant spaces. All existing and proposed parking spaces will be defined with rock parking bumpers. The handicap space(s) will be of ADA compliant material (concrete/asphalt). Parking details are located on the plan set. The number of parking spaces was determined in accordance with recommendations given by a professional engineer based off traffic counts and observations conducted from prior weddings held at Hacienda Dona Andrea. Therefore, the fifty-eight parking spaces estimating three (3) guests per vehicle for the largest functions of one-hundred and twenty (120) individuals is more than sufficient for the proposed expansion. In addition, arrangements with local Hotels are in place to transport out of state individuals from their hotel to the property if needed.

There are also parking attendants on-site to ensure individuals are parking within defined spaces and ensuring / maintaining two (2) twenty (20) foot fire lanes for emergency access

SIGNS

No new signage is proposed with this expansion Application. Existing signage was approved with the original Master Plan / Preliminary and Final Development Plan approval. The signage consists of a monument sign at the entrance of the property and a directional sign as you approach the facility. Sign detail is located on the plan set and shall comply with Table 7-5.4 Non-Residential Signs allowed in a residential zoning district. Also, Fire Lane / No Parking signage and ADA Signage will be provided for safety purposes.

LIGHTING

No new outdoor lighting is proposed with this Application. Existing lighting includes porch lighting along with garden lighting along walkways, driveway, and parking areas. All existing lighting is shielded as per Table 7-3: (Shielding Requirements).

LANDSCAPE

No new landscaping is proposed with this Application. There is existing landscaping consisting of native drought tolerant trees, shrubs, and grasses. All existing landscaping is established and requires minimal watering, all landscaping will be watered utilizing the existing cistern tanks installed during the original approvals associated with Hacienda Dona Andrea. Also, the subject property has a vast amount of mature juniper and pinon trees established and has been shown on the provided landscaping plan.

FIRE PROTECTION

There is currently two (2) 5,000-gallon water storage tank and draft fire-hydrant system on the property for a total of 10,000 gallons fire protection. All internal roads will meet Fire Prevention Division requirements which includes two (2) twenty (20) foot fire lanes and a turnaround. The Applicant has hired a company to design and install an engineered automatic fire-suppression system as required by the Santa Fe County Fire Prevention Division. Installation of illuminated exit signs / lighting and fire extinguishers has been done and passed Santa Fe County Fire Prevention inspections.

TERRAIN MANAGEMENT

All previously disturbed areas on the property will be revegetated as per Chapter 7, Section 7.17.7 (Restoration of Disturbed Areas). Currently all roofed runoff is captured and diverted via a French-Drain to existing cistern tanks, any overflow of cistern tanks will be further diverted to existing trees / passive retention ponding area located along the parking area / fire lane island as shown on the proposed Site Development Plan site plan.

TECHNICAL ADVISORY COMMITTEE MEETING (TAC)

The Technical Advisory Committee (TAC) meeting was held on February 17, 2022. TAC letter found in *Appendix E*.

COMMUNITY MEETING

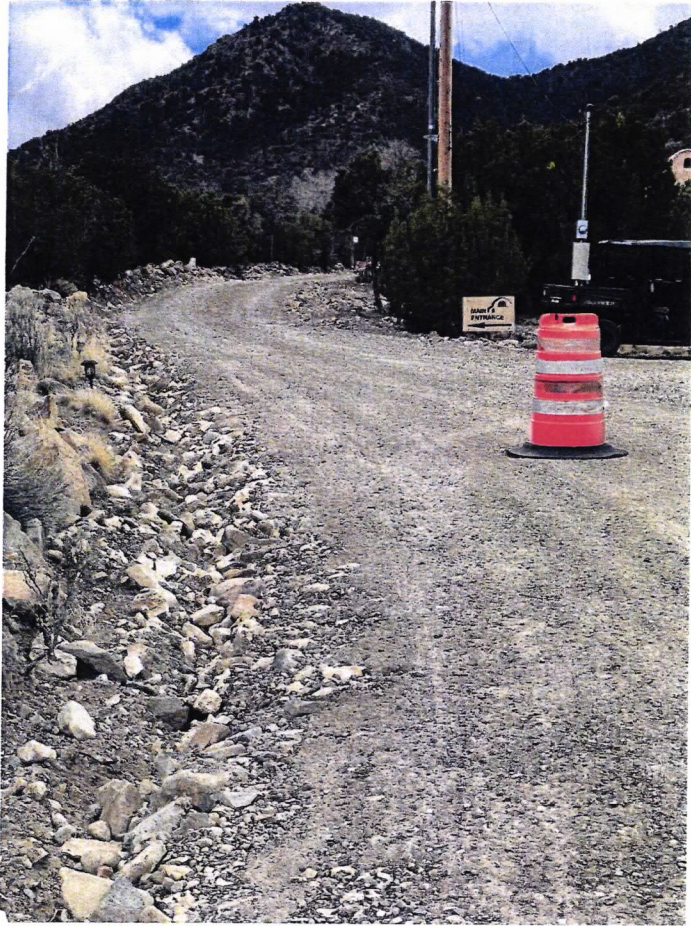
A Community meeting is scheduled for April 21, 2022, via zoom. The meeting notice and mail-out list is attached as *Appendix F*. Community Meeting notes/minutes from the April 21, 2022, have also been provided to Santa Fe County and can be found in *Appendix F*.

REQUIRED STUDIES, REPORTS AND ASSESSMENTS

A noise study was required as per County staff. Noise-Meter readings were taken from property lines as per SLDC requirements, the conducted Noise Study is attached as *Appendix G*.

A Traffic Impact Assessment (TIA) was also required per County staff and is attached as *Appendix H*.

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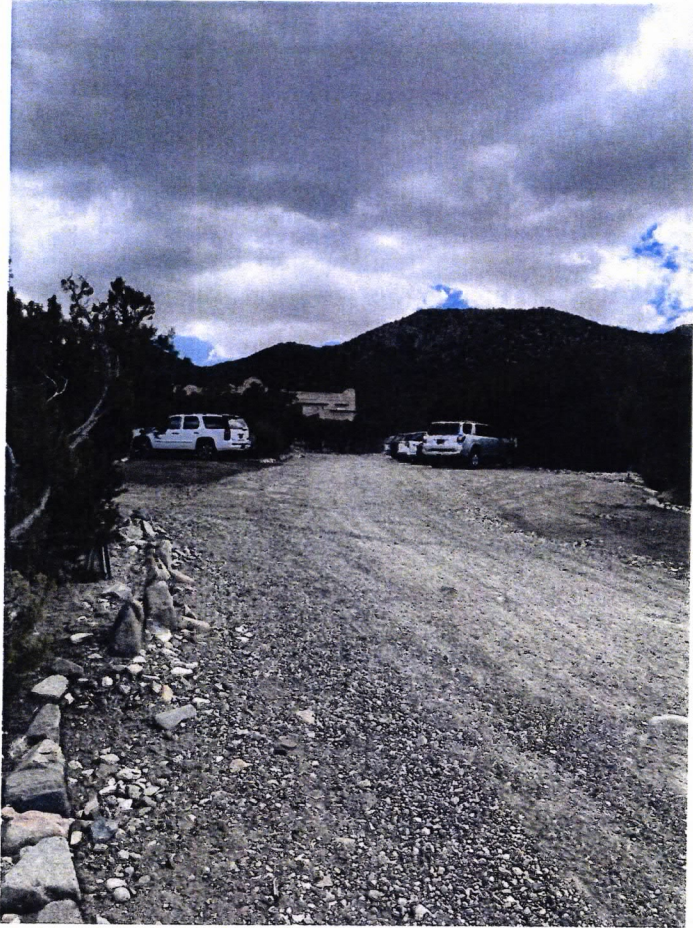
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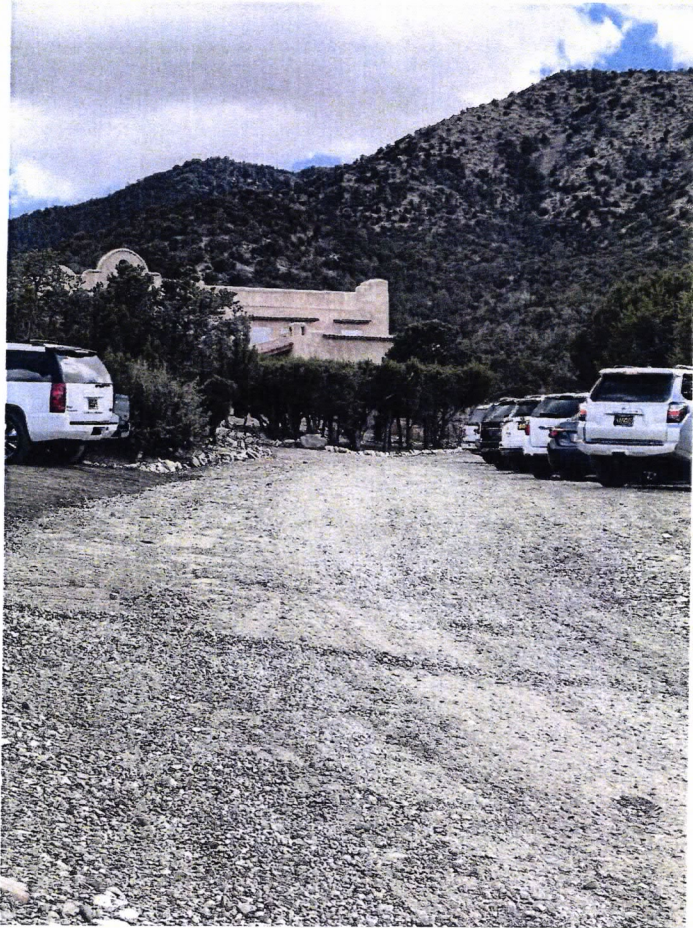
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SFC CLERK RECORDED 09/08/2022



SFC CLERK RECORDED 09/08/2022



SFC CLERK RECORDED 09/08/2022

I'm Betsy Brandt, I live at 95 Vista del Oro, and am one of the community coordinators. The Vista Del Oro and Gold Mine Road neighborhoods have been dealing w/ Hacienda's Special Event Center for over a decade. We had a Planning Commission meeting last month (6-16-22) whereby a unanimous decision to deny this permit was made. Here are the reasons why:

Starting with the Hacienda Master Plan approved in 1999 for a 9BR B&B: Your requirements were violated, especially in four ways:

- 1) **Master Plan stipulated hosting 6-18 people, Hacienda hosted up to 150 people weddings regularly.**
- 2) **They did not have enough parking spaces--only 13 spaces, so used our/utility easements private roads creating traffic/fire escape danger and additional liability for neighborhood. (UTUBE)**
- 3) **They Exceeded their max allowable occupancy for B&B of 18 people. They advertised and hosted lodging for 30 people for many years.**
- 4) **Hacienda has not complied to OSE water requirements. They use their well to service all wedding guests. OSE confirms Owner never metered his wells for over two decades as required by you all.**

In 1999 the Hacienda was supposed to put a meter on their well and report meter readings annually in JAN. OSE confirms that the Hacienda B&B well is incorrectly permitted as-- single household domestic permit-- which don't require meters. OSE advises that it is up to the owner to file the permit correctly as a domestic/commercial permit. Filing this correctly still has not happened to date--23 years later! Even though this was brought to the owner's attention in April at Pre-App neighborhood meeting. Their incorrect current permit expired in 2004.

This was a condition in their Master Plan--and if violated--the consequences included future denial of development permits. Hacienda has completely ignored this requirement. They cannot report their water usage to OSE next year in Jan. without a new permit.

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7-22-22 OSE Update

● RE: [EXTERNAL] B&B water meter readings



Gonzales, Crestino, OSE <Crestino.Gonzales1@state.nm.us>

Betsy Siwula-Brandt

Friday, July 22, 2022 at 9:26 AM

[Show Details](#)

Hello Betsy,

We have not received an application.

Best Regards,

Crestino Gonzales

From: Betsy Siwula-Brandt <betsys@earthlink.net>

Sent: Friday, July 22, 2022 8:01 AM

To: Gonzales, Crestino, OSE <Crestino.Gonzales1@state.nm.us>

Subject: Re: [EXTERNAL] B&B water meter readings

Greetings Crestino,

Could you check again if you have received a new application for RG-52294?

Thanks in advance,

Betsy Brandt

From: "Gonzales, Crestino, OSE" <Crestino.Gonzales1@state.nm.us>

Date: Thursday, June 30, 2022 at 1:49 PM

To: Betsy Siwula-Brandt <betsys@earthlink.net>

Subject: Re: [EXTERNAL] B&B water meter readings

Hello Betsy,

We have not received an application for RG-52294.

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Next is Hacienda Special Use Permit violations

1. The County tried to placate everyone and let the weddings continue with special permits, which have conditions like "all weddings must end by 9PM." This stop time has been violated repeatedly.
2. Another condition is that a certified sound engineer must record and report the noise levels. Hacienda did not hire a certified engineer and reported their own noise recordings which highly differ from our neighborhood's recordings. Our noise expert will discuss this in more detail.
3. Another condition for the development permit was a proper indoor sprinkler system to be installed. They held these huge weddings for over a decade without one. As of the

Planning Commission meeting last month that still had not been completed. We don't know the current status of the sprinklers, but we know there is a huge fire risk. And we don't believe the owners can control smoking outside or in the parking areas.

4. They held at least 2 weddings without a special permit: on March 3 and another on June 21st

Failure to comply with these conditions was to be grounds to deny further weddings. This has not happened. The County has bent over backwards to meet Hacienda's demands. Issuing an unprecedented 20 special permits to date! These are meant for one-time events. They have made their problem of booking illegal weddings the county's problem.

Next the basis of their application to you today is not valid because they are not operating as a B&B. They are a special event center since 2010. We have proven this with an extensive analysis from Wayback Machine's archive of webpages (<https://web.archive.org/>) done by a computer expert. This archive is **legitimate evidence that may be used in litigation for looking back at websites (APPENDIX 1).**

It clearly shows Hacienda marketed as a special event and retreat center since 2010. One must book the entire Hacienda thru an "event link" and there are no B&B reservations available on the website. There was NO B&B ADVERTISING FOR HDA ANYWHERE ON INTERNET: Esp. the top two stand out--TripAdvisor & AirB&B.

Their B&B business license has to be approved annually by the county-- we ask you-- Is it really a permit "mix-up" by the owners to host 150 people events versus what their business license allows--18 people?

Wedding schedule shown of 41 weddings is deceiving: since they are 2 day minimum events, double that to 82 parties (the pre-parties are loud too) and there are more than 120 people because staff and contractors are not counted. There were 8 weddings in June alone or 16 disruptive days for our neighborhood in one month!

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* 41 Weddings

Hacienda Weddings 2022

April: Possible Guest:

1	120
9	70
16	88
23	100
30	60

August Possible Guest:

7	120
13	120
20	60
23	70
27	20

May Possible Guest:

4	35
7	80
14	30
21	50
28	80

September Possible Guest:

3	100
10	35
15	60
17	60
26	100

June Possible Guest:

4	120
8	30
11	120
16	100
18	90
21	65
25	75
28	40

October Possible Guest:

1	120
8	20
15	80
22	30
29	40

November Possible Guest:

5	60
12	40
26	25

July Possible Guest:

2	120
9	100
16	90
23	80
30	100

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* Each wedding is 2 day min. Booking
 * Numbers do not include staff, Contractors, Caterers

Recommendations

1. Deny this unprecedented temporary permit application: it boils down to a 6-month blanket special permit, whereby the County could not hold Hacienda accountable for compliance. Given the long pattern of noncompliance by the Hacienda, it makes no sense to approve it.

It would set very BAD precedent, all the Planning Commissioner's agreed, for our entire area.

2. The wedding noise does not meet the SLDC noise code (NOISE STUDY, next speaker). Calibrated noise meters and the OSHA app was used for the study. It shows noise well above the 5dBA code limit (above ambient) at our property lines. No neighborhood ambient study was ever conducted by the owner (we emphasized this at the pre-app neighborhood meeting). It was also recommended to the Agent by the Administrator to conduct such a study. There has been no willingness by the owner to work w/ neighbors from the beginning—when we repeatedly reached out to him beginning in August of last year.

Administrator may require a noise study to be conducted whenever it is determined that the use proposed in the development application may exceed the noise limits. This determination may be made by category of use or on an application by application basis.

Table 7-21: Noise Limits.

Zoning District	Daytime 7 a.m. to 10 p.m.	Nighttime 10 p.m. to 7 a.m.
Industrial and Commercial*	75dBA, or 10 dBA above ambient; whichever is less	60dBA, or 5 dBA above ambient; whichever is less
All Other Districts	55dBA, or 5 dBA above ambient; whichever is less	45dBA, or 5 dBA above ambient; whichever is less

*These noise limits shall not apply to wind energy facilities'. Instead, see limits contained at Section 10.16.

3. "Expansion" of B&B is not a valid application basis for this permit. It has been a Special Event Center since 2010 (based on WayBack research). Therefore, it must be denied.
4. If single Special Use Permits are approved they must be enforced by the county. Including:
 - a. The 9pm stop time.
 - b. Buses should be used only (the 57 parking spaces recently created by Hacienda were NOT approved by Vista del Oro neighborhood, nor was the undue liability of possible accidents occurring ever addressed by the agent to the neighborhood regarding this over-use (steep, rugged, deeply crowned & rutted, dark and unknown roads to guests).
 - c. A noise engineer must be hired for these weddings, whereby all activities happen inside (in order to have a chance to meet the noise code).

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Last recommendation:

5. Please do not expand B&B code to include Special Event Center's. These do not meet B&B intended usage for Ag/Ranch (in Rural neighborhoods). A Planning Commissioner quote: *I know what 150-person wedding is and what a B&B is, and they are not the same!* The Administrator testified (June 16th Planning Commission meeting) that large events like this don't exist in the SLDC for rural areas. In the city, she said, they are covered by hotels. Of the 9 uses (in the code) that are permissible she "added" this usage into the B&B category. We agree with the Planning Commissioner's that this is "*totally incompatible*" usage for our super—ultra-quiet areas (Appendix 2)! We ask you to uphold the county's purpose for AG/Ranch and rural zoning and for the permitted uses only—not "expanded" uses (Appendix 3). We hope you vote this way today!
Thank you for your attention tonight and to the Administrator and Planning Commissioners for listening to both sides.

Appendixes 1, 2, 3, 4 follow.

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Appendix 1

HISTORIC VIEW	1
HDA's own website over the years	1
2009	2
2011	3
2014	4
2017	5
CURRENT INTERNET ADVERTISEMENT OF HDA IN 2022	6
Current HDA website	6
AirBnB	10
Tripadvisor	10
A Google search	12
Zillow	15
Facebook	16

Historic View

HDA's own website over the years

Analysis from the Wayback Machine's archive of webpages (<https://web.archive.org/>) is legitimate evidence that may be used in litigation, a US appeals court decision, Sep 4, 2018

The HDA slowed promoting B&B in 2010 and focuses on weddings and large events.

2009 – Bed and Breakfast with opportunity to have events

2011 – Lodging and Weddings:

2014 – Clear focus on weddings and large events, but possibility to check room availability and rates online

2017 – No B&B, no possibility to reserve single rooms. It is advertised as Special Events center with facilities to stay overnight

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2009

Bed & Breakfast advertisement

INTERNET ARCHIVE <http://www.hdasantafe.com/>
 394 captures
 24 Jan 2003 - 5 Apr 2022

[pet friendly lodging](#)

Getaway to a Secluded Mountain Top Hacienda

For a Santa Fe Bed and Breakfast with Spectacular Sunrises and Breathtaking Sunsets

[lodging in santa fe](#)
[Check if Rooms are Available](#)
[lodging in santa fe](#)
[Make a Reservation](#)
[santa fe hotel](#)
[View Hotel Rooms](#)

¡Bienvenidos...Welcome to the Santa Fe Hotel in the mountains!
Romantic and serene the hotel has views that stretch for hundreds of miles and span thousands of years.

[santa fe bed and breakfast](#)
[Santa Fe Bed and Breakfast Lodging](#)
[santa fe lodging](#)
[Hotel Lodgings & santa fe hotel](#)

Hacienda Doña Andrea de Santa Fe sits nestled in 65 acres in the historic Ortiz mountains of New Mexico between Santa Fe and Albuquerque.

[Reviews and Prices](#)
[santa fe hotel](#)
[Hotel Photo and Video Tour](#)

The Hacienda has nine beautiful guestrooms, each with its own fireplace, a patio with panoramic views, an on-suite bathroom and hand-loomed linens.

[weddings in santa fe](#)
[Weddings in Santa Fe](#)

Traditional New Mexican hospitality and elegance set this unique Santa Fe bed and breakfast apart from the rest.

[lodging in santa fe](#)
[Santa Fe Attractions](#)

The Santa Fe Bed and Breakfast
 Our Santa Fe Bed and Breakfast offers spectacular mountain views and wonderful seasonal menus. Dinners are also available, served with all the flavors and style of a first rate Santa Fe NM hotel.

[santa fe bed and breakfast](#)
[Directions to the Hotel](#)
[santa fe hotel](#)

After a relaxing peaceful night's rest, start your day with one of "Brian's Breakfasts" - renowned among our guests for his spectacular and memorable morning creations.

[Contact this Santa Fe Hotel](#)

Brian is rightly proud of his breakfasts, with crepes, eggs, cereals, juices, fresh pastries, fresh brewed coffee and mouth watering servings of fresh fruit.

[santa fe new mexico lodging](#)
[Guest Comments](#)

After breakfast relax on your own patio, take in the early morning sun and breathe the crisp fresh mountain air.

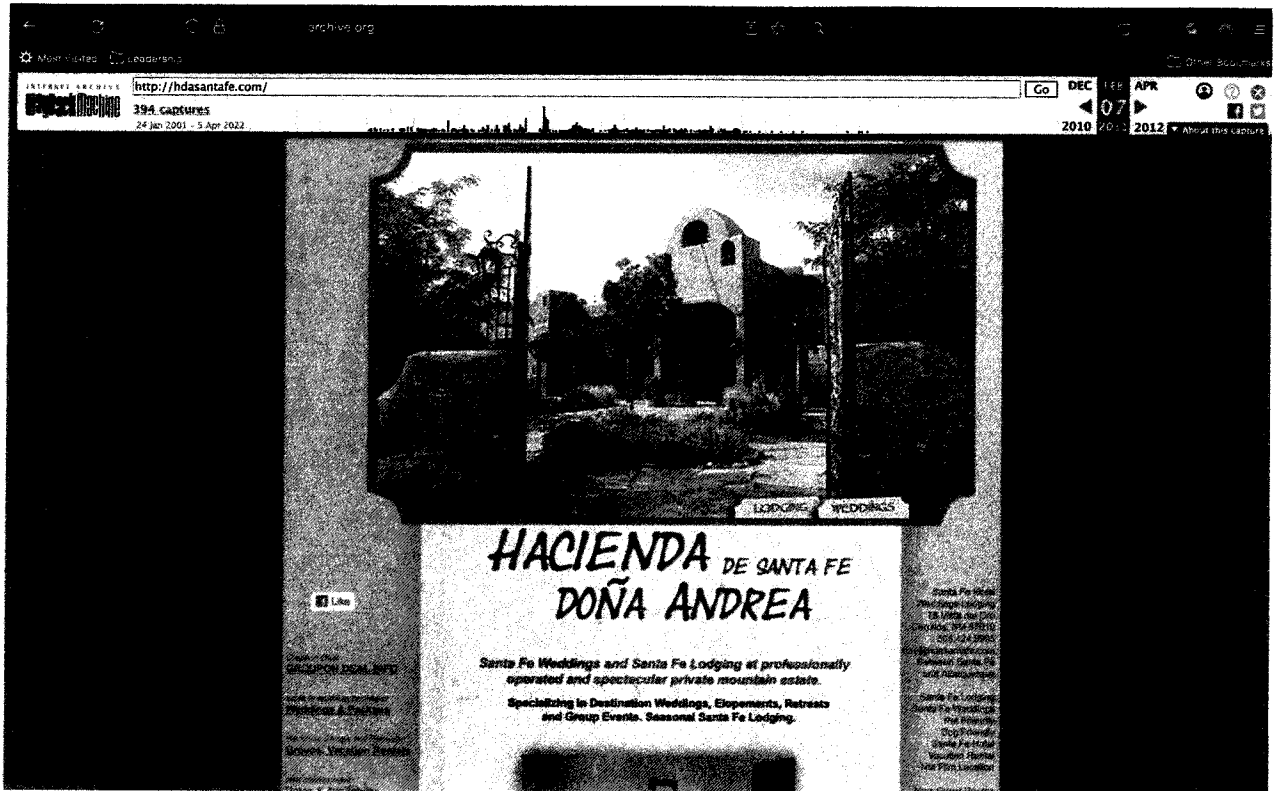
[Hacienda Doña Andrea de Santa Fe](#)
 720 Vista del Oro

Santa Fe NM Vacation Lodgings
 The views to the north look over toward the Sangre de Cristo mountains and to the South the high peaks of the Ortiz Mountains.

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2011

No mention of B&B advertising on website: *Specializing in Destination Weddings, Elopements, Retreats and Group Events*



ED 09/08/2022

2014

www.hdasantafe.com

No mention of B&B advertising on website: *Spectacular Santa Fe Venue for Weddings, Meetings and Special Events*

INSURANCE SERVICES
354 captures
24 Jan 2014 - 5 Apr 2012

<http://hdasantafe.com/> Go APR 16 2015

HOME ABOUT US CALL TODAY! (505) 424-8965

HACIENDA DOÑA ANDREA
de Santa Fe

THE HACIENDA SANTA FE WEDDINGS GROUP EVENTS RESERVATIONS CONTACT

SPECTACULAR SANTA FE VENUE FOR WEDDINGS, MEETINGS AND SPECIAL EVENTS

BIENVENIDOS! WELCOME!

Absolutely knock-out views from this popular **Santa Fe wedding venue** and **vacation rental**. Ideal for reunions, gatherings, celebrations and events of all kinds. **Families welcome**. Bring the dogs, too, we're **pet friendly**!

This is the perfect location for **corporate** or **school retreats**, **family getaways**, as well as for those planning Santa Fe weddings. We can host any special event or celebration including private **elopements**, wedding ceremonies, receptions, reunions, anniversaries... bring your event to the mountain!

Check our **Reservations** page to find a Hacienda Doña Andrea de Santa Fe rental option that will meet your needs, fit your plan and your budget.

Contact us by phone or email and let us create a wedding plan or vacation rental quote just for you.

Don't wait too long! Reserve your private, Santa Fe hacienda event today.

Waiting for web.archive.org...

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2017

The Hacienda got a new domain and a new website <https://haciendadonaandrea.com/> dropping the possibility to check available online or book single rooms and breakfasts.

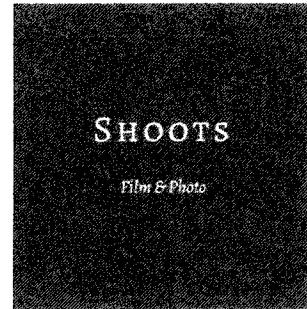
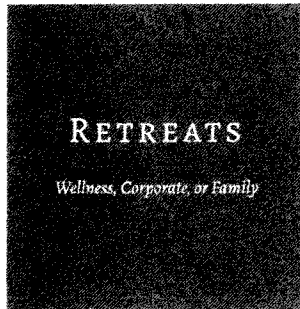
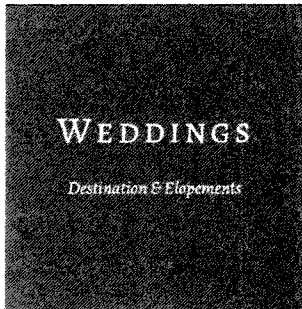
The Focus is on Weddings – Retreats – Film Shoots



EXPERIENCE THE HACIENDA

Historically, Haciendas were bastions of European culture and comfort in the New World. Now it's your turn to experience the breathtaking natural beauty and rustic elegance that made Santa Fe famous for centuries.

Hacienda Doña Andrea provides a beautiful vacation rental space perfect for large groups and families looking for a quality space to experience uninterrupted time together. The amenities provide endless entertainment options. Located directly outside of Santa Fe, the location is a perfect balance of seclusion and convenience.



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Current Internet advertisement of HDA in 2022

No B&B advertising on the internet. No indications that HDA operates as B&B or can be booked as B&B. No mentioning of B&B on

- Their own website
- AirBnB
- Tripadvisor
- Facebook
- Google search
- Zillow

Current HDA website

"Hacienda Doña Andrea is the perfect venue for weddings, retreats, and families looking to enjoy uninterrupted time together. Located outside of Santa Fe, New Mexico, the location is an elegant balance of seclusion and convenience."

Is all tailored for large events. The only way to book anything from the website is through the "Event Link" which lands on below form:

https://haciendadonaandrea.tripleseat.com/party_request/23272

Accommodations are only for the whole Hacienda. Typically, with 2-night minimum for peak season (May-Oct).

Besides Weddings, HDA advertises for large events such as "Meetings, Parties & Vacation Rental"

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The hacienda is available for one-day rentals during the week or during our off-season weekends for birthday or anniversary parties, wine tastings, culinary classes, photo shoots and more.

MEETINGS, PARTIES & VACATION RENTAL

Impress your employees, friends or family by hosting your next meeting, party or holiday at the hacienda. For groups looking for a rural retreat where they can appreciate and enjoy the surrounding scenery that Northern New Mexico has to offer, look no further than Hacienda Doña Andrea.

The hacienda is an excellent place for multiple families to come together during the holidays for quality time in an elegant cozy setting. When you book the hacienda, you have privacy and beauty surrounding you.

The hacienda is ideal for both intimate groups of 30 and larger groups up to 100.

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[For inquiries click here](#)

[Event Request](#)

505.424.8995

Hacienda Doña Andrea

78 Vista del Oro

Los Cerrillos, NM 87010



Copyright Hacienda Doña Andrea 2017. Sheila Lisa Design

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Event Request

To enter a Request, please fill out the following form.

Your Contact Information

First name	<input type="text"/>
Last name	<input type="text"/>
Email address	<input type="text"/>
Phone number	<input type="text"/> <input type="text" value="Ext."/>
Company	<input type="text"/>

Your Event Details

Nature of this Event (e.g., Birthday Party or Business Dinner)

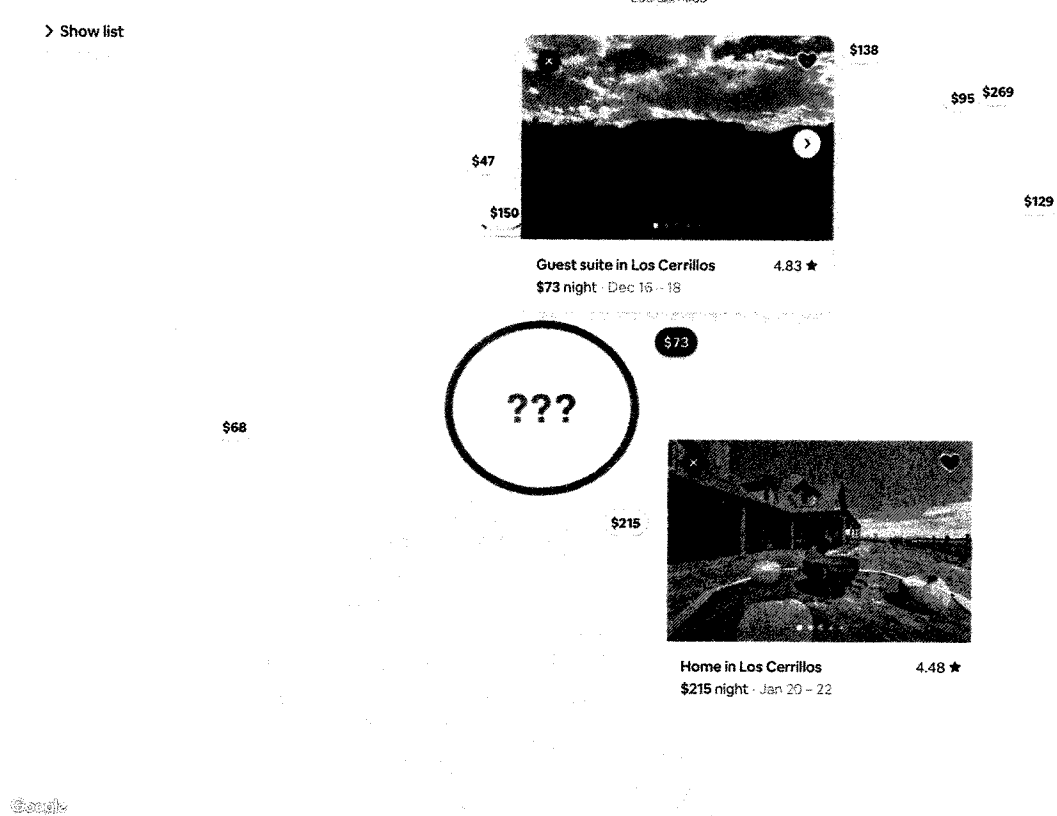
Event Date	<input type="text" value="6/12/2022"/>
Start Time	<input type="text" value="6:00pm"/>
End Time	<input type="text" value="9:00pm"/>
Number of People	<input type="text"/>

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AirBnB

Screenshot taken on 6/13 for any weekend from June 22, 2022 until May 23, 2023. A search for "week" returns the same.

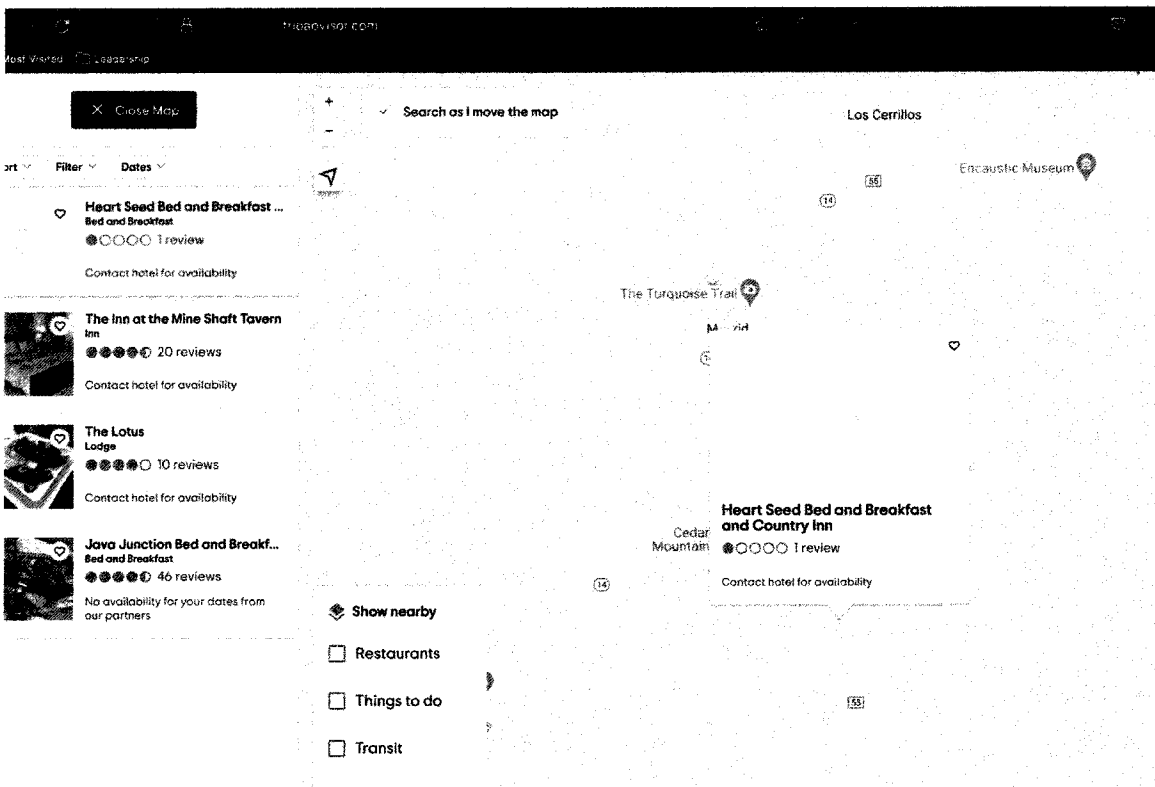
Two neighbors are advertising, but not HDA.



Tripadvisor

No presence on Tripadvisor

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A Google search

Google has NO current information that HDA does operate as a B&B.

A search for "Hacienda Dona Andrea B&B" returns wedding sites

A search for "Hacienda Dona Andrea" returns wedding sites

And Google does not come up in any way with HDA when searching for "Los Cerrillos B&B"

The screenshot shows a Google search for "hacienda dona andrea B&B". The search results on the left include:

- <https://haciendadonaandrea.com>: Hacienda dona Andrea de Santa Fe. This private southwestern estate minutes from Santa Fe is perfect for large groups, special events or family gatherings. With nine bedrooms, rent the entire ... Weddings - Retreats - Location
- <https://haciendadonaandrea.com/accommodations>: Accommodations — Hacienda dona Andrea de Santa Fe. 9 bedrooms located in 3 wings - includes a romantic honeymoon suite with king canopied bed / dressing room - Includes a wheelchair accessible room.
- <https://www.wedding-spot.com/venue/Hacienda-Do...>: Hacienda Doña Andrea de Santa Fe | Venue, Los Cerrillos. Hacienda Doña Andrea de Santa Fe ; Location: 78 Vista Del Oro Los Cerrillos, NM 87010 ; Description: Offering an air seclusion and privacy while inspiring dreams ... Style: Event Center, Private Estate, Moun... Location: 78 Vista Del Oro; Los Cerrillo...
- <https://www.weddingwire.com/.../Cerrillos>: Hacienda Dona Andrea de Santa Fe - Venue - Cerrillos, NM. Hacienda Dona Andrea de Santa Fe is a wedding venue located in Cerrillos, New Mexico. Spanning an impressive 17000 square feet, this private estate offers ... Rating: 4.4 - 15 reviews - Price range: \$9k - \$13k (For 100 Guests)
- What items and services are included in the starting site fee at Hacienda Dona Andrea de Santa Fe?
- What kind of indoor/outdoor options are available at Hacienda Dona Andrea de Santa Fe for wedding events?
- [https://www.yelp.com/.../Venues & Event Spaces](https://www.yelp.com/.../Venues%20&%20Event%20Spaces): HACIENDA DONA ANDREA - 78 Vista del Oro, Cerrillos, NM. Hacienda Dona Andrea - 78 Vista del Oro, Cerrillos, NM 87010. Directions · (505)

The detailed listing on the right for Hacienda Dona Andrea De Santa Fe includes:

- Website, Directions, Save
- 4.6 stars, 67 Google reviews
- Vacation home rental agency in Santa Fe County, New Mexico
- Service options: Onsite services · No online appointments
- Address: 78 Vista Del Oro, Los Cerrillos, NM 87010
- Hours: Closed - Opens 9AM Mon
- Health & safety: Appointment required · Mask required · Staff wear masks · More details
- Phone: (505) 424-8995
- Questions & answers: See all questions (1)
- Reviews from the web: WeddingWire 4.4/5 (15 reviews), Facebook 5/5 (6 photos)
- Reviews: Write a review, Add a photo

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Google

hacienda dona andrea

All Images Maps News Videos More

About 365,000 results (0.49 seconds)

https://haciendadonaandrea.com

Hacienda dona Andrea de Santa Fe

Hacienda Doña Andrea is the perfect venue for weddings, retreats, and families looking to enjoy uninterrupted time together. Located outside of Santa Fe, ...

Weddings

When you book at Hacienda Doña Andrea, you have use of the ...

About

Located in the mountains of Santa Fe, New Mexico, Hacienda ...

LOCATION

Hacienda Doña Andrea, 78 Vista Del Oro Los Cerrillos, NM, 87010

Accommodations

9 bedrooms located in 3 wings includes a romantic ...

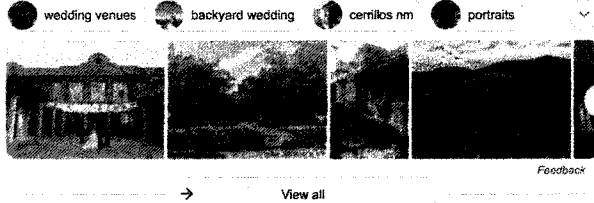
More results from haciendadonaandrea.com

https://www.theknot.com marketplace hacienda-don...

Hacienda Dona Andrea de Santa Fe | Reception Venues

Hacienda Dona Andrea de Santa Fe is a wedding venue located in Cerrillos, NM. Nestled in the picturesque Santa Fe mountain range, this property is an ideal ...
Rating: 3.7 · 10 reviews · Price range: \$\$\$ - Moderate

Images for hacienda dona andrea



https://www.wedding-spot.com venue Hacienda-Do...

Hacienda Doña Andrea de Santa Fe | Venue | Los Cerrillos

hacienda dona andrea

X

Tools



Hacienda Dona Andrea De Santa Fe

Website Directions Save

4.6 67 Google reviews

Vacation home rental agency in Santa Fe County, New Mexico

Service options: Onsite services · No online appointments

Address: 78 Vista Del Oro, Los Cerrillos, NM 87010

Hours: Open · Closes 5PM

Health & safety: Appointment required · Mask required · Staff wear masks · More details

Phone: (505) 424-8995

Suggest an edit

Questions & answers

See all questions (1)

Ask a question

Send to your phone

Send

Reviews from the web

The Knot	WeddingWire	Facebook
3.7/5	4.4/5	5/5
10 reviews	15 reviews	8 votes

Reviews

Write a review Add a photo

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los cerrillos b&b



All Maps Shopping Images News More Tools

About 40,600 results (0.59 seconds)

B&B | Los Cerrillos, NM

Thu, Jun 16

Fri, Jun 17

2

Top-rated

For tonight



Java Junction
4.6 ★★★★★ (197)
Free breakfast



The Lotus
4.3 ★★★★★ (6)



Bobcat Inn
4.9 ★★★★★ (99)
Free parking
Free Wi-Fi



Ravens Ridge B And B
5.0 ★★★★★ (8)



View 8 hotels

See results about

Cerrillos Hills Bed and Breakfast
Bed & breakfast in Los Cerrillos, New Mexico

<https://m.yelp.com> > Los Cerrillos, NM > Hotels & Travel

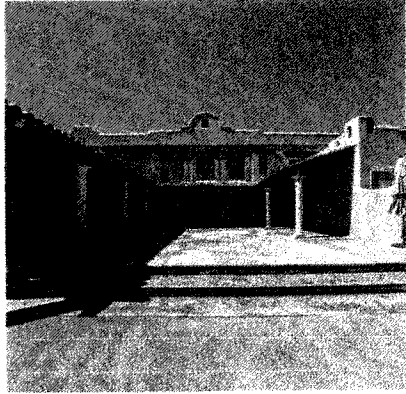
Best Bed & Breakfast near Los Cerrillos, NM - Yelp

Best Bed & Breakfast near Los Cerrillos, NM ; Cerrillos Hills Bed & Breakfast. 0.9 mi · 12 3rd St, Los Cerrillos, NM 87010 · (505) 424-3125 ; Java Junction. 2.3 mi.

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Zillow

This screenshot from April says, “Since 2000 this [...] property has been well known as a professionally operated and successful retreat, event and wedding site”. There are no claims that it was run as B&B.



Zillow

[Edit](#) [Save](#) [Share](#) [More](#)

10 bd · 12 ba · 11,000 sqft

78 Vista Del Oro, Cerrillos, NM 87010

● **Off market** Zestimate®: None ? Rent Zestimate®: **\$7,548**

Est. refi payment: \$ -- [Refinance your loan](#)

[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood details](#)



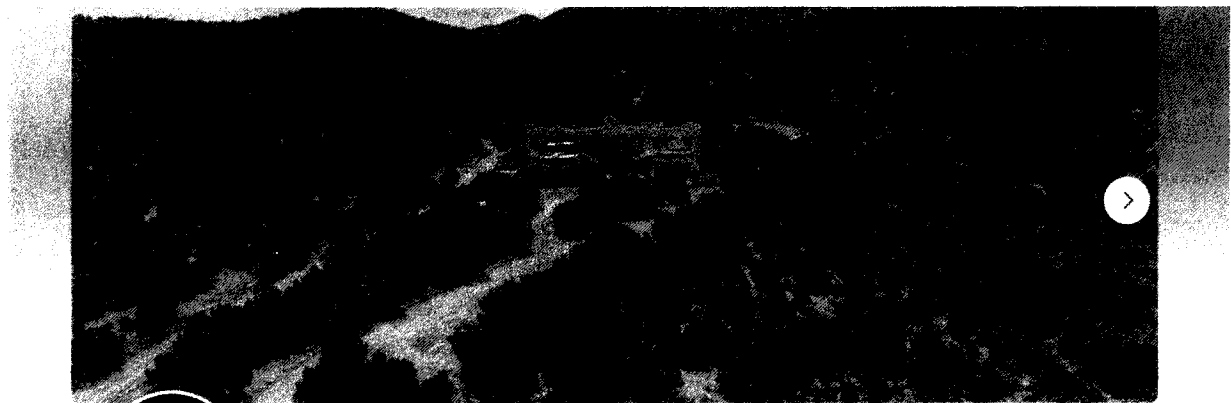
Hacienda Dona Andrea, a gorgeous mountain retreat and true hacienda with 120 mile views to Colorado, San Juan Mountains. Less than 30 minutes from Santa Fe, with 11000 square foot of usable space (13,000 indoors). Since 2000 this 10 bedroom/12 bathroom property has been well known as a professionally operated and successful retreat, event and wedding site. It is ideally suited as a bed and breakfast, vacation/reunion rental or film industry location. All bedrooms have en-suite baths and kiva fireplaces, patios or balconies. Beautiful details throughout with nichos, Mexican tiles, plastered walls, Saltillo tile, flagstone and concrete flooring, cast iron railings, commercial kitchen, chapel area, mature landscaping and expansive flagstone patio with panoramic views. Other details include ICF construction, strong private well that pumps to a 5000-gal cistern, two 1000-gal owned propane tanks, hot water baseboard heat, 2 multi-zone boilers, 12 fireplaces and a rainwater catchment system. Square footage includes a 1050 sq. ft. 1-bedroom attached apartment, storage rooms, and laundry room. The 64 acre property allows horses. Come see this unique property and popular fiesta setting. A spectacular property and an incredible opportunity.

[Read less](#)

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Facebook

@weddingmountain and "Performance & Event Venue"



Hacienda Dona Andrea de Santa Fe

@weddingmountain · ★ 5 (8 reviews) · Performance & Event Venue

✉ Send Email

Retreat, Wedding, and a 2-night minimum "Vacation home".



Hacienda Dona Andrea de Santa Fe

@weddingmountain · ★ 5 (8 reviews) · Performance & Event Venue

✉ Send Email

Home Services Reviews Photos More ▾

👍 Like 💬 Message 🔍 ⋮

Services

Book an appointment or message to learn more.

Corporate Retreat

Duration varies

Host your next corporate retreat in a unique location just outside of Santa Fe. Your guests can stay in on...

💬 Message

Wedding & Event Venue

Duration varies

The Hacienda is a 13,000 foot wild-world private estate located only 25 minutes from Santa Fe or 50...

💬 Message

Vacation home

Duration varies · Please inquire, 2-night minimum

Enjoy a complete privacy and seclusion with your friends or family in nine deluxe bedrooms each with...

💬 Message

SFC CLERK RECORDED 09/08/2022

Appendix Z

8.6.1. Agriculture/Ranching (A/R).

8.6.1.1. **Purpose.** The purpose of the Agriculture/Ranching (A/R) district is to designate areas suitable for agricultural, ranching and residential uses, and to prevent encroachment of incompatible uses and the premature conversion of agricultural and ranch lands to nonagricultural uses. Uses in the A/R district are limited to agricultural, ranch, residential and other compatible uses. This designation reflects areas whose present use is agricultural, such as grazing or dry land farming. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

8.6.1.2. **Permitted Uses.** Appendix B contains a list of all permitted, accessory, and conditional uses allowed within the A/R district.

8.6.1.3. **Dimensional Standards.** The dimensional standards within the A/R district are outlined in Table 8-5.

Permitted uses the same

Table 8-5: Dimensional Standards – A/R (Agriculture/Ranching).

Zoning District	A/R
Density (# of acres per dwelling unit)	160
Lot width (minimum, feet)	400
Lot width (maximum, feet)	n/a
Height (maximum, feet)	36
Height (maximum, feet), hay or animal barn, silo	50

SEC CLERK RECORDED

8.6.2. Rural (RUR).

8.6.2.1. **Purpose.** The purpose of the Rural (RUR) district is to designate areas suitable for a combination of agricultural, equestrian, residential and other compatible uses. The intent of the RUR district is to protect agricultural uses from encroachment by development and to support agricultural, ranch, very large lot residential, ecotourism and equestrian uses. Density transfers and clustered development shall be allowed in order to support continued farming and/or ranching activities, conserve open space or protect scenic features and environmentally sensitive areas.

09/08/08

ECOTOURISM definition: tourism directed toward exotic, often threatened, natural environments, intended to support conservation efforts and observe wildlife. The 3 main characteristics of ecotourism are defined as: **nature based; environmentally educated; and sustainably managed.**

Appendix 3

The definition of Bed and Breakfast is embedded in the definition of "Motel":

Motel: a building or group of detached, semidetached, or attached buildings on a lot containing guest dwellings, each of which has a separate inside or outside entrance leading directly to rooms, with a garage or parking space conveniently located, and which is designed, used, or intended to be used primarily for the accommodation of automobile transients. Motels may include bed-and-breakfast inns or boarding houses if they meet the above-defined criteria.

Ag/Ranch
↓

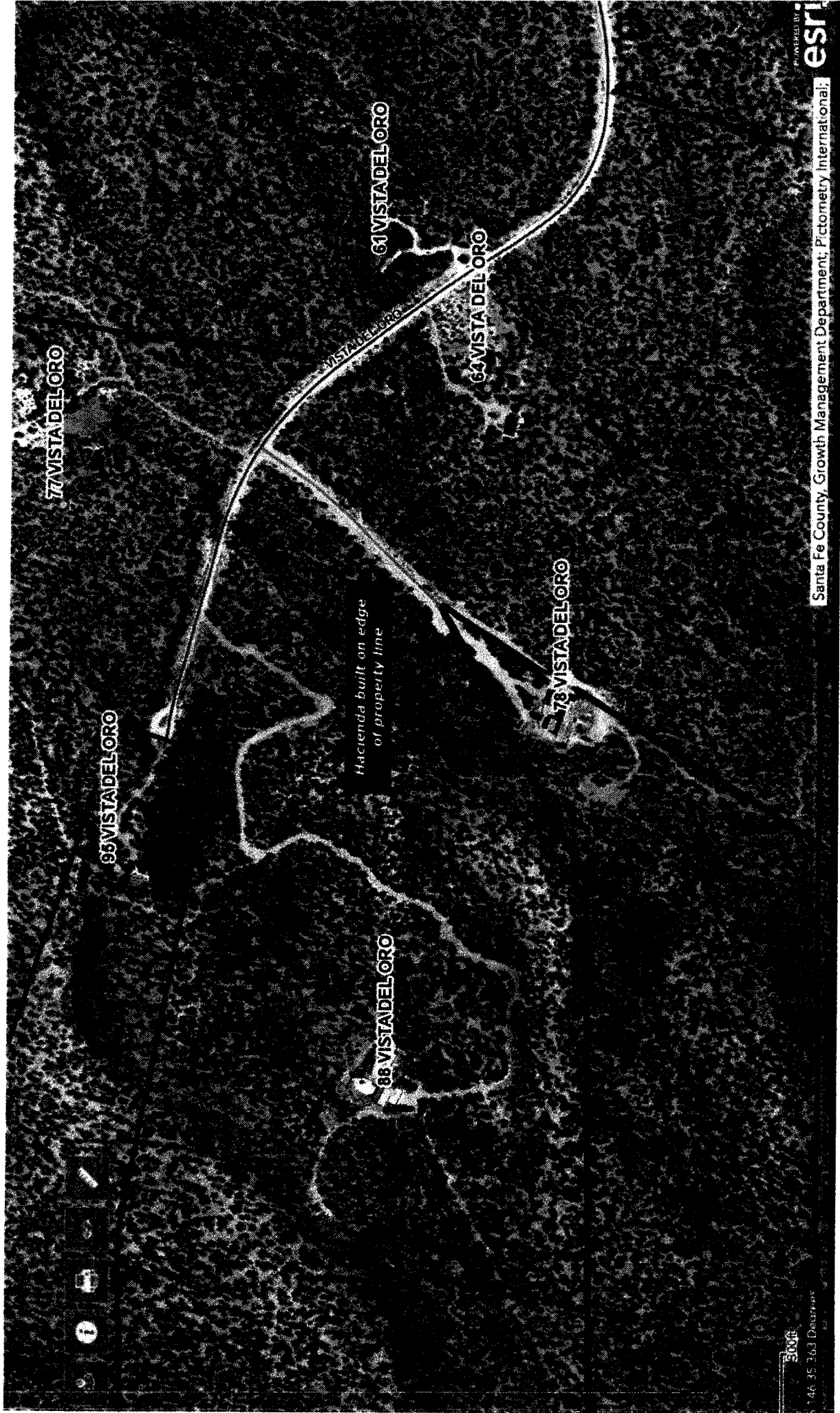
Use	Function	Structure	Activity	Ag/Ranch	Rural	...
<i>9 uses besides "single family"</i>						
Residential						
Single family		1110			P	I
Accessory dwelling units		1130			A	A
Townhouses					P	I
Multifamily dwellings		1202-99			C	C
Retirement Housing	1210				P	I
Assisted living facility	1230				P	I
Life care or continuing care facilities	1240				P	I
Nursing facilities	1250				P	I
Community Home, NAICS 623210					P	I
Barracks		1310			A	A
Dormitories		1320			A	A
Temporary structures, tents etc. for shelter		1350			P	I
Hotels, motels, or other accommodation services						
Bed and Breakfast inn	1310				P	I
Rooming and boarding housing	1320				C	C
Resorts					C	C
Retreats					P	I
Hotels, motels, and tourist courts	1330				C	C

All Quiet Uses

✓ Permitted Uses

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Appendix 4



SFC CLERK RECORDED 09/08/2022

SOUND MEASUREMENT INFORMATION

**Additional information including more noise
readings can be found in Dropbox**

link:

**[https://www.dropbox.com/sh/n9xj2kxrkspb8jh/
AADpCm_gbc1jQldgr2Th3YxCa?dl=0](https://www.dropbox.com/sh/n9xj2kxrkspb8jh/AADpCm_gbc1jQldgr2Th3YxCa?dl=0)**

**Information gathered by
Tom Tammann, Engineer**

SFC CLERK RECORDED 09/08/2022

SECTION 1:
**COMPARATIVE DATA MEASURED USING
CERTIFIED AND CALIBRATED
EQUIPMENT**

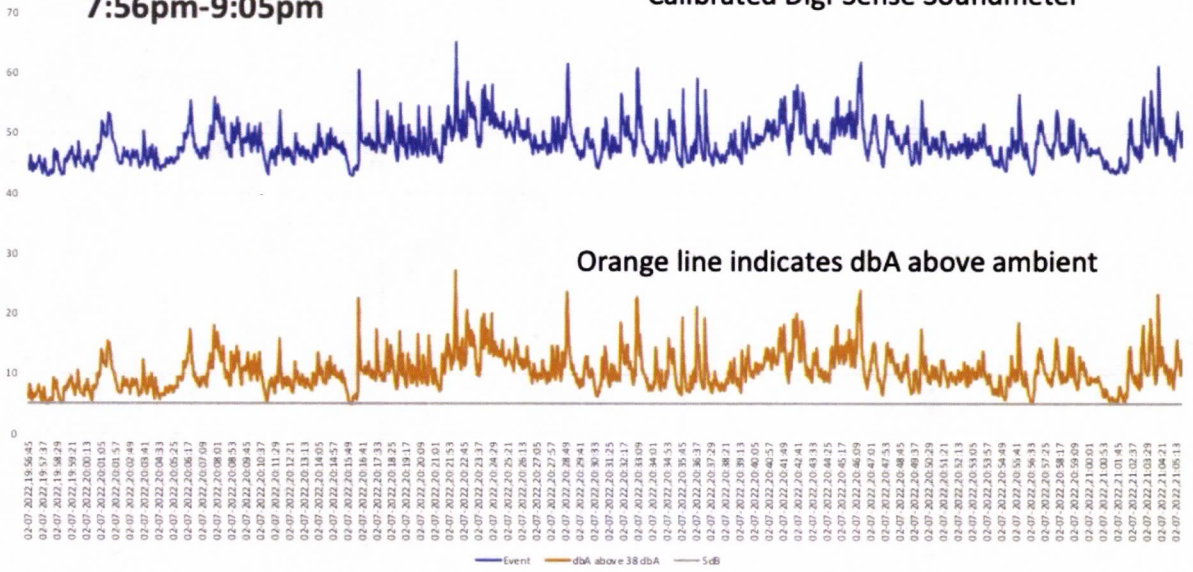
JUNE - JULY 2022

**(All information prior to June 16 was
provided to the Planning Commission)**

SFC CLERK RECORDED 09/08/2022

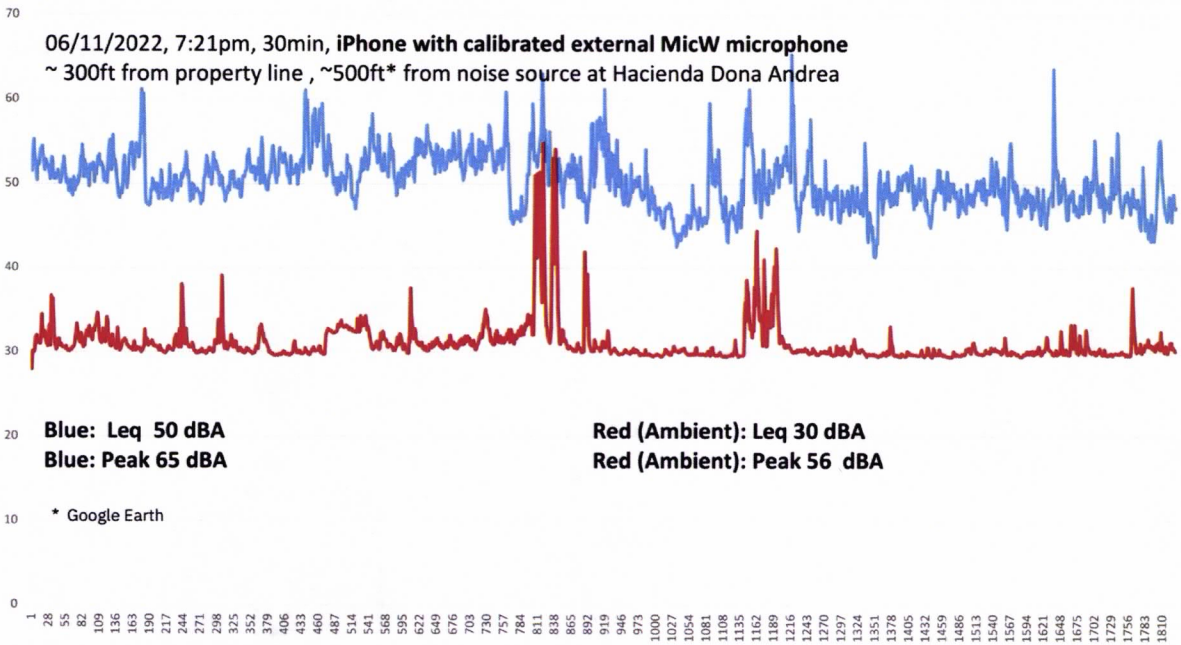
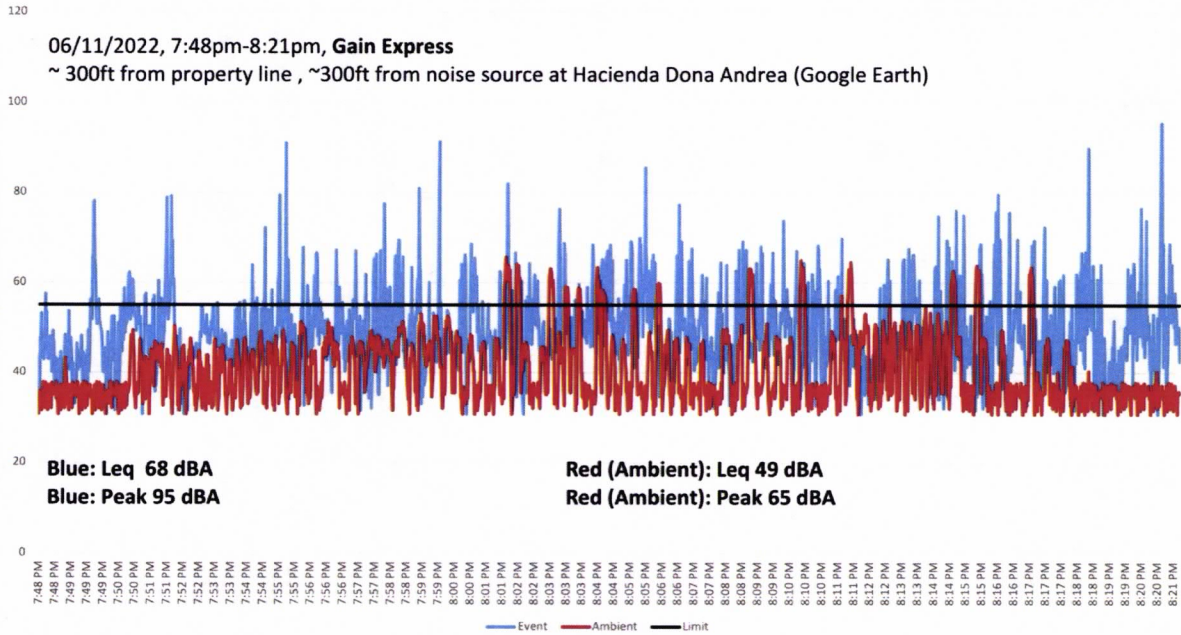
Event 7/2/2022
7:56pm-9:05pm

Measured with Certified &
Calibrated Digi-Sense Soundmeter



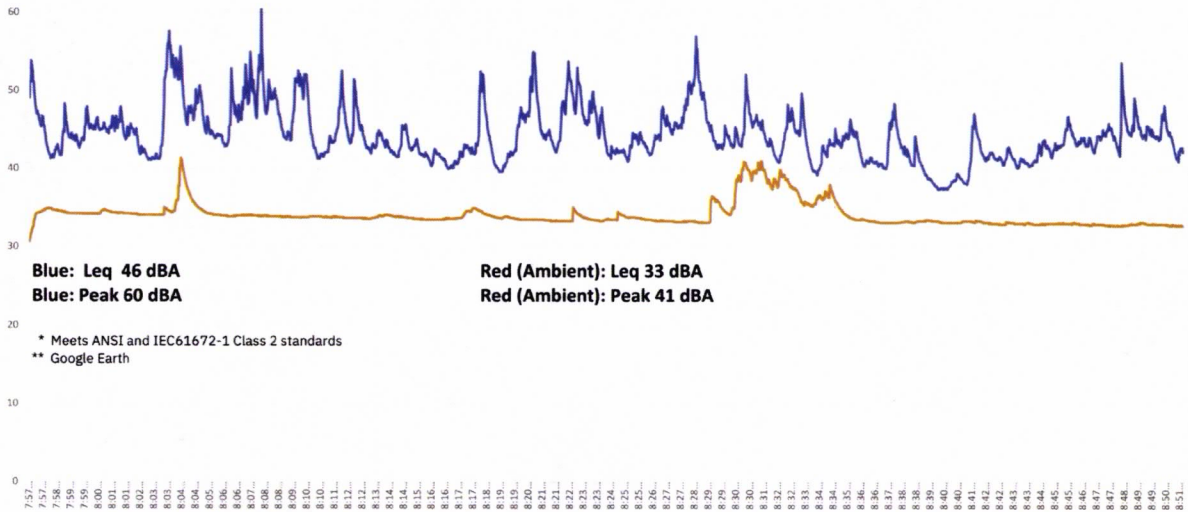
SFC CLERK RECORDED 09/08/2022

6.11.22 WEDDING – READINGS FROM GAIN EXPRESS, SOUNDMETER X, DIGI-SENSE



SFC CLERK RECORDED 09/08/2022

06/11/2022, 7:57pm-8:51pm, Digi-Sense* with individual NIST tracable calibration report
 ~ 300ft from property line, ~500ft** from noise source at Hacienda Dona Andrea



SFC CLERK RECORDED 09/08/2022

SECTION 2:

**NOISE READINGS
TAKEN BY NEIGHBORS 4.1.22 - 7.2.22**

**Equipment used: information available
in Dropbox:**

**[https://www.dropbox.com/sh/
n9xj2kxrkspb8jh/
AADpCm_gbc1jQldgr2Th3YxCa?dl=0](https://www.dropbox.com/sh/n9xj2kxrkspb8jh/AADpCm_gbc1jQldgr2Th3YxCa?dl=0)**

**all information prior to June 16 was
presented to Planning Commission**

SFC CLERK RECORDED 09/08/2022

Comparative Noise readings

Summary of individual readings taken from 4.1.22 to 7.2.22 on neighboring properties

General notes:

- Neighborhood called 5 different sources for a sound/audio engineer – nobody available/qualified.
- Financial investment of time and money made as a result – over \$1100 dollars to produce reliable data with calibrated equipment
- All equipment information and additional readings not presented in this document can be found in Dropbox:

<https://www.dropbox.com/sh/v02w23uif3ohog7/AAAyAsbBT25Vsu3ujKn25Jwxa?dl=0>

Taken from 64 Vista del Oro - approx. 800 feet from HDA property line at the back door of studio

- Decibel Meter Sound Detector, SoundMeter X

Date	Time of reading	Length of reading	dBs	App used	Comments/notes
4.1.22	5.00pm		63	Decibel Meter Sound Detector	Wedding up to 120 people - DJ warm up
4.1.22	6.pm approx		55	Decibel Meter Sound Detector	During wedding same location
4.1.22	8 pm approx		66	Decibel Meter Sound Detector	During wedding same location
4.1.22	8.15pm		55	Decibel Meter Sound Detector	During wedding same location
4.1.22	8.30pm		65	Decibel Meter Sound Detector	During wedding same location
6.11.22	8.34pm	13 mins	50.1 LAeq	Sound Meter X	Wedding in progress – 10+ LAeq above ambient

SFC CLERK RECORDED 09/08/2022

Taken from 88 Vista del Oro – 300 – 1100 feet from HDA property line – varying points outdoors – see photos of locations

- Using DecibelX, NIOSH app, SoundMeter X, GainExpress Sound Meter, DigiSense Sound Meter – all calibrated using professional calibration equipment and professional microphone

Date	Time of reading	Length of reading	LAeq	App used	Comments/notes
5.29.22	5.20pm	3.38	44.9	Decibel X	Wedding up to 80 people Everybody <u>indoors</u> – music, announcements
5.29.22	5.30pm	2.28	76.5	Decibel X	People on terrace
5.29.22	6.58pm	2.24	59.7	Decibel X	
5.29.22	7.07pm	3.28	56.2	Decibel X	
5.29.22	7.15pm	1.19	55.9	Decibel X	
6.3.22	11.39pm	4.09	51.1	Decibel X	Night BEFORE wedding – party on the roof – about 10 people making noise well after 10pm
6.4.22	2.25pm	5.28	67.6	Decibel X	Preparation for wedding up to 120 guests
6.4.22	2.44pm	10.35	54.1	NIOSH	Conversation audible - no music comparative
6.4.22	6.47pm	3.12	62.8	NIOSH	Wedding noise including music
6.4.22	8.10pm	20.32	57.5	NIOSH	Some guests had left – avg noise level across 20 mins
6.6.22	6.17pm	34.46	34.4	SoundMeter X	Evening ambient
6.6.22	6.35pm	31.08	35.7	NIOSH	Typical ambient reading - 30 mins evening
6.6.22	8.58pm	33.28	30.7	SoundMeter X	Evening ambient
6.7.22	5.49pm	30.00	38.2	SoundMeter X	Ambient early evening
6.7.22	7.59pm	30.00	31.8	SoundMeter X	Ambient mid evening
6.9.22	8.06am	30.30	29.8	SoundMeterX	Ambient morning
6.9.22	10.55pm	30.05	33.1	NIOSH	Ambient later evening

SFC CLERK RECORDED 09/08/2022

Date	Time of reading	Length of reading	LAeq	App used	Comments/notes
6.9.22	9.55pm	30.30	33.5	SoundMeterX	Ambient later evening
6.11.22	8.17pm	30.26	60.9	NIOSH	Wedding in progress
6.11.22	8.19pm	21.1	58.0	DecibelX	As above
6.11.22	8.40pm	13.49	57.4	DecibelX	As above
6.11.22	8.21pm	33 mins	68	GainExpress meter	As above – see graph
7.2.22	8.29pm		55.7	Gain Express meter	See photo
7.2.22	8.45pm		57.1	Gain Express meter	See photo
7.2.22	7.56pm-9.01pm	65 mins	See graph	DigiSense Sound Meter	See graph
7.21.22	7.31am	42:48	37.3	NIOSH app	Ambient
7.23.22	7:58am	32:54	35.0	NIOSH app	ambient

SFC CLERK RECORDED 09/08/2022

Taken by 95 Vista del Oro – different points ranging from 300-700 feet from HDA property line – varying points

- Using Sound Meter Pro for Android, Digi-Sense Professional Sound Meter, GainExpress Sound Meter, calibrated

Date	Time of reading	Length of reading	Peaks in dB	App used	Comments/notes
5.29.22	12.45pm		30	Sound Meter Pro	Ambient midday
5.29.22	6.30pm		52	Sound Meter Pro	Ambient evening with wind
5.29.22	6.53pm		62	Sound Meter Pro	Wedding underway
6.4.22	3.28pm		30	Sound Meter Pro	Ambient baseline
6.4.22	7.25pm		81	Sound Meter Pro	During 6.4.22 wedding
6.4.22	7.32pm		81	Sound Meter Pro	During 6.4.22 wedding
6.11.22	4.49pm		31	Sound Meter Pro	Ambient
6.11.22	5.11pm		30	Sound Meter Pro	Ambient
6.11.22	7.33pm		73.3	Sound Meter Pro	During wedding – band returning
6.11.22	8.25pm		74.5	Sound Meter Pro	During wedding – band playing
6.11.22	8.26pm		74.5	Sound Meter Pro	As above
6.11.22	8.29pm		74.6	Sound Meter Pro	As above
6.11.22	8.51pm	54 mins	46 LAeq	Digi-Sense meter	300 feet from property line –taken from sheltered location – differential between ambient of 33 LAeq and event noise – see graph
6.11.22	9.20pm		74.1	Sound Meter Pro	<u>Noise continuing past 9pm</u>
7.2.22	9.53-10.46AM	53 mins	31.1	Digi-Sense Meter	<u>AMBIENT DAY OF WEDDING</u>

SFC CLERK RECORDED 09/08/2022

July 2, 2022 – GAIN EXPRESS SOUND METER PHOTOS



SFC CLERK RECORDED 09/08/2022

NIOSH



Noise measurement report

Date: **6/11/22, 20:17** 8.17pm - wedding noise - 30 mins - full calibration

Operator: A

Place: 88 vista del oro

Measurement results

Measurement time (hh:mm:ss)	00:30:26
LAeq	60.9 dB
Max. level	92.1 dB
LCpeak	119.3 dB
TWA	41.2 dB
Dose	0.0 %
Projected dose	0.1 %

Notes

125 yards

SFC CLERK RECORDED 09/08/2022



Measurement Report

Name: wedding 6.11.22

Duration: 21m:1s with full calibration of equipment including external mic

Time: Jun 11, 2022 At 8:19 Pm

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

Frequency weighting	A
Response time	Slow (0.5s)
Calibration	--6.0 dB
Avg/Leq	58.0 dB
Min	35.8 dB
Max	78.0 dB
Peak	84.7 dB

Measurement results

Standard	NIOSH
Threshold	85 dB
Exchange rate	3 dB
TWA	0.0 dB
Dose	0.0 %
Projected dose	0.0 %

Graph

SFC CLERK RECORDED 09/08/2022



Measurement Report

Name: wedding 6.11.22

Duration: 13m:49s with full calibration of equipment

Time: Jun 11, 2022 At 8:40 Pm

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

Frequency weighting	A
Response time	Slow (0.5s)
Calibration	--6.0 dB
Avg/Leq	57.4 dB
Min	36.5 dB
Max	75.0 dB
Peak	82.0 dB

Measurement results

Standard	NIOSH
Threshold	85 dB
Exchange rate	3 dB
TWA	0.0 dB
Dose	0.0 %
Projected dose	0.0 %

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 6/4/22, 20:10

Operator: A

Place: 88 Vista del Oro

Measurement results

Measurement time (hh:mm:ss)	00:20:32
LAeq	57.4 dB
Max. level	88.2 dB
LCpeak	110.3 dB
TWA	33.6 dB
Dose	0.0 %
Projected dose	0.0 %

Notes

120 yards from property line Wedding in full swing Dancing in progress 20 mins recorded

SFC CLERK RECORDED 09/08/2022



Measurement Report

Name: wedding 6.4.22 wedding party

Duration: 5m:28s

Time: Jun 4, 2022 At 2:25 Pm

Guests and wedding party outside - just conversation - to illustrate now loud this can be

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

Frequency weighting	A
Response time	Slow (0.5s)
Calibration	+0.0 dB
Avg/Leq	67.6 dB
Min	51.2 dB
Max	80.2 dB
Peak	88.0 dB

Measurement results

Standard	Custom
Threshold	80 dB
Exchange rate	3 dB
TWA	32.6 dB
Dose	0.0 %
Projected dose	0.2 %

Graph

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 6/4/22, 14:44

Operator: A

CAPTURES CONVERSATION AT HDA - NO MUSIC, JUST PEOPLE TALKING - TO SHOW HOW LOUD ANY NOISE CAN BE

Place: 88 vista del oro.

Measurement results

Measurement time (hh:mm:ss)	00:10:35
LAeq	54.1 dB
Max. level	69.1 dB
LCpeak	95.0 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Continued wedding party and guest conversation before the wedding began. Same location: 125 yards from the property line. Recorded to show noise level before festivities began and to illustrate how far just conversation can carry. Six males gathered on west side balcony/terrace area telling jokes and bantering!

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 6/4/22, 13:32

1.32 pm CAPTURES CONVERSATION AT HDA -
NO MUSIC, JUST PEOPLE TALKING

Operator: A

Place: 8& vista del oro

Measurement results

Measurement time (hh:mm:ss)	00:06:29
LAeq	60.8 dB
Max. level	82.3 dB
LCpeak	100.6 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Guests or wedding party gathering at HDA. Reading taken at 125 yards from property line
General conversation and laughter audible.

SFC CLERK RECORDED 09/08/2022



Measurement Report

Name: conversation clearly audible 11.39 pm 6.3.22. from patio 88

Duration: 4m:9s

Time: Jun 3, 2022 At 23:35

LATE NIGHT CONVERSATION on Hacienda upper patio/balcony CLEARLY AUDIBLE from 1100 feet away

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

Frequency weighting	A
Response time	Slow (0.5s)
Calibration	+0.0 dB
<input checked="" type="checkbox"/> Avg/Leq	51.1 dB
Min	25.5 dB
Max	74.1 dB
Peak	82.1 dB

Measurement results

Standard	Custom
Threshold	80 dB
Exchange rate	3 dB
TWA	0.0 dB
Dose	0.0 %
Projected dose	0.0 %

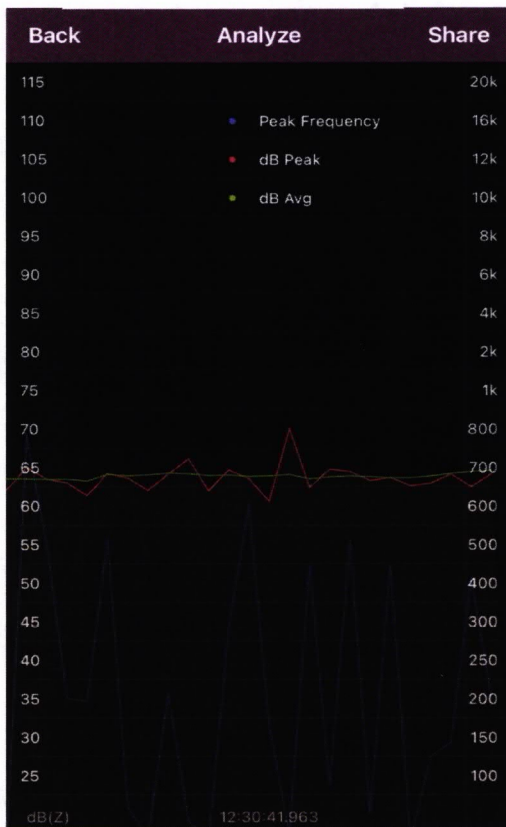
SFC CLERK RECORDED 09/08/2022

NOISE READINGS AT 64 VISTA DEL ORO

- Location: standing at back door of house – approx. 800 feet from property line
- Taken 4.1.22 from 5pm – 8.30pm
- Equipment used: iPhone 7 and Decibel Meter Sound Detector app
- Information on equipment can be found here:
- <https://www.dropbox.com/sh/v02w23uif3ohog7/AAAyAsbBT25Vsu3ujKn25Jwxa?dl=0>

Location: studio back door 800 feet from property line
Date: 4.1.22

5pm – DJ warm up

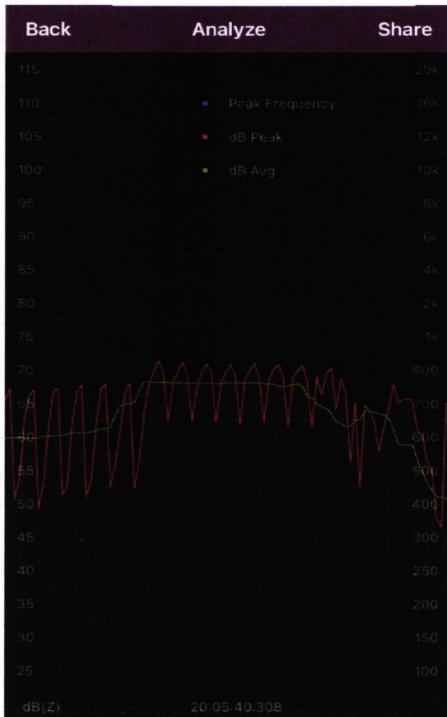


6pm

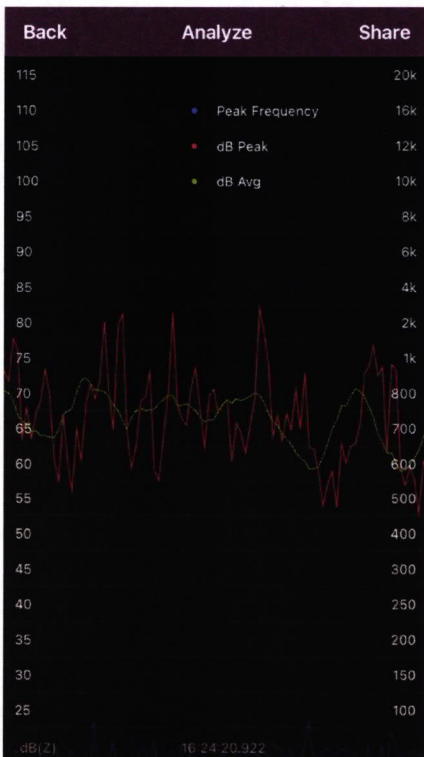


SFC CLERK RECORDED 09/08/2022

8- 8.30pm



8- 8.30pm



8- 8.30pm

dB	Example
10	Breathing, barely audible
20	Whisper, rustling leaves
30	Quiet rural area
40	Library, bird calls (44 dB)
50	Quiet suburb, conversation at ho...
60	Conversation in restaurant, office
70	Vacuum cleaner (70 dB)
80	Food blender (88 dB)
90	Motorcycle at 25 ft (90 dB)
100	Motorcycle, farm tractor
110	Live rock music (108 - 114 dB)
120	Thunderclap, chain saw

Decibel examples from app

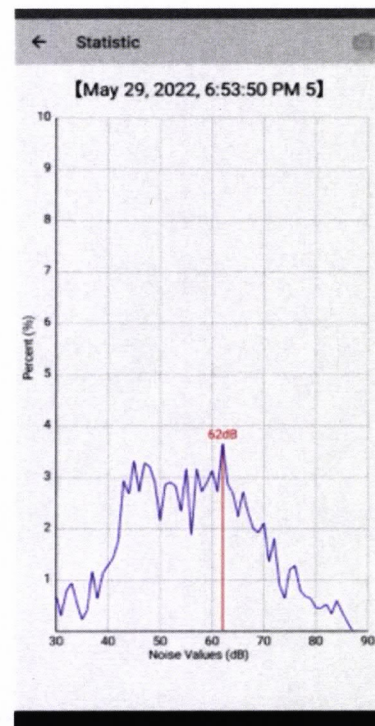
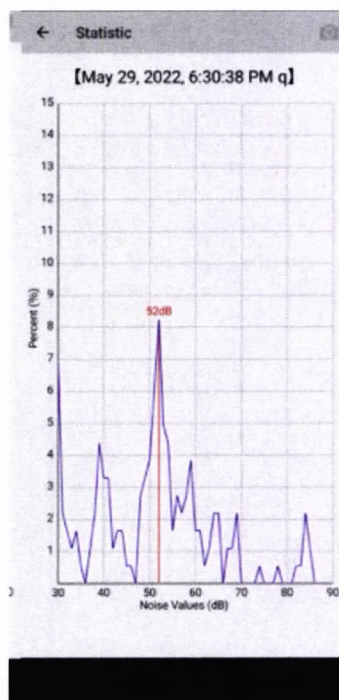
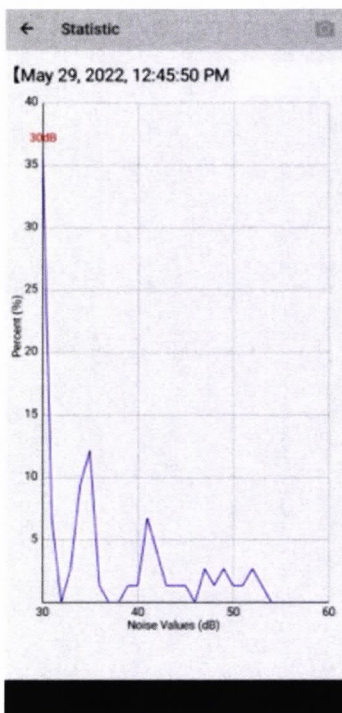
SFC CLERK RECORDED 09/08/2022

NOISE READINGS BY 95 VISTA DEL ORO

- Location: various points close to or at the property line and property gate, over 150 yards from HDA
- Equipment used: Android phone and Sound Meter Pro for Android app
- Readings taken 6.11.22 using GainExpress Professional Sound Level Meter – calibrated by manufacturer
- <https://www.dropbox.com/sh/v02w23uif3ohog7/AAyAsbBT25Vsu3ujKn25Jwxa?dl=0>

May 29 wedding

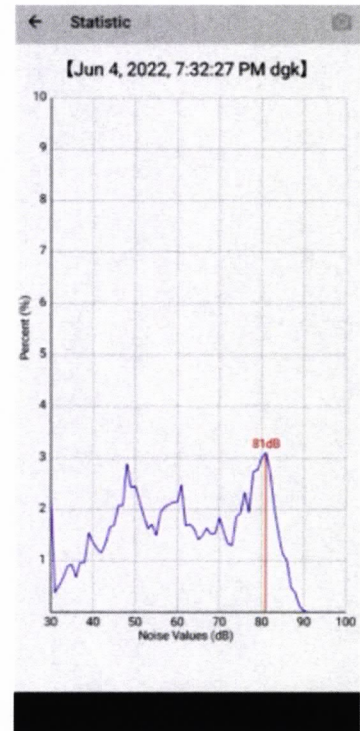
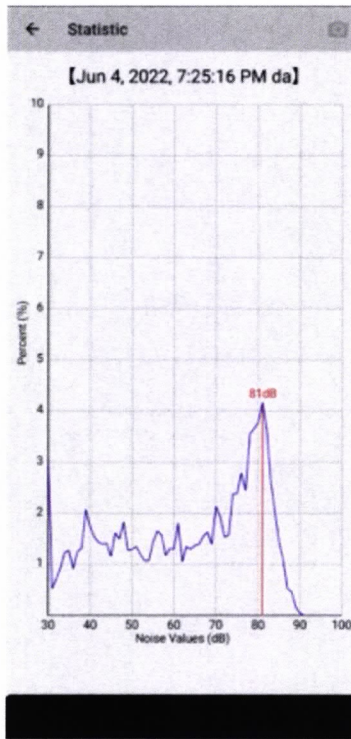
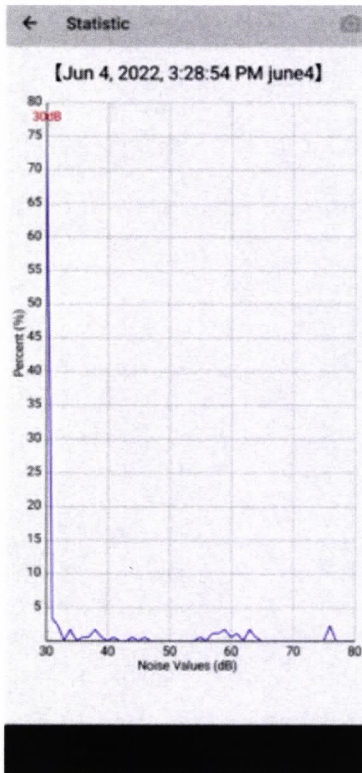
Ambient reading



SFC CLERK RECORDED 09/08/2022

June 4 wedding

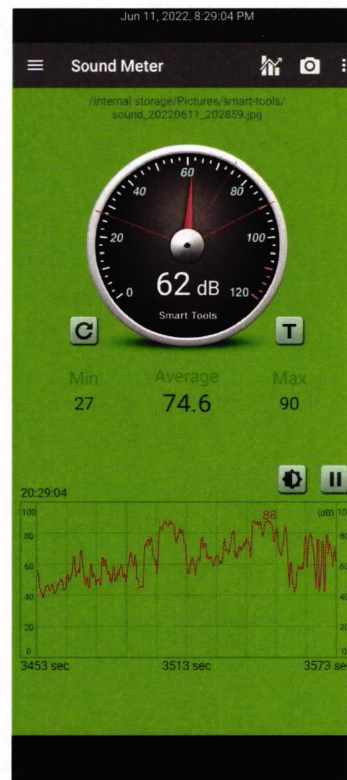
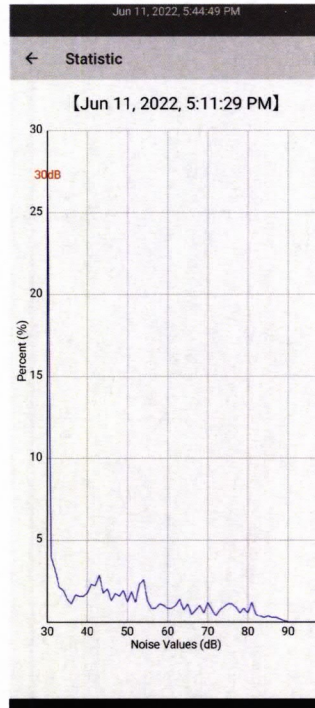
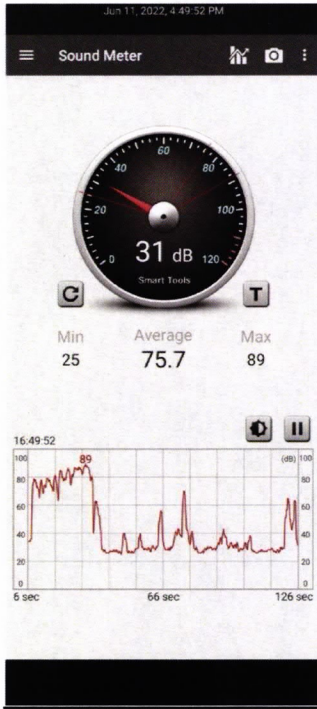
Ambient reading here



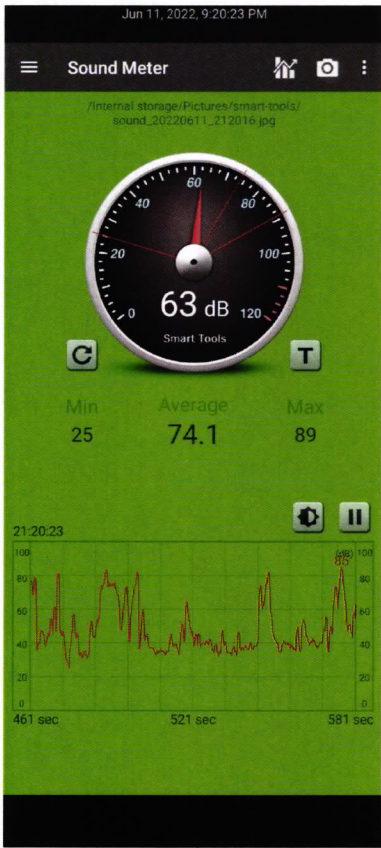
SFC CLERK RECORDED 09/08/2022

JUNE 11 WEDDING

Ambient reading here



SFC CLERK RECORDED 09/08/2022



Noise measured after 9pm – music still playing and people still outside

SFC CLERK RECORDED 09/08/2022

SECTION 3:

**AMBIENT READINGS ON
NEIGHBORING PROPERTIES**

**ALL INFORMATION PRIOR TO JUNE 16
WAS PROVIDED TO THE PLANNING
COMMISSION**

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 7/23/22, 07:58

Operator: A

Place: 88 vista del oro patio

Measurement results

Measurement time (hh:mm:ss)	00:32:54
LAeq	35.0 dB
Max. level	60.7 dB
LCpeak	84.0 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Some insects and light breeze

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 7/21/22, 07:31

Operator: A

Place: 88 vista del oro patio

Measurement results

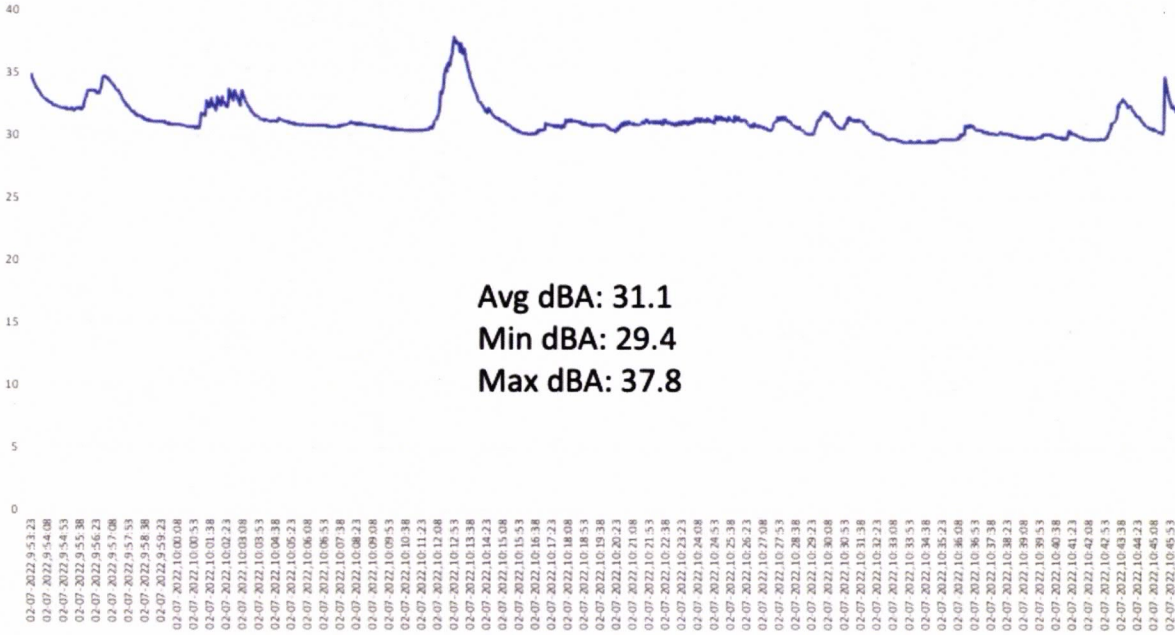
Measurement time (hh:mm:ss)	00:42:48
LAeq	37.3 dB
Max. level	67.9 dB
LCpeak	84.2 dB
TWA	dB
Dose	%
Projected dose	%

Notes

SFC CLERK RECORDED 09/08/2022

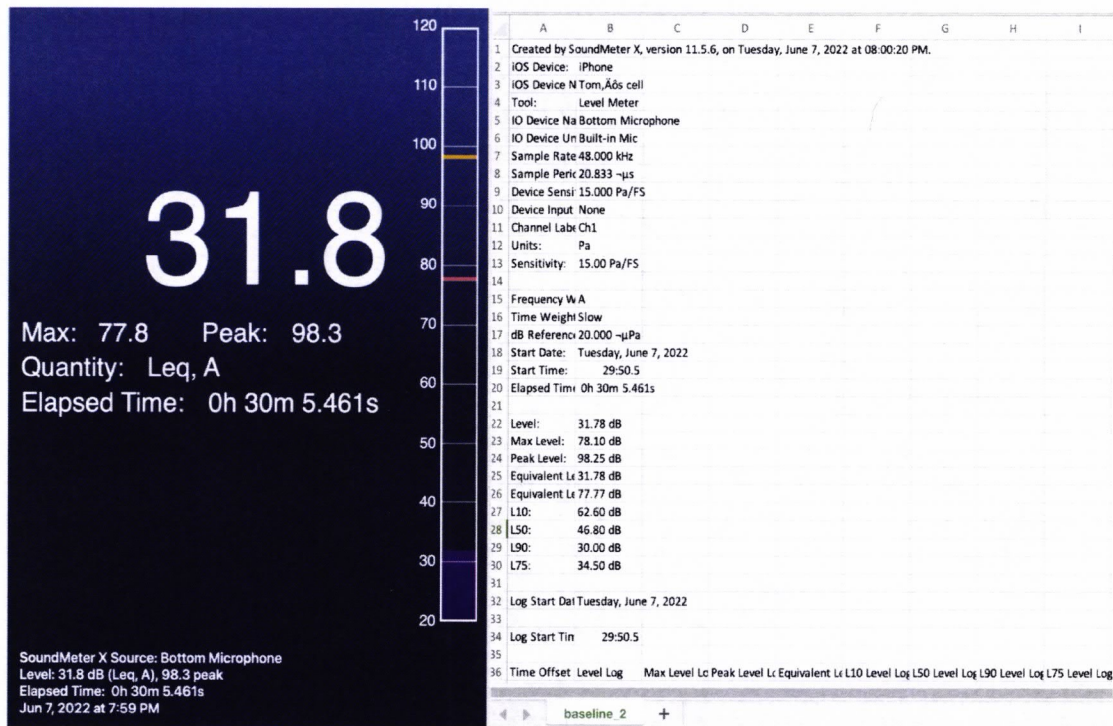
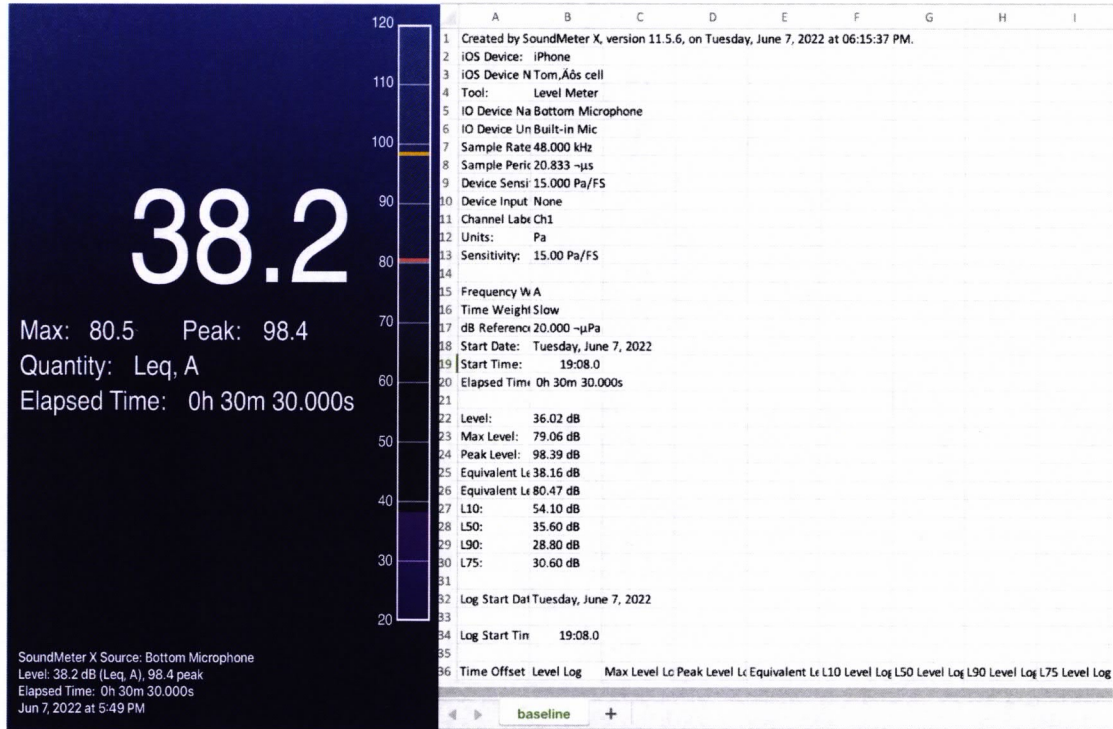
**AMBIENT READING JULY 2, 2022
TAKEN USING DIGISENSE SOUND METER**

**Ambient, 7/2/22
9:53am - 10:46am**



SFC CLERK RECORDED 09/08/2022

Ambient Noise Readings - Pictures and corresponding data - SoundMeter X – taken at 88 Vista del Oro – various times and dates – summarized in Summary sheet



SFC CLERK RECORDED 09/08/2022



Created by SoundMeter X, version 11.5.6, on Thursday, June 9, 2022 at 10:56:56 PM.

iOS Device: iPhone
iOS Device N Tom, A&S cell
Tool: Level Meter
IO Device Na Headset Microphone
IO Device Un Headset Input
Sample Rate 48.000 kHz
Sample Peric 20.833 -µs
Device Sensi: 1.000 FS/FS
Device Input 39.50%
Channel Labe Ch1
Units: Pa
Sensitivity: 33.26 Pa/FS

Frequency W A
Time Weight Slow
dB Referenci 20.000 -µPa
Start Date: Thursday, June 9, 2022
Start Time: 25:10.9
Elapsed Tim: 0h 30m 30.000s

Level: 33.52 dB
Max Level: 48.30 dB
Peak Level: 69.83 dB
Equivalent Le 33.53 dB
Equivalent Le 49.14 dB
L10: 34.80 dB
L50: 33.60 dB
L90: 33.50 dB
L75: 33.60 dB

Log Start Dat Thursday, June 9, 2022
Log Start Tin 25:10.9



Created by SoundMeter X, version 11.5.6, on Thursday, June 9, 2022 at 08:30:20 AM.

iOS Device: iPhone
iOS Device N Tom, A&S cell
Tool: Level Meter
IO Device Na Headset Microphone
IO Device Un Headset Input
Sample Rate 48.000 kHz
Sample Peric 20.833 -µs
Device Sensi: 20.807 V/FS
Device Input 40.00%
Channel Labe Ch1
Units: Pa
Sensitivity: 1.00 V/Pa

Frequency W A
Time Weight Slow
dB Referenci 20.000 -µPa
Start Date: Thursday, June 9, 2022
Start Time: 36:09.7
Elapsed Tim: 0h 30m 30.000s

Level: 30.08 dB
Max Level: 55.73 dB
Peak Level: 74.19 dB
Equivalent Le 29.84 dB
Equivalent Le 56.57 dB
L10: 32.90 dB
L50: 30.40 dB
L90: 29.70 dB
L75: 29.90 dB

Log Start Dat Thursday, June 9, 2022
Log Start Tin 36:09.7

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: **6/10/22, 18:15** 6.15pm early evening ambient

Operator: A

Place: 88 vista del oro

Measurement results

Measurement time (hh:mm:ss)	00:32:15
LAeq	34.3 dB
Max. level	51.3 dB
LCpeak	84.8 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Evening ambient

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 6/9/22, 22:55 11pm Ambient reading - 30 mins - full calibration

Operator: A

Place: 88 vista del oro. East patio facing HDA

Measurement results

Measurement time (hh:mm:ss)	00:30:05
LAeq	33.1 dB
Max. level	47.3 dB
LCpeak	67.5 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Measured on patio at 88 vista del oro pointing toward HDA. 30 mins ambient reading
Calibrated app and professional mic.

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 6/6/22, 18:35 6.35pm Ambient reading 31 mins

Operator: A

Place: 88 vista del oro

Measurement results

Measurement time (hh:mm:ss)	00:31:08
LAeq	35.7 dB
Max. level	67.9 dB
LCpeak	101.5 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Exact spot of readings taken on 6.4.22 30 mins of ambient noise in the evening. Standard weather. Light breeze and insects

SFC CLERK RECORDED 09/08/2022



Noise measurement report

Date: 6/4/22, 09:27

Operator:

Place: 88 vista del oro

Measurement results

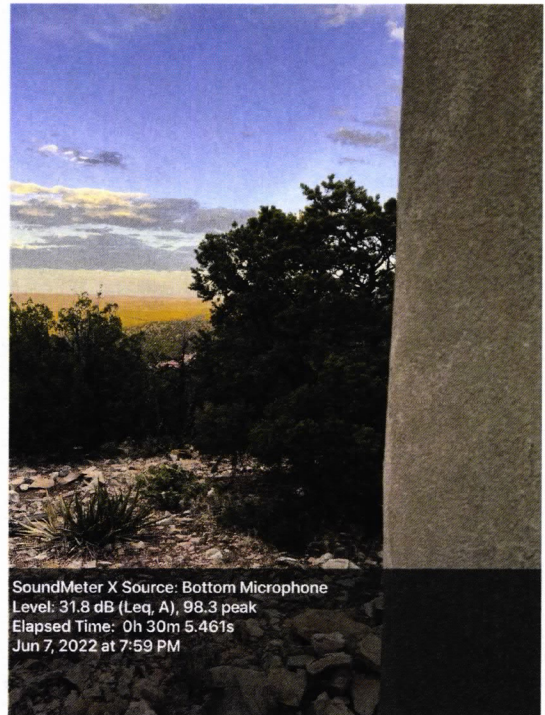
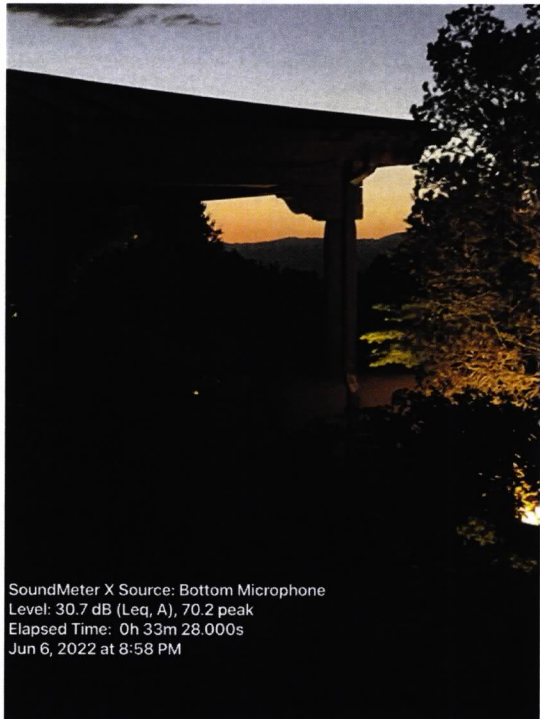
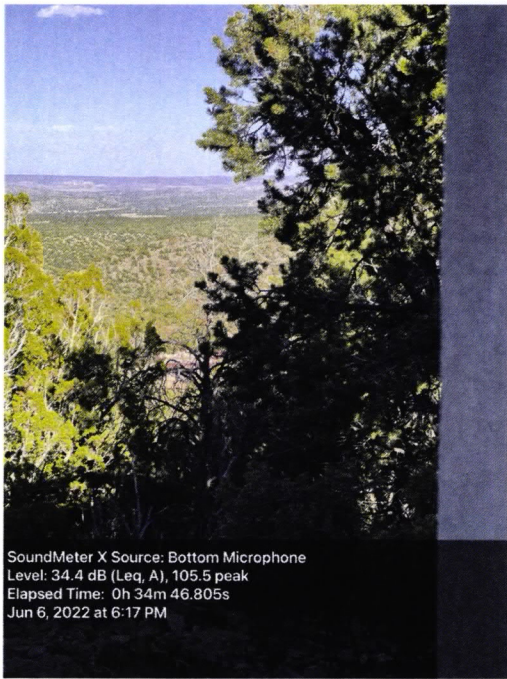
Measurement time (hh:mm:ss)		00:15:10
LAeq	ambient with wind!	41.7 dB
Max. level		75.9 dB
LCpeak		99.5 dB
TWA		dB
Dose		%
Projected dose		%

Notes

Ambient reading in the morning.

SFC CLERK RECORDED 09/08/2022

Pictures of locations of sound gathering at 88 Vista del Oro – at residence and at 125 yards+ from property line



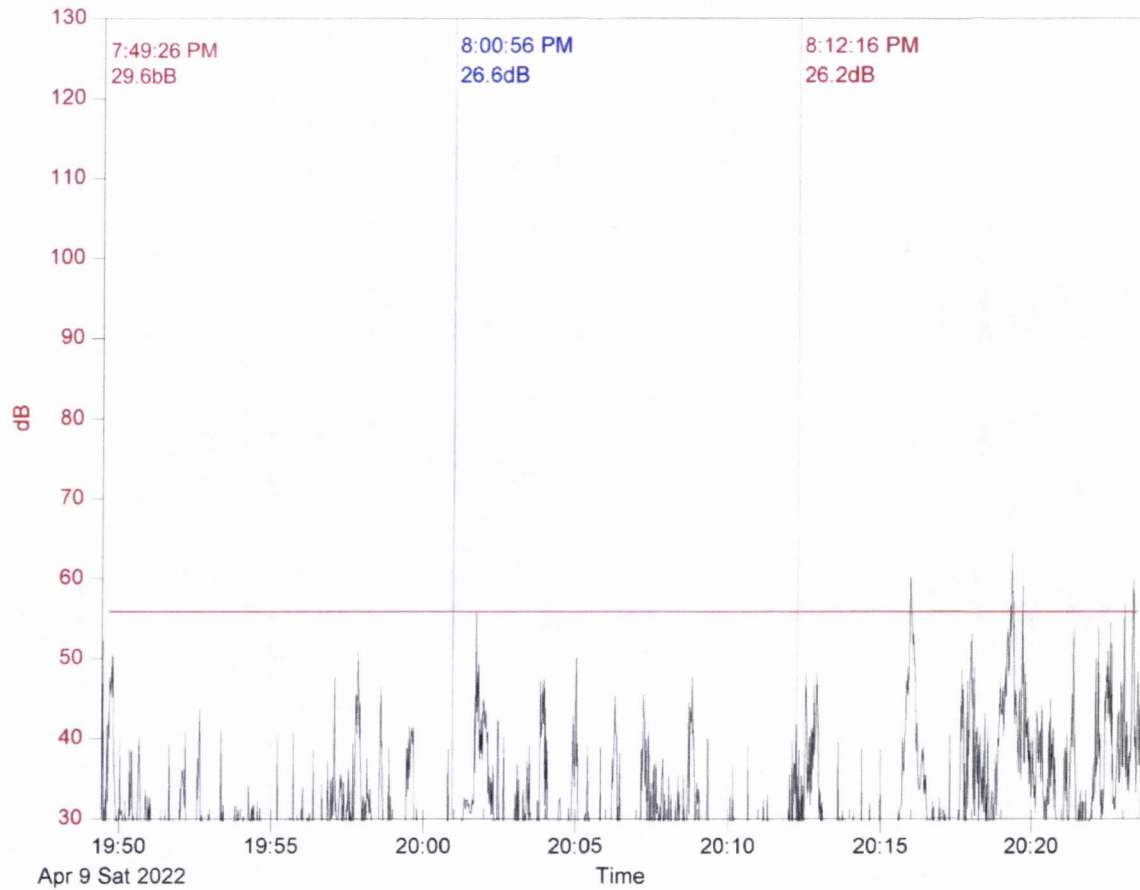
SFC CLERK RECORDED 09/08/2022

SECTION 4:

**SIEBERT AND HACIENDA
NOISE SELF-MEASUREMENTS**

SFC CLERK RECORDED 09/08/2022

GRAPH FROM SIEBERT NOISE STUDY 4.9.22



SFC CLERK RECORDED 09/08/2022

Excerpt from the HDA's own readings 4.9.22

Date of Reading	Time of Reading	Db Level Measured
April 9, 2022	6:15 pm	43
April 9, 2022	7:00 pm	40
April 9, 2022	8:35 pm	39

Noise readings submitted by HDA with notes from readings taken by neighborhood -key measurement differences observed

Summary of Noise Readings Taken at Hacienda Dona Andrea

Date of Reading	Time of Reading	Db Level Measured
April 9, 2022	6:15 pm	43
April 9, 2022	7:00 pm	40
April 9, 2022	8:35 pm	39
April 16, 2022	7:15 pm	45
April 16, 2022	8:25 pm	42
April 23, 2022	5:30 pm	38
April 23, 2022	8:00 pm	46
April 30, 2022	7:00 pm	45
April 30, 2022	7:45 pm	41
April 30, 2022	8:30 pm	49
May 14, 2022	5:45 pm	45
May 14, 2022	8:15 pm	40
May 21, 2022	6:15 pm	44
May 21, 2022	7:30 pm	42
May 21, 2022	8:25 pm	39
May 26, 2022	6:30 pm	46
May 26, 2022	8:15 pm	40
May 29, 2022	5:45 pm	38
May 29, 2022	6:30 pm	46
May 29, 2022	7: 25 pm	40
May 29, 2022	8:15 pm	42

SFC CLERK RECORDED 09/08/2022

DecibelX at 5.18pm registered 44.9 at 125 yards from property line
 DecibelX at 6.53 pm registered 54.1 average at 125 yards from property line
 DecibelX at 6.58 pm registered 59.7 at 7.07 registered 56.2 average

DecibelX at 7.31 pm registered 56 average at 175 yards from property line

*The Noise Readings Referenced Above Were Done on a Voluntary Basis and Taken by Staff of Hacienda Dona Andrea to Ensure Noise Volumes for Weddings Held at Hacienda Dona Andrea Were Courteous to Surrounding Neighbors and in Compliance with the Decibel (dB) Levels Allowed Under the Santa Fe County Sustainable Land Development Code (SLDC).

Special Permits require HDA to employ an official sound engineer at all events

Hacienda Staff need to show recording length, location, and evidence of equipment and applications used - THERE IS NO QUALIFIED ENGINEER ONSITE

1632982

SFC CLERK RECORDED 09/08/2022

reduce the nitrogen and reduce the bacteria and fecal coliform and everything else and produce a much better quality effluent.

COMMISSIONER TRUJILLO: I'd like to change my condition to include advance systems.

CHAIRMAN DURAN: Well, there's a motion on the table. Does the maker of the motion want to amend his motion at all?

COMMISSIONER GONZALES: Yes, I'd support that. I think for any commercial development in an area where we have high nitrate problems that at the minimum we could an advanced system. I'm concerned about going to centralized because I just don't know we know enough about how this would work but I think certainly if there can be an advanced system there should be.

COMMISSIONER ANAYA: I'll accept it as a second. Also, I'd stipulate in there that the agreement has been reached that should the sewer system materialize in the north, which we're working on it really hard, I know that, that the applicants have agreed to tap into our system in the future.

CHAIRMAN DURAN: Orallynn, do you have a point of clarification?

MS. GUERRERORTIZ: Again, I assume you're talking about the new system will be an advanced system that will reduce nitrogen. Is there any concern about the existing system? Did you want to make any conditions on that existing system or just leave it the way it is?

CHAIRMAN DURAN: Is it in conformance with EPA guidelines and standards?

MS. GUERRERORTIZ: Mr. Chairman, Commissioners, that is a permitted system that met the NMED requirements at the time it was permitted and I'm assuming it meets it today. But I also will assume that it is producing nitrogen, probably at a rate of 54 milligrams per liter and the standard that you've just applied on the new project would require 14 milligrams per liter, much less.

COMMISSIONER GONZALES: It's not my intent to go after the existing one.

CHAIRMAN DURAN: Okay, there's a motion and a second. Any further discussion? So we're clear what the motion is? Those in favor signify by saying "aye." [Unanimous 4-0] Opposed? The motion carries.

If you have any questions, get with Orallynn or Vicki and she'll get you going the right direction.



- IX. B. 6. CDRC Case #Z 98-5780. Hacienda Montana de Oro Bed and Breakfast. Max and Andrea Contreras, applicants, request master plan zoning with preliminary and final development plan approval

1632982

for a nine-room bed and breakfast to host small group meetings. The property is located west of County Road 55, southeast of State Road 14, within Section 13, Township 13 North, Range 8 East

MS. ELLIS-GREEN: Mr. Chairman, Commissioners, the applicants are requesting approval for a nine-bedroom bed and breakfast facility to host small group meetings in the fields of history and culture on 64 acres. The applicant estimate groups will range in size from six to 18 people. Most groups would stay two to three days, although single day meetings may occur. The business will be open six to eight months of the year. Six rooms will be furnished as bedrooms. The three other rooms will be able to be configured as either a bedroom or a meeting room.

Recommendation: Staff's recommendation and the decision of the CDRC was to recommend master plan zoning approval with preliminary and final development plan approval for a nine-bedroom bed and breakfast subject to the following twelve conditions. And Mr. Chairman, can I go ahead and enter those conditions into the record?

CHAIRMAN DURAN: Please.

[The conditions are as follows:]

1. The applicant will request a final fire inspection prior to occupancy of the building.
2. All improvements, including parking areas, liquid waste, fire protection and retention posing, will be in place prior to occupancy of the building.
3. Engineered plans for the water storage tank and draft hydrant will be reviewed for approval by the Fire Department.
4. All outside lighting on the property will be shielded.
5. All staff redlines will be addressed. Original redlines will be returned with final plans.
6. The dumpster will be screened on all four sides by a solid wall or fence and a solid gate.
7. The applicant will submit an approved food preparation permit from the Environment Department prior to building occupancy.
8. The applicant will submit an approved discharge permit from the Environment Department prior to building occupancy.
9. The restaurant is for use by bed and breakfast guests only.. This shall be noted on the master plan.
10. Water use is restricted to .6 acre-feet per year. Water restriction covenants will be recorded by the applicant with the master plan/development plan. Annual water meter readings will be submitted to the County Hydrologist.
11. The applicant will record the master plan/development plan with the County Clerk's Office.
12. A business license is required and shall not be issued until all of the above conditions have been met.

CHAIRMAN DURAN: Are there any questions of Penny? Thank you, Penny. Is the applicant here? Would you like to address the Commission, tell us a little bit about your project?

[Duly sworn, Andrea Contreras and Max Contreras testified as follows:]

ANDREA CONTRERAS: Andrea Contreras, 1124 Goldmine Road, Cerrillos.

MAX CONTRERAS: Max Contreras, same address.

CHAIRMAN DURAN: Do you folks agree to the recommendations as outlined by the Land Use Department.

MR. CONTRERAS: Yes.

MS. CONTRERAS: Yes we do.

CHAIRMAN DURAN: Is there anyone out there that would like to address this Commission concerning this issue?

Commissioner Anaya moved to approve CDRC Case #Z 98-5780 with the conditions as presented and Commissioner Griñé seconded. The motion passed by unanimous [4-0] vote.

CHAIRMAN DURAN: Congratulations.

COMMISSIONER ANAYA: Good luck to you.

~~IX. B. 7. CDRC Case #A 98-5722. Marc Simmons Appeal. Marc Simmons, applicant, is requesting an appeal of the Santa Fe County Development Review Committee's decision to grant development permit #98-740, Canyon Vista LP driveway permit. The property is located off of County Road 42, within Section 13, Township 14 North, Range 8 East~~

~~MS. LUCERO: Thank you, Mr. Chairman, Commissioners, if I could just do a brief summary to clarify the application. The appellants have two major issues. The first is that they were denied due process because of the original permit application was lost and they were unable to view it. However, Mr. Simmons and Ms. Silver, who was one of the attorneys from the last appeal, both had the opportunity to see the application before it was lost. The original engineering plans were not misplaced and they've been available to the public but yet we haven't received any people requesting to see them.~~

~~Also the second issue was that the appellants state that the neighbors did not receive adequate notice for the request for the driveway permit and a road permit does require public notice, whereas a driveway does not. In accordance with our rules a driveway is not considered a road unless it serves four or more structures. This request was for a driveway~~

Marcos P. Trujillo
Commissioner, District 1

Paul Duran
Commissioner, District 2

Javier M. Gonzales
Commissioner, District 3



Richard D. Anaya
Commissioner, District 4

Joe S. Grifé, Jr.
Commissioner, District 5

David Wolf
County Manager

April 14, 1999

Max and Andrea Contreras
1124 Goldmine Road
Cerrillos
NM 87010

Re: CDRC Case # Z 98-5780 Hacienda Montana De Oro Bed and Breakfast

Dear Max and Andrea:

The Board of County Commissioners at it's regularly scheduled meeting of April 13, 1999 met and acted upon the above referenced case.

The decision of the BCC was to approve your request for master plan zoning with preliminary and final development plan for a nine (9) bedroom bed and breakfast subject to the following conditions:

1. The applicant will request a final fire inspection prior to occupancy of the building.
2. All improvements, including parking areas, liquid waste, fire protection and retention ponding, will be in place prior to occupancy of the building.
3. Engineered plans for the water storage tank and draft hydrant will be reviewed for approval by the Fire Marshal.
4. All outside lighting on the property will be shielded.
5. All Staff redlines will be addressed, original redlines will be returned with final plans.
6. The dumpster will be screened on all four sides by a sold wall or fence and a solid gate.
7. The applicant will submit an approved food preparation permit from the Environment department prior to building occupancy.
8. The applicant will submit an approved discharge permit as required by the Environment Department prior to building occupancy.
9. The restaurant is for use by bed and breakfast guests only. This shall be noted on the master plan

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10. Water use is restricted to 0.6 acre foot per year, water restriction covenants will be recorded by the applicant with the master plan/development plan. Annual water meter readings will be submitted to the County Hydrologist.
11. The applicant will record the master plan/development plan with the County Clerks Office.
12. A business license is required and shall not be issued until all of the above conditions have been met.

If you have any questions regarding this matter, please do not hesitate to contact this office at 986-6221.

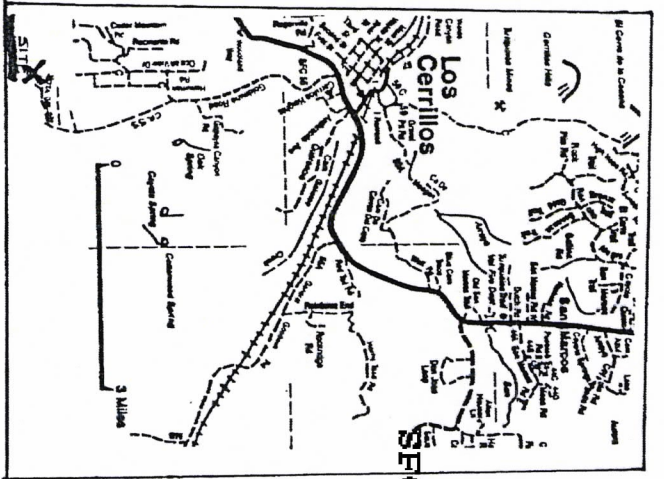
Sincerely,

A handwritten signature in cursive script, appearing to read "Penny Ellis-Green".

Penny Ellis-Green
Development Review Specialist II

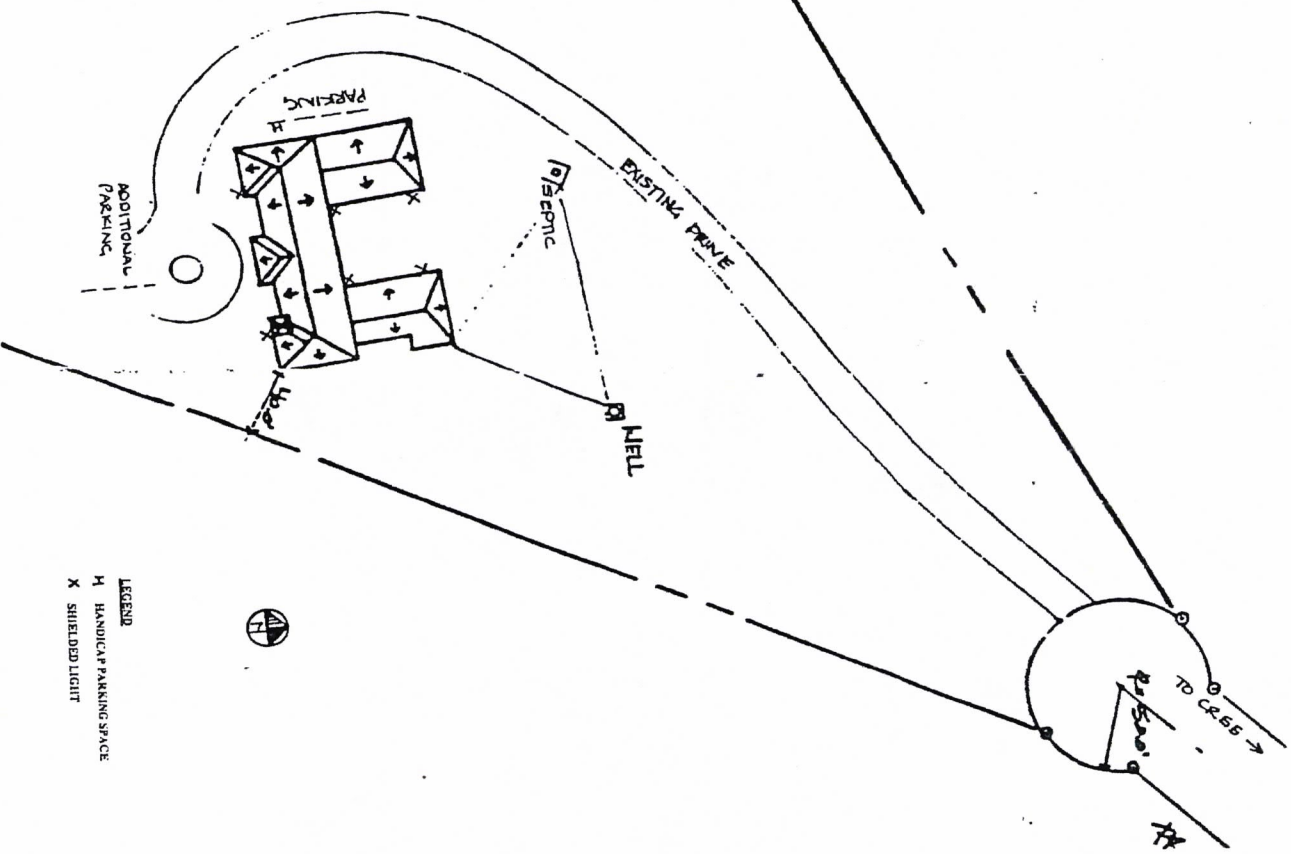
**MASTER PLAN/DEVELOPMENT
 PLAN FOR HACIENDA MONTANA
 DE ORO BED AND BREAKFAST**
 MAX AND ANDREA CONTRERAS
 LOT 17, VISTA DEL ORO SUBDIVISION
 TOWNSHIP 13 NORTH, RANGE 8 EAST, SECTION 13,
 SANTA FE COUNTY

RECORDER'S OFFICE
 COUNTY CLERK RECORDED 09/08/2022



VICINITY MAP

- SANTA FE COUNTY NOTES AND CONDITIONS:**
1. APPROVAL IS FOR A NINE ROOM BED AND BREAKFAST
 2. ALL OUTSIDE LIGHTING IS TO BE SHIELDED
 3. THE DUNHSTER WILL BE SCREENED ON ALL FOUR SIDES BY A SOLID WALL/FENCE AND GATE
 4. THE RESTAURANT IS FOR USE BY BED AND BREAKFAST GUESTS ONLY
 5. WATER USE IS RESTRICTED TO 0.5 ACRE FOOT PER YEAR. WATER RESTRICTION COVENANTS ARE RECORDED IN BOOK 711, PAGE 572-574, AS DOCUMENT NO. 113-061 IN THE OFFICE OF THE COUNTY CLERK.



THIS MASTER PLAN IS OF THE OWNER'S FREE CONSENT
 OWNER: *Max & Andrea Contreras*
 DATE: 5/31/20

THE PURPOSE OF THIS MASTER PLAN/DEVELOPMENT PLAN IS TO ZONE THE PROPERTY FOR A NINE BEDROOM BED AND BREAKFAST

CDRC CASE # 98-5780
 APPROVED BY THE CDRC AT THEIR MEETING OF FEBRUARY 25, 1995
 CDRC CHAIR: *Al Smith* DATE: 6/29/00
 APPROVED BY THE BCC AT THEIR MEETING OF APRIL 13, 1997
 BCC CHAIR: *Gregory* DATE: 01/100
 COUNTY CLERK: *Rebecca Burtanville* DATE: 6/18/00
 LAND USE ADMINISTRATOR: *Al Smith* DATE: 6/30/2000
 FIRE MARSHAL: *Rebecca* DATE: 05/18/00



COUNTY OF SANTA FE } 1123-167
 STATE OF NEW MEXICO }
 I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 14 DAY OF NOVEMBER 2020 AT 10:00 O'CLOCK AM IN MY OFFICE AND THAT IT IS A TRUE AND CORRECT COPY OF THE RECORDS OF SANTA FE COUNTY.
 WITNESS MY HAND AND SEAL OF OFFICE
 REBECCA BURTANVILLE
 COUNTY CLERK OF SANTA FE COUNTY, NEW MEXICO
 BY: *Cathy Waddell*