

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**July 11, 2023**

Anna Hansen, Chair - District 2  
Hank Hughes, Vice Chair - District 5  
Camilla Bustamante - District 3  
Justin Greene - District 1  
Anna T. Hamilton - District 4

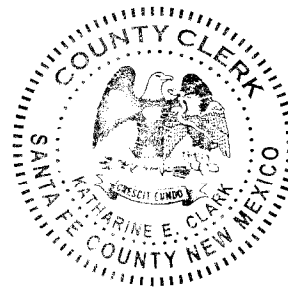
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COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss  
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Katharine E. Clark  
County Clerk, Santa Fe, NM



**SANTA FE COUNTY**

**REGULAR MEETING**

**BOARD OF COUNTY COMMISSIONERS**

**July 11, 2023**

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:06 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

**B. Roll Call**

Roll was called by County Clerk Katharine Clark and indicated the presence of a quorum as follows:

**Members Present:**

Commissioner Anna Hansen, Chair  
Commissioner Hank Hughes, Vice Chair  
Commissioner Anna Hamilton  
Commissioner Camilla Bustamante  
Commissioner Justin Greene

**Members Excused:**

None

**C. Pledge of Allegiance**

**D. State Pledge**

**E. Moment of Reflection**

**E. O'ga P'ogeh Owingeh Land Acknowledgement**

**F. Moment of Reflection**

The Pledge of Allegiance and the State Pledge were led by Chair Hansen, and the Moment of Reflection by Chris Chappell of the Public Works Department. Chair Hansen acknowledged that this building and Santa Fe County is the original homeland of the Tewa people also known as Ogha P'ogeh Owingeh, "White Shell Watering Place."

Commissioner Hansen asked for a moment of silence for constituent Colleen Kelly, and Commissioner Bustamante requested a moment of silence for James Thompson, father of Judge Dave Thompson.

1. **G. Approval of Agenda**

GREG SHAFFER (County Manager): Thank you, Madam Chair. The

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initial agenda for today's meeting was posted on July 3<sup>rd</sup> at approximately 5:10 pm and the amended agenda was posted on Friday, more than 72 hours prior to today's meeting as required by the Open Meetings. Act. The following items were added to the final agenda: Consent Agenda, item 4. L and 4. M; Appointments and Reappointments, item 5. A, and finally, Matters from the County Attorney, 11. B. Thank you, Madam Chair.

CHAIR HANSEN: Thank you. What's the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I move to approve the agenda as designated.

COMMISSIONER GREENE: As presented, and I'll second that.

COMMISSIONER HAMILTON: Okay, I have a motion from Commissioner Hamilton, a second from Commissioner Greene.

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

**2. APPROVAL OF MEETING MINUTES: June 13, 2023**

COMMISSIONER HAMILTON: Madam Chair, move to approve.

COMMISSIONER HUGHES: Second.

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

Chair Hansen wished County Clerk Clark Happy Birthday.

**3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS**

None were brought forward.

**4. CONSENT AGENDA**

**A. Request (1) Approval of Amendment No. 2 to Agreement No. 2022-0152-CSD/TVR with Communities in Schools New Mexico, Increasing the Compensation by \$67,375 to Provide Navigation Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$459,750, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero) This Agenda Item Contains an Attachment.**

**B. Request (1) Approval of Amendment No. 2 to Agreement No. 2022-0154-CSD/TVR with Growing Up New Mexico, Increasing the Compensation by \$107,800 to Provide Navigation Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$365,600, Inclusive of NM GRT, and (2) Delegation of Signature**

- Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero) This Agenda Item Contains an Attachment.**
- C. Request (1) Approval of Amendment No. 2 to Agreement No. 2022-0150-CSD/TVR with Interfaith Community Shelter, Increasing the Compensation by \$89,625 to Provide Navigation Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$479,250, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager To Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero) This Agenda Item Contains an Attachment.**
- D. Request (1) Approval of Amendment No. 2 to Agreement No. 2022-0153-CSD/TVR with Las Cumbres Community Services, Increasing the Compensation by \$107,800 to Provide Navigation Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$490,600, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero) This Agenda Item Contains an Attachment.**
- E. Request (1) Approval of Amendment No. 2 to Agreement No. 2022-0151-CSD/TVR with St. Elizabeth Shelter, Increasing the Compensation by \$59,750 to Provide Navigation Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$419,500, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero) This Agenda Item Contains an Attachment.**
- F. Request (1) Approval of Amendment No. 2 to Agreement No. 2022-0155-CSD/TVR with YouthWorks, Increasing the Compensation by \$75,000 to Provide Navigation Services to Low-Income Residents of Santa Fe County for a Total Contract Sum of \$500,000, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Community Services Department/Jennifer N. Romero) This Agenda Item Contains an Attachment.**
- G. Request (1) Approval of Amendment No. 8 to Agreement No. 2018-0282-CSD/KE Between Santa Fe County and Terri Werner, Extending the Term of the Agreement an Additional Year and Increasing the Compensation by \$75,000 for a Total Contract Sum of \$449,000, Inclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**

**(Purchasing Division/Bill Taylor and Community Services Department/Rachel O'Connor) This Agenda Item Contains an Attachment.**

- H. Request (1) Approval of Amendment No. 7 to Agreement No. 2016-0319-CM/MM Between Santa Fe County and Desert Elements Design to Provide Webhosting and Maintenance Services, Extending the Term of the Agreement for an Additional Year and Increasing the Amount of the Compensation by \$154,675 for a Total Contract Sum of \$694,675, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and County Manager's Office/Sara Smith) This Agenda Item Contains an Attachment.**
- I. Resolution No. 2023-\_\_\_, a Resolution Delegating Authority to the County Manager to Sign all Documents Necessary to Execute Lease Agreement No. 2023-0234-PW/BT between Santa Fe County and Paul Thompson & Associates for the County's Premises Located at 2600 Galisteo Road (Public Works Department/Scott Kaseman) This Agenda Item Contains an Attachment. ISOLATED FOR DISCUSSION**
- J. Resolution No. 2023-068, a Resolution Authorizing the Disposition of Fixed Assets Worth More Than \$5,000 in Accordance with State Statute (Finance Division/Yvonne S. Herrera) This Agenda Item Contains an Attachment.**
- K. Resolution 2023-069, a Resolution Correcting Scrivener's Errors in Resolution 2023-64, A Resolution to Commit Santa Fe County Fiscal Year 2023 Fund Balance (Finance Division/Yvonne S. Herrera) This Agenda Item Contains an Attachment.**
- L. Resolution No. 2023-070, a Resolution Amending Resolution 2022-110 Determining Reasonable Notice for Calendar Year 2023 in Accordance with the New Mexico Open Meetings Act, Applicable to All Meetings of the Board of County Commissioners and to the Meetings of County Boards and Committees Created and Appointed by the BCC; Amending Public Health Emergency Provisions; Adding Locations for Public Access to Notices and Agendas; Adding Examples of Appointed County Committees and County Working Groups; and Requiring Accessibility Statement (County Attorney's Office/Jeff Young) (Item Added) This Agenda Item Contains an Attachment.**
- M. Resolution No. 2023-071, a Resolution Requesting a Budget Adjustment in the Sum Amount of \$77,136 to the Law Enforcement Protection Fund (211) and the Law Enforcement Operations Fund (246) (Finance Division/Yvonne S. Herrera) (Item Added)**

CHAIR HANSEN: Any items that anybody wishes to pull from the Consent Agenda?

COMMISSIONER HUGHES: Madam Chair, I'd like to discuss item I.

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CHAIR HANSEN: Okay. Anything else?

COMMISSIONER HUGHES: I'll make a motion to approve the Consent Agenda except for item I.

COMMISSIONER GREENE: I'll second it.

CHAIR HANSEN: Okay. So we have a motion from Commissioner Hughes, a second from Commissioner Greene.

**The motion to approve the Consent Agenda with the exception of item I passed by unanimous [5-0] voice vote.**

4. I. **Resolution No. 2023-\_\_\_, a Resolution Delegating Authority to the County Manager to Sign all Documents Necessary to Execute Lease Agreement No. 2023-0234-PW/BT between Santa Fe County and Paul Thompson & Associates for the County's Premises Located at 2600 Galisteo Road (Public Works Department/Scott Kaseman) This Agenda Item Contains an Attachment (cont. on page 16)**

CHAIR HANSEN: Next we'll go to item I on the Consent Agenda, 4. I. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. It was brought to my attention that the Clerk is concerned about this lease so I guess maybe I would start by asking the County Manager if we do have space otherwise lined up for the Clerk, if we do sign this lease, or Mr. Kaseman I see is perhaps ready to answer that question.

MANAGER SHAFFER: Madam Chair, Commissioners, my understanding is that in the short term for the upcoming regular local election the following space was intended to be available, a portion of the Galisteo property. The former Human Resources building on West Alameda, in addition if needed. There is also space with the same West Alameda Complex that was formerly occupied by our Projects team, which is no longer being utilized by the Projects team because they've been relocated to the new redone facilities in the Public Works Campus. That is my understanding of the space that is readily available and in reasonable condition, but I was not made aware of any concerns relative to space needs before today. So it may be that it makes sense to take this item up after other Miscellaneous Action items to allow the Clerk some time to speak with P.J. Montano from the Facilities Division of Public Works, as well as the Deputy County Manager Elias Bernardino so that everyone is having a productive conversation that's coming from the same premises. That would be my recommendation, Madam Chair.

CHAIR HANSEN: Mr. Kaseman, is there anything you would like to say?

SCOTT KASEMAN (Public Works): Madam Chair, Commissioners, the only thing is this item is also going before the Board of Finance for approval on July 18<sup>th</sup> and they're expecting a signed lease at that time. So that's the only other consideration for moving this forward today.

CHAIR HANSEN: Okay, so I'm going to take Manager Shaffer's recommendation for the Clerk to speak with P.J. Montano and yourself and we will bring

this item back up at the end of Miscellaneous Action Items. Do I have a motion for that?

COMMISSIONER HUGHES: So moved.

COMMISSIONER GREENE: And I'll second. Under discussion?

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

CHAIR HANSEN: And I believe that Elias is also involved in that conversation so please make every effort to work this out. Thank you very much.

[The Clerk's Office provided the resolution numbers throughout the meeting.]

**5. APPOINTMENTS/REAPPOINTMENTS**

**A. Resolution No. 2023-072 Resolution Appointing Five Members to the Board of Registration for the Term of July 1, 2023 to June 30, 2025**

CHAIR HANSEN: Okay, Madam Clerk, this was a late addition added on Friday. I hope everyone has had the time to read it over.

KATHARINE CLARK (County Clerk): So this is – statutorily, they've shifted some of the dates for the Board of Registration, but essentially what the Board of Registration does is when we get to the end of an election cycle, after we've had two general elections, and we've sent out mailings and tagged some voters as being – potentially have moved, then a bipartisan Board of Registration needs to determine which voters will be removed from the voter roll. We cannot remove voters simply because they have not voted. We have to have some proof of the voters having moved, so we move voters during a two-year period to an inactive state, and then in March of the odd-numbered year we then present that list to the Board of Registration, and then the Board of Registration decides whether or not to remove them.

To give you an example, we appointed the last Board of Registration in 2021 and then we waited until March of this year to then remove all of those inactive voters. And my staff, Andrea is here to talk about how we recruited the Board of Registration, those who submitted their names for consideration, and she can speak a little bit about that.

CHAIR HANSEN: Andrea, would you like to come to the podium?

ANDREA TAPIA (Election Worker Outreach Coordinator): Good afternoon, Madam Chair and Commissioners. Election worker recruitment is done through a variety of efforts. For starters, our voter registration SERVICE, also known as State Elections Registration and Voter Integrity System has the ability for voters to indicate if they're interested in working elections. We use that data to reach out to the voters and our active poll workers. In addition to SERVICE, we use our social media platforms and attend community events.

Recently we participated in celebration in Santa Fe Pride distributing information to over 100 interested constituents. We were happy and successful in receiving interest from multiple parties, including Democrats, Republicans and Declined to State voters. We are constantly building collaborative relationships with our county's political party chairs, communities and voters.

With all of these efforts, recruitment does still see its own challenges. For

example, ten voter registration applicants provided letters and only six voters were eligible. Statute 1-4-34 of the Election Code does disqualify voters from Board of Registration membership who have had a political party change within the two years preceding the member's appointment. Additionally, we are always in need of adequate party balance for the Board of Registration to ensure transparency in the elections process. Recruitment is challenging but rewarding, the resources and time dedicated to it are invaluable to our elections process, and I thank you, Madam Chair and Commissioners, for your time.

CHAIR HANSEN: Thank you, Andrea. So what's the pleasure of the Board? Commissioner Hamilton.

COMMISSIONER HAMILTON: I actually have a question. The Board is supposed to be bipartisan.

CLERK CLARK: Yes.

COMMISSIONER HAMILTON: Are there any additional rules that are recommendations or guidelines?

CLERK CLARK: Yes. So there are some rules. One of the reasons why we have trouble recruiting Board of Registration member is then they can't serve as poll workers. And many people who are interested in this topic of elections want to serve as poll workers on the Election Boards, but because they're forbidden from doing so it's very challenging for us to find people who don't want to participate as a poll worker, as an Absentee Board member, as a presiding judge, but instead want to do the Board of Registration, which they're getting appointed now, but then essentially do nothing until two years from now.

And the reason why the statute is written like that is because they were trying to avoid people who are not to remove voters from the rolls right away. They wanted to have people to have some time to build that list and then meet as a bipartisan board, but it does provide some recruitment challenges. They've also removed from statute that we go to the party members. So while we have a good relationship with our parties, parties no longer submit their list. We have to recruit the members and then check them against having a registration that has been active for two years, because they have to have been that party for two years before we can appoint them to the Board of Registration. So we have some rules around appointing people to the Board of Registration which has tended to narrow who can be on the Board of Registration. These are folks who typically have served before. They like the kind of non-active, long-term role that it has, and so they are the ones who want to do this.

When we explain Board of Registration, actually we get a lot of people drop out because they don't realize that it's two years until you do something with the Board of Registration. So these are folks who have submitted letters of interest, who have the registration that is required, who met both the party and the living in the county rules that we have. So we only had two Democrats this year because a lot of our Democrats – we have so many Democrats who want to serve as poll workers we can't use them all, right? Because we have to have party balance at the polling sites. We had one Republican who has served before, and then our DTS – I believe one is new – two are new and then one is a previous person who has served.

COMMISSIONER HAMILTON: I guess – so the question is you don't

have to have a specific – it's not specified that you have to have balance between Democrats and Republicans.

CLERK CLARK: It's specified that we can't have more than two from any category. So we have a Declined to State category.

COMMISSIONER HAMILTON: That's not a party; that's a category.

CLERK CLARK: Well, you can't have more than two Democrats. You can't have more than two Republicans. You can't have more than two Declined to State. You can't have more than two Socialist Party of America – whatever minor party happens to be, but no minor parties submitted, so we don't have that category.

COMMISSIONER HAMILTON: Thank you. That answers the question. I appreciate it.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: So just to be clear, we have to knock off one of the Declined to States.

CLERK CLARK: Yes. That is the choice today.

COMMISSIONER HUGHES: Do you guys have a recommendation as to which two we should select and which one can wait until next time?

MS. TAPIA: I think it would be a fairer choice if all of you would please make it unanimous and choose between the three options. I don't think any particular person should have precedence over the other, Madam Chair and Commissioners.

COMMISSIONER HUGHES: So I don't know that we have any basis on which to choose which of the two Declined to States we want to appoint.

CHAIR HANSEN: So in the past, Commissioner Hughes, the way we've done it is we've just chosen one and two.

COMMISSIONER HUGHES: And leave off number three?

CHAIR HANSEN: Yes. And make them the alternate.

CLERK CLARK: I also think that you have their letters, if you wanted to read briefly the letters they sent to you as the Commissioners as well, if that were the choice of the Board

COMMISSIONER HUGHES: Which one is the one who has served before?

MS. TAPIA: Of the Declined to States?

COMMISSIONER HUGHES: Yes.

MS. TAPIA: Could you possibly read the names in front of –

COMMISSIONER HUGHES: Solomon Sedillo, Russell Winslow, Michael Townsend.

MS. TAPIA: Winslow has served before, Commissioner Hughes.

COMMISSIONER HUGHES: Winslow?

MS. TAPIA: Yes, sir.

COMMISSIONER HUGHES: Did Mr. Winslow do a good job?

MS. TAPIA: He did.

COMMISSIONER HUGHES: Okay. Well, I think we should keep him them. I don't know about the other two. Do you want to just go number one and two?

CHAIR HANSEN: Yes. That's good with me. I would be happy to second.

COMMISSIONER HUGHES: Okay. I'll make that a motion that we select Solomon Sedillo, Russell Winslow, Marcia Mikulak, Tom Morgan, and Zella Kay Cox.

CHAIR HANSEN: Okay, so we have five members. It's Marcia Mikulak – I'll just say that name for correction – and I'll second that. Is there any other discussion?

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

CHAIR HANSEN: Then, Andrea, should we make Thomas Michael Townsend the alternate?

MS. TAPIA: Madam Chair and Commissioners, yes, please.

CHAIR HANSEN: So can we have a motion stating that he is the alternate?

COMMISSIONER HUGHES: So moved.

COMMISSIONER GREENE: I'll second.

CHAIR HANSEN: Okay. Thank you.

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

**6. MISCELLANEOUS ACTION ITEMS**

**A. Request Consideration and Potential Approval of a Memorandum of Agreement Between the Santa Fe County and the Santa Fe-Pojoaque Soil and Water Conservation District. This Agenda Item Contains an Attachment.**

MICHELLE HUNTER (Interim Utilities Director): Madam Chair, Commissioners, I have Shelley Winship with me from the Soil & Water Conservation District. This is an MOA because the County and the Soil & Water Conservation District. The County supports this district with their activities throughout the year and in return for an annual report we give them \$8,000 a year. Do you have any questions for me?

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I don't have a question so much as – in addition to it not being very much money, they actually do a lot of really valuable work that we have lots of exchange back and forth as a County from a technical – not just as policy and status point of view. So there's a lot of exchange; I think it's a really valuable thing to do. Everything from the condition of some of the dams, and I don't know if you remember, this was one of the issues of our emergency management team that that put – so it does do a lot of good, important County work that's done through the Soil & Water Conservation Districts that our participation I think is small but really important. Thank you.

CHAIR HANSEN: Thank you. Commissioner Greene, then Commissioner Hughes.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Michelle. Thank you very much. So this is in my district and I've gone to some people



working in the PVID management team, so I really want to reiterate our sort of partnership in this for public safety. As Commissioner Hamilton mentioned, the Santa Cruz Dam is there facility and I see heads shaking no? It is not their facility?

SHELLEY WINSHIP: No. Mr. Commissioner, Madam Chair and fellow Commissioners, I wanted to just clarify, the dams that are run by the Soil & Water Conservation District – there are seven of them. They are all located in the Santa Cruz Corridor, which is absolutely correct, Commissioner Greene. But they are all earthen flood control dams. The Santa Cruz Irrigation District is owner and manager of the Santa Cruz Lake Dam which provides water for irrigation to 33 acequias.

COMMISSIONER GREENE: But what is the difference between the dam at Santa Cruz Lake and –

MS. WINSHIP: The dam at Santa Cruz Lake is a retention dam. It's meant to hold water. Whereas, the flood control dams are designed to release storm flow over a 96-hour period to help prevent flooding of properties and loss of human life.

COMMISSIONER GREENE: Okay. Great. And then who owns that facility, the Santa Cruz Dam?

MS. WINSHIP: The sponsor of the seven earthen flood control dams is the Santa Fe-Pojoaque Soil & Water Conservation District.

COMMISSIONER HAMILTON: It's the irrigation district that owns the lake dam.

MS. WINSHIP: That's correct.

COMMISSIONER HAMILTON: And the Soil & Water Conservation District owns the flood control dams.

MS. WINSHIP: The flood control dams were built in the 1960s to provide protection to agricultural lands and over the last 50 to 60 years those lands have been infilled with residential properties. There are 2,000 lots in Santa Fe and Rio Arriba County that exist within the combined flood zones of those dams and over 3,000 residents.

COMMISSIONER GREENE: Thank you for clarifying that.

MS. WINSHIP: Actually, it's over 6,000 residents.

CHAIR HANSEN: Thank you, Commissioner Hughes.

COMMISSIONER HUGHES: Just a really quick question since I know very little about the Soil & Water Conservation districts. Are there other projects besides the dams that you do?

MS. WINSHIP: Yes. We are very involved in wildfire mitigation and defensible space programs. We're basically an arm of the state government that largely serves as a pass-through to individual landowners. So our budget fluctuates wildly in any given year. Our baseline funding comes from the New Mexico Department of Agriculture and this year we received \$19,000. So the County's \$8,000 represents 40 percent of our basic operational and maintenance budget. All of our other income is attached to specific projects.

In addition to defensible space work, we just received a \$250,000 grant to continue that work here in Santa Fe County. We also do landscape scale environmental restoration, water and soil restoration projects with partners throughout the county. And we do riparian restoration and mitigation of invasive species and noxious weeds, again,

throughout the county. Our district spans all of Santa Fe County, part of Bernalillo County, part of Rio Arriba County, and all of Los Alamos County.

The reason why we're not a taxing entity like other government agencies is because there's been three attempts over the life of the Soil & Water Conservation District to establish a mill levy, but as you might imagine, people in Edgewood and Eldorado are not interested in being taxed to maintain flood control dams in Chimayo and La Puebla. So we don't have a tax basis to help fund those efforts. So the \$19,000, plus \$8,000 that we get is used very judiciously to maintain those lifesaving dams, and it's critical to the livelihood and wellbeing of a lot of Santa Fe County residents.

COMMISSIONER HUGHES: Thank you for that explanation. It sounds very worthwhile. Thank you.

CHAIR HANSEN: I want to thank you also because I think the Soil & Water Conservation Districts are incredibly important. They might be an old mechanism that has been around for a long time but they serve an incredibly important service to county residents. So with that, what's the pleasure of the Board?

COMMISSIONER HAMILTON: Madam Chair, move to approve.

COMMISSIONER BUSTAMANTE: Madam Chair, second.

CHAIR HANSEN: Okay. I have a motion from Commissioner Hamilton and a second from Commissioner Bustamante. Under discussion? Seeing none.

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

CHAIR HANSEN: Thank you very much. Thank you for being here. We really appreciate you coming to the meeting. It means a lot. It's a good thing for us as a Commission to have the ability to ask you questions and interact with you. And thank you, Michelle.

MS. WINSHIP: Please feel free to contact the district if you have any further questions or would like more information about our work or other partnerships with the County.

CHAIR HANSEN: Okay. Thank you very much.

**6. B. Resolution No. 2023-073, a Resolution to Adopt the Santa Fe County Transit Service Plan for FY 2024 and to Direct Staff to Submit that Transit Service Plan to the North Central Regional Transit District. This Agenda Item Contains an Attachment.**

CHAIR HANSEN: Hi, Brett. How are you?

BRETT CLAVIO (Interim Transportation Manager): Hi, Madam Chair. Doing well, thanks.

CHAIR HANSEN: Welcome.

MR. CLAVIO: Thank you. Good afternoon, Madam Chair and Commissioners. The item before you, as mentioned, is a resolution to adopt the Santa Fe County Transit Service Plan for FY 2024, and to direct staff to submit that service plan to the NCRTD, North Central Regional Transit District.

The County's annual transit service plan is presented to NCRTD to document that

County's yearly goals for regional transit service, and NCRTD requests that we provide such a plan each year. Exhibit A in your packet lists all of the NCRTD funded transit routes in Santa Fe County, and Exhibit B describes the NCRTD funded routes in Santa Fe County and explains any proposed service updates for FY24. We are due to do a resumption of service after the pandemic restrictions, or due to NCRTD's service plan update.

In conclusion, staff recommends approval of this resolution to adopt the Santa Fe County Transit Service Plan for FY 2024 and to direct staff to submit that transit service plan to the NCRTD. Mr. Mortillaro, the executive director of the NCRTD may be here virtually if you have any questions for him. If not, I can try to answer them. Otherwise, this concludes my presentation and I stand for questions.

CHAIR HANSEN: Are there questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you very much, Madam Chair. Thank you, Brett. The questions I have are kind of effectiveness and rider capacity. When I say effectiveness, cost effectiveness. How many riders? Are we tracking that? Do we have reports showing how many people are taking each route? Are we polling people that either took the routes in the past, and aren't? Or are we finding out where we could do better on the lists and be more effective?

MR. CLAVIO: Yes, Commissioner Greene, other members of the Commission, the NCRTD staff actively monitors their routes, and they look at things such as on-time performance, ridership numbers, maintenance issues. They pretty much are in charge of running their operations. Santa Fe County really besides its board member just is there to give an overall aspiration for what kind of service we want to see. But ridership really started to pick up after the pandemic. It's a challenge that NCRTD and other agencies are facing right now is a lack of staff and driver shortages is a problem. So NCRTD is doing everything they can to make adaptations to that, provide commercial driving instruction, because a lot of the bigger buses they need to have commercial drivers, but the rate of pay for commercial driver of a bus is significantly less than, let's say, truck driver. So they're doing everything they can to stay competitive and also to provide excellent service. It is a balancing act.

COMMISSIONER GREENE: And who's the fiscal agent for NCRTD?

MR. CLAVIO: North Central is their own fiscal agent.

COMMISSIONER GREENE: Is there own fiscal agent.

MR. CLAVIO: As far as I understand, yes.

COMMISSIONER GREENE: Okay.

CHAIR HANSEN: Commissioner Greene, Commissioner Hughes sits on the RTD board and I highly recommend you go to a meeting and see how efficient and well run the RTD is, because it's one of the model examples of an organization that is providing services in northern New Mexico. And I will let Commissioner Hughes say anything he would like.

COMMISSIONER HUGHES: Well, thank you, Madam Chair. I think Brett actually did cover it. The main problem RTD is having now is the lack of bus drivers. I know that statistically we're seeing the ridership increase. Of course it went down to almost zero during the pandemic because it wasn't safe to sit together on a bus. I

know anecdotally the Eldorado route, which I take occasionally is pretty much back up to what it was before the pandemic, with five or six, seven or eight people riding it.

I think the exciting thing about the RTD is as we buy electric buses and become the zero emission option it's going to be really critical to see if we can increase the service even more, because we all know that driving private cars, even electric cars is not good for the environment. So if we could get more on it. I think there's a lot ahead of us in terms of this. And if anybody – I think we're just basically approving the routes that they already have today and the goal for this year really is to get the ridership completely back up to what it was before the pandemic, but going forward, if there's other routes that we want to see we can bring those forward and suggest them to the RTD.

CHAIR HANSEN: What's the pleasure of the Board?

COMMISSIONER HUGHES: I move to approve the transit plan.

COMMISSIONER BUSTAMANTE: I second.

CHAIR HANSEN: Okay, so I have a motion from Commissioner Hughes, a second from Commissioner Bustamante.

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

**6. C. Resolution No. 2023-074, a Resolution Adopting the Countywide Climate Action Plan Phase I and Supporting its Implementation**

CHAIR HANSEN: Jacqueline Beam, I know that she is not feeling well, so I believe she is online. Is that correct? Along with the expertise or the consultants?

JACQUELINE BEAM (Sustainability Manager via Webex): Madam Chair, Commissioners, no, it's just myself to this meeting. Thank you for allowing me –

CHAIR HANSEN: Please get well soon.

MS. BEAM: Thank you. All right. Thank you for the opportunity to discuss this resolution. I know in 2022 the BCC approved the creation of the comprehensive climate action plan, and based upon countywide greenhouse gas emissions inventory findings and best practice, tactical solutions for meeting science-based targets. The Sustainability Division, along with the consultant ICLEI, presented the CAP Phase 1 to the BCC on June 13, 2023, with the understanding that this will be presented for approval pending the final elements.

So the edits, which were very minor, have been made and at this time the final draft was created with some of the highlights shown in the memo as a first phase tool and map to inform decision making for future steps required by the County to reduce GHG emissions, as well as options for future County policy directives.

Our recommendation for internal cross-departmental team partnering to enact the plan's recommendations and best practices, and suggestions for updates to align the Sustainable Land Development Code with net zero emissions and 30X30 goals, as well as target strategies that prioritize sectors responsible for the highest emissions in operations throughout the County.

With that, staff recommends approval of the resolution to adopt the Countywide Climate Action Plan, Phase 1, as seen in Exhibit 1, and for reference, the Exhibit 2 is the Climate Action Plan, Phase 1 in its final version and the adoption of the plan will serve as

direction for staff to initiate a cross-departmental planning team for the purpose of implementing recommendations and work plans as well as policy enhancements and strategies in order to achieve countywide emissions reductions.

And with that I will stand for any questions.

CHAIR HANSEN: Okay. Questions from the Board? Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Not a question, just a comment that I think this is a good first step and I think there's a lot of work to come after that if we adopt this. Thank you.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: I agree. It's just a comment. Having a Climate Action Plan is a really, really important first step to having a good piece of the picture to help drive our strategic plan in this regard.

CHAIR HANSEN: So I have a couple comments also. So I was looking over this plan. It is quite long, along with the appendix, and I was happy to see in the appendix the defensible space around the wildfire section. I do have an issue with calling the forest a fireshed; it's actually a watershed and I think that we need to hold those words as important. LANL likes to refer to the chromium plume as just chromium, and that doesn't really mean anything because chromium by itself is not toxic. But chromium-6, when you use the word hexavalent chromium or chromium-6, then therefore it is toxic. And so I think that words matter. So I want to remember and I want everyone to remember that it is the watershed, not a fireshed.

I hope that this plan aligns with the resolution that myself and Commissioner Hamilton brought forward along with our concerns about the Santa Fe Mountain Resiliency Landscape project in making sure that the community is working. I think what Peggy Darr did when she was here in the Ortiz Mountains was a good example of how we can work on climate action and on our watershed and protecting our watershed in those manners.

And then also I know that we have invited you, Jacqueline, to our Coffee and Tea on July 29<sup>th</sup>, and so we're looking forward to having this discussion because I think that a lot of the constituents in the community really want to understand what our Climate Action Plan is and what does that mean? I have a big issue with plans. I don't want this to be a plan that sits on the shelf. I want this to be an action plan of a way that we can make sure that the County is meeting its climate action goals and especially with the 2015 Paris Agreement.

So with that I am going to make a motion to approve this Climate Action Plan, because I think it is important to have that. As with all documents at the County these are living documents subject to change and revision and updating, so with that I move to approve this Climate Action Plan.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: And I have a second from Commissioner Hamilton. Is there any other things under discussion on this? Seeing none.

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

**7. PRESENTATIONS**

None were brought forward.

**8. MATTERS OF PUBLIC CONCERN**

CHAIR HANSEN: Daniel, are there any people on for Matters of Public Concern?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, I don't see anybody online that would like to speak for that item.

**9. MATTERS FROM THE COUNTY MANAGER**

**A. Miscellaneous and COVID-19 Updates**

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. There are several updates. First, I wanted to apprise the Board as well as the public that the Santa Fe County Fire Marshal has prohibited an order prohibiting open burning within the unincorporated areas of Santa Fe County beginning Friday, July 14<sup>th</sup> and continuing until future order of the Fire Marshal. All current open burning permits will be suspending and new open burning permits will not be issued until further order of the Fire Marshal. This action was taken in response to the degrading conditions, I guess, for lack of a better word, that have contributed to the county having a high risk of fire potential due to conditions and the consequence of significant and immediate threat to the life, safety, health and welfare of our residents. It's also consistent with the State 1 restrictions imposed by the National Forest System within the Santa Fe National Forest effective July 7<sup>th</sup>.

Second, I wanted to make sure that everyone had heard the news about a significant NTIA middle mile grant that was announced last week, \$49 million to Plateau. This is one will be larger awards made by the NTIA for the bipartisan infrastructure law countrywide. It's a significant project that will enable Plateau to install approximately 110 miles of new fiber-optic cable connecting downtown Santa Fe to Mountainair via Highway 14 and Highway 337. Amongst other benefits it will create redundancy across Plateau's network and backbone infrastructure for rural communities across Santa Fe, Sandoval, Bernalillo and Torrance counties.

An aspect of the grant award that is significant to note is that the grant requires Plateau to provide last mile connectivity to any anchor institution that lies within 1,000 feet of the new middle mile line. So if you think of 14, that picks up a lot of community centers, senior centers, fire stations, what have you. The plan is for the project to be built out within five years, though they hope to get it completed sooner and the total project cost is approximately \$150 million.

So, County staff will be endeavoring to work with and coordinate with Plateau with regard to both providing services to County anchor institutions to facilitate the process of any required permits that may be required from the County, and also to see what we can do to facilitate or encourage last mile service in the rural communities along

New Mexico 14.

Third, I wanted to remind Commissioners that during the National Association of Counties annual conference in Austin next week there will be multiple achievement awards that will be given related to Santa Fe County. Those include one for the La Sala Center, as well as three various awards for the County Clerk's Office, which we previously mentioned to the Board in a previous meeting. So please do try, for those of you who are attending, to attend the achievement awards luncheon on July 23<sup>rd</sup>.

Lastly, I did want to note because we had received some questions concerning the fentanyl awareness campaign that Santa Fe County is currently undertaking, specifically, as I understand it, some questions about the don't use alone harm reduction strategy that is being advertised. I wish to emphasize that that strategy is very much harm reduction. Honestly, we would prefer that folks not use fentanyl, that that is a fact not the reality that we in front of us. So the harm reduction strategy was designed to help educate folks about ways that they could potentially, if they are in fact going to use drugs with a high risk of overdose potential, how they may be able to do so more safely. So don't use alone is consistent with that strategy in our effort to avoid needless loss of life and dovetails well with the making available to the general public Naloxone to reverse overdose. It doesn't have efficacy, obviously, if there's no one there to administer it for you when you're having an overdose. So again, we wanted to explain that to the Board to see if you had any questions. But again, certainly in that messaging we're not encouraging the use of fentanyl or any other illicit drugs.

And that's it for my miscellaneous updates. Thank you.

CHAIR HANSEN: Questions from the Board? Congratulations. I'm happy to hear about this \$49 million. A big grant for broadband.

COMMISSIONER HUGHES: Yes. Spread across multiple counties.

CHAIR HANSEN: But in Santa Fe County it will be affecting Highway 14 directly. That's exciting for sure. I'm glad to hear about the burn permit, no open burning. I think that with the heat, I think that's really important. So are there any other questions from the Board? I see that Mr. Kaseman and P.J. Montano are back in the room, so I would like to return to item I and finish that.

- 4. I. Resolution No. 2023-075, a Resolution Delegating Authority to the County Manager to Sign all Documents Necessary to Execute Lease Agreement No. 2023-0234-PW/BT between Santa Fe County and Paul Thompson & Associates for the County's Premises Located at 2600 Galisteo Road. This Agenda Item Contains an Attachment (cont. from page 5)**

CHAIR HANSEN: So I want to invite Mr. Kaseman up.

MR. KASEMAN: Madam Chair, Commissioners, we did come up with a solution agreeable to the Clerk to provide temporary storage for her upcoming needs and for discussions for her long-term solutions. So I believe we are ready to move forward with approval for the lease, the resolution.

CHAIR HANSEN: Okay, with that, can I have a motion?

COMMISSIONER GREENE: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay, so I have a motion from Commissioner Greene and I have a second from Commissioner Hamilton.

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

**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 HANSEN: So I'm going to start with Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you, Madam Chair. I don't actually have anything today.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, we had – I'm also grateful we're having a moratorium on the open burning. We had two fires in the Village of La Cienega in two days, as well as during the period that Manager Shaffer and I were driving back from the meeting in Tijeras, there was a long fire along Highway 14. So it's burning, even though we have had moisture it is incredibly hot and conditions are very dry. So it is important that we keep that top of mind, as well as numerous discussions that I have been in with community members as well as Pojoaque Pueblo and the sale of fireworks in our area. And I understand that we do not have a jurisdiction in the limitation of fireworks outside of fire restriction conditions, there is opportunity to have a larger conversation about what it really means to – what I'll just refer to kind of heavy-handedly as terrorism for those who have PTSD, it is terrifying and it is very disturbing for pets and livestock, as I've witnessed, but that has been a conversation now in the past week as people continue to light fireworks outside of, and as recently as last night, outside of the day of celebration. So I mention that as it was a long discussion at the La Cienega pancake breakfast which is attended by our State Representative for the La Cienega area as well as Senator Stefanics.

Edgewood has requested a letter of support for an application to the OSE for the planning, so we have asked to review that application, and it's just an application for a plan; it isn't approval for the plan itself but for the application and we're working with – I say "we're" being the Town of Edgewood and myself and the County Manager with our very own Michelle Hunter in the review and any questions that maybe the OSE may have up front.

The wastewater treatment facility issue isn't going away. We get the regular numbers are now upward of in the thousands as opposed to their limit of 410 each meeting since we've been reporting this. That is significantly higher than what would be allowed by their NPDES permit, as well as such levels could basically be perceived to be straight septage going into the Santa Fe River. In numerous conversations, I do understand that this is important to the City of Santa Fe Mayor, incredibly important to the neighbors, and that steps are being taken to do some well monitoring in proximity to

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the wastewater treatment plant itself.

There holds an opportunity, I think, for the City and the County to work together in addressing this in a manner that could possibly be beneficial to all parties, given the circumstances that the City has in the amount of time and what it would take to get some planning, etc. So as this moves forward I hope that we can work together with the City in addressing these concerns, as they're deeply in need for some support.

We have an opportunity for a greater presence in Stanley. I'm looking forward to the possibility of having a location there where we may be able to meet at the Cyclone Center, establish some hours. It's harder for those of us who are spread some more with Commissioner Greene, we're out into a way rural area to have a tree. We have numerous trees but we don't get to meet under just one, because it would be really hard to get the folks from Galisteo to show up under the tree at Cerrillos, and I think there's opportunity – there's a whole bunch of different trees, but I'm really looking forward to maybe a basic office location space at the Cyclone Center in Stanley.

We have a request from the NMSU Extension Office for a space at the Soil & Water Conservation District in Edgewood. They have an office available. They're discussing what, if any rent or lease agreement would look like but it's very preliminary. But clearly with Edgewood being incredibly rural – did I just say that? Every place in my district is incredibly rural. But they have a very active 4-H and they really participate. They see themselves as an agrihood, being the new term I learned for agricultural neighborhood; it's an agrihood. And they would very much like to have the New Mexico State Extension Office have some presence in Edgewood intermittently, so they would be both at the Rodeo Road location as well as certain days in Edgewood.

Lastly, as the County Manager shared, we did go to the meeting for the broadband that is through the area of Cerrillos, Madrid, District 3 proper, and we have had some requests to meet over – I wouldn't call them common concerns but some issues that might be larger than the border that is Bernalillo or Sandoval or Santa Fe counties in addressing some issues that have not been disclosed to us yet for the area of Cochiti and specifically the area around Placitas and how maybe if Santa Fe County might be able to assist in some way – and it's still a big question if and how we could possibly do that with regard to the wild horses that are in that area and do cause a bit of a concern, a hazard. There are quite a few of them. They get on the roadway. People drive quickly and horses get hit. People get hurt and we've been asked how could we participate in those areas that might be of common concern for us.

And then lastly, it was brought up in the month of June, we did address it in the organization itself within the County with regard to the issues that came up with the pride flag coming up on our computers. We received a letter, all of us, I'm assuming that all of the Commissioners were copied, from the human rights alliance regarding the concerns that this bring up given the protests that people had that the flag was on their computer, and that being the pride flag, and the issue is really grand. I've said it before when that came up, the president of the Human Rights Alliance is asking for some type of response with regard to maybe a City and County response because the letter does address issues within the city and physical flags that were defaced, ripped up. Those are essentially – it doesn't really matter what people's personal beliefs are, but defacing any public property is problematic, but it brings more and it was well stated by our County Manager that as a

County, we stand by these values of respect and inclusivity, so the ask on the table from the president of the Human Rights Alliance is that maybe there is a need for diversity, equity and inclusion training. And I don't think the word training is actually in the letter, but what does it take for people to have a little more awareness about the rights and integrity, frankly, of others who they may be working with and what it really means to have that level of hate this is actually demonstrating itself nationally addressed.

So I bring that up again as probably the only LGBTQ person on this Commission. I'm asking for some sincere – I don't want to say concern. I think that the concern is sincere. I think our ability to address it is a little more difficult, but we need to do something as I stated earlier. There issues really do hurt young people. Some don't actually live through them as they will take their own lives, not to mention it starts to lend itself to physical brutality in our communities and I'm mentioning that as it came up yesterday in a letter from the HRA.

So that is all I have and thank you.

CHAIR HANSEN: Thank you, Commissioner Bustamante. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. I'd like to personally thank our County Manager Shaffer for coming with me today to Española to visit the Española and Rio Arriba emergency 911 center, their board meeting, and they invited us up there to discuss a variety of things, most specifically their interest in us rejoining their JPA that they may be redrafting and creating in the future and we sort of took the conversation a little deeper into all the aspects of public safety, not just the specifics of that E-911 center and how we can regionalize or partner or create these mutual aid agreements that allow us to backfill each other and make sure that we provide the public safety services that are what is needed abstract of the actual money cost, right? So it's not necessarily the money which everybody points at frequently, but it's actually delivering the services and making sure that our constituents are safe.

We pointed out that we do a lot of service calls into Rio Arriba County and they acknowledged it and were very appreciative of the service that we provide up there, and they were very appreciative of us showing up today. And so I wanted to thank and recognize the County Manager for that. It was great to go up there and meet the committees and show that we're here to partner across these borders.

Along those same lines, many of you may have seen in the resolution that is passing around the region regarding tax equity for Los Alamos County to share some of their gross receipts tax. While I appreciate the need for tax equity I think there are other ways to address this initially and so I'm going to hopefully discuss this with Los Alamos County and just see where there are common projects that we can work on that maybe they have the financial wherewithal to help expedite these projects, even if they don't reside in Los Alamos County. Those would be projects such as broadband and housing and transportation and workforce development that we may have the need for the money, they have the need, the common need as we do for these programs or projects, and then reconstituting their mechanism for funding them. In the past I think I've heard there was between \$6 million and \$10 million a year being spent by Los Alamos County outside of the county on projects such as these, and I bet that has dwindled down to less than a million dollars. And so we need to re-educate Los Alamos County as to their regional

obligations beyond the hill. And hopefully we'll get that before we have to drop a hammer on them and be very demanding.

Along those lines, I understand that there was a report in two past Commissions regarding the income that Los Alamos County derives from the lab that was presented to the Board of County Commissioners, probably, most definitely it was presented to the Regional Coalition of LANL Communities, but that report, while it may be a little out of the 80s, probably relatively still pertinent, and I would love to see if somebody could take that up and have that presented to us at a Commission meeting some day soon.

The last item is congratulations to the Highway 14 scenic corridor, with the broadband initiative. If there's any way I can help with pushing Plateau to actually get beyond the homerun network that they're building and actually get to some last mile delivery to our constituents or the constituents of District 3, I'm here to help and I'm happy to push that along if everybody sees fit. So that's it. Thank you very much, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Greene. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. First I want to thank Commissioner Bustamante for bringing forward the need for us to continue to support the LGBTQ community in whatever way possible and so we're willing to work with you on whatever steps you think the Commission could take. I did write a letter to all my constituents during pride month, which I was spurred to do that by the letters that we got expressing a different opinion, so I think anything we can do to support that community is important. It's very unfortunate that certain politicians in other parts of the country are using that to divide people and picking on basically the most vulnerable people in our community to do so. I think that's very cruel and we should speak out against that.

I also want to mention that Gabe Bustos, the liaison for District 5 is also going to be the liaison for the Ethics Committee and so he's looking for new members, if anybody knows someone. I think it's a very important committee. It's too bad that we burned out some of our members writing the new ethics rules that we passed a year ago. That was unfortunately, I guess a very arduous process but I think we do have a good ethics ordinance and now we need an Ethics Board to make sure we're following it.

My next Hour with Hank will be August 1<sup>st</sup>. Even though I have the smallest district it's still too big to get everybody together in one place easily so I've always been doing these online. People seem to like that because they can log in from anywhere. And so this will be online.

Gabe and I drove out to look at the northeast-southeast connector work, and it's a lot. It's a big project and there's a lot going on, so if you're out that way and want to see what a big road project looks like, it's pretty amazing what they're doing out there.

I did talk to Jaome Blay, who's here, our Fire Marshal, about fireworks, and I think we might want to pass a resolution at some point this year asking the state to change its rules around fireworks in order to ban them like other states have, or to allow us to do something more strict. It does seem a little ridiculous that during the driest part of the year we have people set off bombs and start brushfires as has happened this year and every year, unfortunately. I don't know that anybody's been hurt but we have lost a

few acres of trees. So I think more could be done on that.

And finally, I'm going to bring forward at the next meeting a letter for us all to approve that would be the Federal Housing Finance Agency. They are considering adding some regulations to people they lend money to to build multi-family housing that would require things like source of income protection, which would mean that people who accept money from them would have to take voucher people. We're having trouble placing people with our housing vouchers. I think that would be a good rule for them to have as well as to encourage them to put some limits on rental increases so that people can't just gouge renters when there's an opportunity. Rent increases should be based on inflation or improvements to the building – some logical reasons for the rental increases. So I'll be bringing that to the next meeting. Thank you, Madam Chair. That's all for now.

CHAIR HANSEN: Thank you, everyone. So I'm excited that Commissioner Bustamante and Commissioner Greene are coming with me to NACo this year. NACo is from July 21<sup>st</sup> to the 25<sup>th</sup>. We will all, I hope be back on the 25<sup>th</sup>. I'm coming home on the 24<sup>th</sup> because I'm a little paranoid about flying, to be honest. But what I'm looking forward to at NACo is having Commissioners there with me to experience the benefits that NACo has to offer to all counties. It is not only fun but engaging to know that we have the ability to lobby our federal government through NACo and to make sure that we are enacting policies that we support. I feel incredibly fortunate to be the vice chair on the Environment, Energy and Land Use and I have been a subcommittee vice chair also on Energy and Air Quality. With the Women of NACo I was elected the vice chair of the Women of NACo last year to represent a large organization of Women, elected officials, is an honor and I'm looking forward to Commissioner Bustamante joining me there.

I'm also a member of the Rural Action Caucus and I think that NACo is a very important organization for all of us to participate in. So I'm looking forward to being there with two other Commissioners and introducing you to many of my friends that I have made at NACo so that you can carry on the good work that Santa Fe County is doing at the national level.

My next Coffee and Tea under the Trees will be on July 29<sup>th</sup> and as I mentioned earlier, Jacqueline of the Sustainability Division will be talking about the Climate Action Plan, but I also have the pleasure of attending monthly the Agua Fria Village meeting where constituents have the ability to also from the Agua Fria Village talk about issues that they are concerned about.

And then also I will be attending the Las Campanas Master HOA board meeting on the 26<sup>th</sup> of July. They have become very concerned about bike lanes out in Las Campanas which I completely understand. We do own the La Tierra Road, which is a County road, and Fin del Sendero which is a County road, but Las Campanas Drive is not a County road, and so they have a new executive director of the HOA master association and she's really interested in learning how to develop or work on some ideas for a bike trail out there. But I did explain to her very clearly that Las Campanas Drive is a private road. And she didn't quite understand about the easements and everything, so I told her at my District 2 meeting with Public Works that we would have that as a discussion and try and figure out some ways to work with them, because that is something they're very interested in. I don't know what kind of easements we have on La Tierra. La Tierra is

also a very dangerous road if anybody's been driving out there with bikes at the same time. It's scary.

Thank you, Commissioner Bustamante, for bringing up the wastewater facility. I still think that this Board would like to hear from the Utilities Director, Mr. John Dupuis from the City. I think it's unfortunate that they have not been able to find the time to come here and maybe besides the letter that Manager Shaffer has sent maybe we need to write a resolution or create some other kind of invitational pathway because I think that our constituents need to know what is going on. I don't think it's upon the county constituents to go to a City Utility meeting to have to find out what's happening with the wastewater plant that is sending water down the Santa Fe River that is contaminated. So I am definitely concerned with you on that issue and I think we need to continue to work on that.

We had a really interesting presentation at BDD on the hexavalent chromium plume from the Environmental Management Director of DOE, Michael Mikolanis. There is some definitely controversy between the New Mexico Environment Department and DOE on how to remedy the hexavalent chromium plume, which I think is a continued, ongoing issue that BDD is concerned about.

In response to your issues also, Commissioner Bustamante, about the wild horses, Sandoval County is very interested in working on that issue. I have met with them many years ago and so I think that it is a serious issue out on BLM land and you have my support on working on that. Governor Richardson was very concerned about the wild horses and the wild horses haven't gone away; they've only grown. They've only populated because that's what they do. So I think that we have an obligation to continue to work on that.

I too agree that – I was really quite disappointed by the response to the pride flag, but I wanted to say this and I don't mean this in any jest or anything, but in the 60s that was the hippie flag. Just so you all know. So peace and love was the motto. So I'm happy to know that it is the LGBT flag of course. It has been for a number of years, but in the early days of the hippie movement that was our flag.

I want to go to a more serious issue since Commissioner Greene brought this up. I don't know what is exactly wrong with the study on LANL, and I believe that is what Representative Sanchez is looking for. I think it might be actually a good thing to consider the resolution or some ideas around that. I will certainly, when I meet with Eric Vasquez tomorrow, who is now the president of the Northern Rio Grande – or he's the executive director of the Northern Rio Grande and he was the executive director of the Regional Coalition. I will ask him for that study but I don't know if he still has it. I don't know where it is. But I do think that – I think a study to figure out something – I don't quite understand why Los Alamos County would be opposed to that, to be honest. Commissioner Bustamante, also, we all, the three of us all touch that area and it affects our area. My district is a little bigger than Commissioner Hughes so I'm glad that I have one tree that I can get everyone under.

I think that is it. The study on LANL I think is something we could have a more robust discussion about. Since I live in the city the fireworks have been incredibly horrible, along with the muffler noise that exists. But those are both Santa Fe Police issues for me that I have to address. And with that, I think that's everything that we have

on the Commission. Does anybody else have anything else they want to add?

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

CHAIR HANSEN: Madam Clerk.

CLERK CLARK: Thank you, Madam Chair. First, I wanted to bring up the federal markup from the Senate recommending zero dollars go into election infrastructure and funding. There is a coalition, Election Infrastructure Funding Coalition that is asking for support for a letter. I have signed on and I wanted to propose that the Commission also sign on with America Votes, with Common Cause, with various coalition members to urge Congress and the Senate to pass \$400 million in election funding for state and local election offices. We do see that there is some HAVA money that's going to state level election programming but nothing for local municipalities who, as you know, are carrying much of the burden of running elections. And so of course it would be at the pleasure of the Board but if you are interested in signing on to this letter let me know because I think it's important to urge our Senate and congressional members that we really do need that funding at the local level to help support elections.

In the Clerk's Office we just finished our audit. That is where we go through each of the paper registrations of all 110,000 registered voters and make sure that it matches our electronic file. That's how we ensure that we haven't missed a voter registration card or that there aren't cards that should be put into our file that we retain for eight years after we've removed them from the voter file. And so that took about three months to do, so we don't really have an off cycle in our offices. Even when we're not running elections we are working on improving our data file.

Yesterday was the deadline for the local municipalities and entities to give us notice on which positions are going to be on the regular local election ballot that's this year's non-partisan elections in November and we've heard from all of the entities so expect to see Soil & Water Districts, Conservation Districts, school boards, on the ballot this year. The Town of Edgewood is going to have several positions up. The City of Santa Fe is going to have a municipal judge and one each in the City Council Districts.

What's interesting this year is while we don't have a confirmed list, we don't know until August 29<sup>th</sup> when people file in our office what the official list of candidates will be but what we're seeing from social media that there are some contested races this year so we should actually see a pretty robust rank-choice voting. As you know in the past, one candidate has won outright, 50 percent or more in the first round so we actually haven't seen rank-choice voting really working in Santa Fe and this year we're excited about the fact that up to six people are potentially running for a seat so we may actually see rank-choice voting go to a second round. So we're a little excited about that.

August 29<sup>th</sup> is officially filing day. That's when you'll see candidates file. Filing is from 9:00 to 5:00, so be sure if you were planning on running for office to file August 29<sup>th</sup>. That's also the day that local municipalities or entities need to give us their ballot questions, and those ballot questions need to be submitted to us with the Spanish translation. We do not do the translation for you; you must give it to us, an officially

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translated version and we should see everything from potentially an abortion overturning question from Edgewood to various tax questions, so we won't know what those questions are until August 29<sup>th</sup> but I know the Commission may potentially put things on the ballot and we need to have those by August 29<sup>th</sup>.

August 9<sup>th</sup> is the day of the statewide proclamation for the regular local election and that is the day in which your registration must be the official registration you plan to use to file, and if candidates are planning on changing their registration, their name or something else, they need to make sure that's done before August 9<sup>th</sup>.

We also are adding a new early voting location this year. Because we have noticed that the fairgrounds is quite busy and there tends to be not parking, and we're seeing much larger growth in Commissioner Hughes' district and Oshara Village on the other side of 25, the Santa Fe Community College has graciously offered us a classroom to use as an early voting site, so we will have early voting. Not on election day, but early voting this year at Santa Fe Community College to hopefully get some of that traffic that's really compounding at the fairgrounds and the south side library will have an additional site on that side of town to make sure that people have equitable voting access.

I hope the Commissioners – do any of the Commissioners have any questions about the upcoming regular local election? I'm happy to answer any questions, but that's all I had.

CHAIR HANSEN: Any questions from the Commission? If you're interested in your letter I suggest you submit it to us, especially those of us who are going to NACo, because that is a place where actually we could lobby on that issue, because that is for federal issues and it is a way to enact – I believe there is a Finance and Election Committee that would probably – it's too late to bring a resolution forward at NACo for the legislative session. If I would have known I would have tried to get that on to their radar. But I'm more than willing to look at the letter and see how we can help because elections are important and honest elections are – we're lucky that here in Santa Fe County we have fair and open elections but that is not the case throughout the country. So I believe that is really a federal issue.

Is there any other elected officials? I don't see Daniel there and if they're here I don't have a way to see people online.

MR. FRESQUEZ: Madam Chair, I do not see any other elected officials online.

CHAIR HANSEN: Okay.

## **11. MATTERS FROM THE COUNTY ATTORNEY**

### **A. Statement for Inclusion in Meeting Minutes Concerning June 27, 2023, Executive Session**

JEFF YOUNG (County Attorney): Thank you, Madam Chair and Commissioners. There are two items I'd like to mention. The first is 11. A. At the June 27, 2023 meeting the Board of County Commissioners went into executive session at the end of the meeting and did not reconvene into open meeting. Consequently the Board was unable to include in the minutes of the June 27<sup>th</sup> meeting the statement required by the Open Meetings Act, which is matters discussed during the closed meeting were

limited only to those specified in the motion for closure. So therefore we would be seeking a motion to have the minutes of this meeting reflect that matters discussed during the June 27, 2023 meeting executive session were limited to only those specified in the motion for closure.

CHAIR HANSEN: What's the pleasure of the Board?

COMMISSIONER GREENE: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I have a motion from Commissioner Greene, a second from Commissioner Hamilton.

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

**11. B. Statement for Inclusion in Meeting Minutes Concerning July 11, 2023, Closed Executive Session at 12:30 p.m.**

MR. YOUNG: The second matter, Madam Chair, would be 11. B and for that item, earlier today July 11<sup>th</sup> at 12:30 p.m. the Board of County Commissioners convened in closed executive session as state in the notice of closed meeting to discuss limited personnel matters pursuant to the Open Meetings Act, Section 10-15-1(H)(2) NMSA 1978, specifically, the performance evaluation of the County Manager. Therefore we would be seeking a motion to have the minutes of this meeting reflect that the matters discussed during today's executive session at 12:30 p.m. were limited to only those specified in the notice of the closed meeting.

COMMISSIONER GREENE: So moved.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: I have a motion from Commissioner Greene, a second from Commissioner Hughes.

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

MR. YOUNG: Madam Chair, the good news is we have no executive session at this time.

CHAIR HANSEN: Okay. So the next item is item 12 which is to be heard no earlier than 5:00 p.m. It is now 3:40, so I believe we could possibly take a brief break for an hour and twenty minutes. Okay, so can we go into recess?

MR. YOUNG: Madam Chair, yes, a brief recess, convening back at 5:00 p.m. for the public hearing.

COMMISSIONER GREENE: So moved.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: So we have a motion from Commissioner Greene and a second from Commissioner Hamilton. We will be in recess to 4:50 so that we're back here on time and we can start at 5:00 sharp. So I will see everyone back here at 5:00.

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



[The Commission recessed from 3:40 to 5:00 and reconvened with all Commissioners present.]

## 12. PUBLIC HEARINGS

- A. **Case # 22-5211 LRA Growers LLC, Conditional Use Permit (CUP) Appeal. The Concerned Neighbors of 62 Southfork Extension, Appellants, are Appealing the Santa Fe County Planning Commission's Final Order Regarding a CUP to Allow a Cannabis Producer Microbusiness that Will Cultivate Cannabis Plants Outdoors. Ordinance 2021-03, Section 10.22.3.4 Defines a Cannabis Producer or Cannabis Producer Microbusiness that Cultivates Cannabis Plants Outdoors Shall be a Conditional Use in All Rural Fringe, Rural Residential, Residential Fringe, and Traditional Community Zoning Districts. The 10.22-Acre Site is within the San Marcos Community District Overlay (SMCD) and Zoned Rural Residential (RUR-R). The Site is Located at 62 Southfork Ext. SDA-2, Within Section 1, Township 14 North, Range 8 East (Commission District 5) [Exhibit 1: Packet of Material from the Appellant; Exhibit 2: Power Point Presentation from the Applicant; Exhibit 3: Applicant's State License]**

CHAIR HANSEN: Welcome everyone. We have returned from our recess. One of the things that we forgot to mention was that on August 2<sup>nd</sup> through 5<sup>th</sup> is the Santa Fe County Fair. It is a fun, exciting event, especially for our children, so enjoy the animals, arts and crafts shows, fair food, livestock auction, music and dance at our rodeo grounds on Rodeo Road and at the fairgrounds. Entry is free. Are there any other announcements before I start this public hearing by anyone? Okay. Do we have any people online, Daniel, that are going to want to speak at the moment?

MR. FRESQUEZ: Madam Chair, I do not see anybody online who would like to speak. Actually, there is one person; Dennis Kurtz has his digital hand raised.

CHAIR HANSEN: Okay, so at the moment we have one person. I thought there was a name here.

MR. FRESQUEZ: We did have one person pre-registered and they indicated that they are going to be in person.

CHAIR HANSEN: Okay. So we still have one more minute to go, because I can't start before 5:00 p.m.

Okay, it's 5:00 p.m. Jose, We're going to go to 12. A, and welcome.

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. Jose Larrañaga, Building & Development Services Supervisor with the Growth Management Department.

[Mr. Larrañaga read the case caption.]

LRA Growers LLC, requested approval of a Conditional Use Permit to allow a cannabis producer microbusiness to cultivate cannabis plants outdoors. The 10.22-acre site is zoned Rural Residential within the San Marcos Community District Overlay. The SLDC, Section 10.22.3.4, states that a cannabis producer or cannabis producer microbusiness that cultivates cannabis plants outdoors is a conditional use within a Rural

Residential zoning district. The applicant is also requesting that it be permitted to use an existing shed as a drying area after the cannabis is harvested.

The Applicant stated: there are ten different recreational use licenses issued by the State of New Mexico. LRA Growers is requesting the most limited and basic New Mexico Cannabis Producer Microbusiness license, which allows a cannabis producer at a single licensed premises to possess no more than two hundred total mature cannabis plants at any one time.

Building and Development Services staff reviewed the application for compliance with all pertinent SLDC requirements, and found that the facts presented support the request for a Conditional Use Permit to allow a 4,225 square foot area for the purpose of producing cannabis: the use is compatible with the current development within the affected zoning districts; the use will not impact adjacent landowners and the application satisfies the submittal requirements set forth in the SLDC, inclusive of the Conditional Use Criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from the State Historic Preservation Office and County staff support findings that a CUP to allow outdoor cannabis cultivation in a 4,225 square foot area is in compliance with State requirements and pertinent standards set forth in the SLDC.

On December 8, 2022, the CUP request was presented to the Sustainable Land Development Code Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a recommended order on the request. The Hearing Officer, based on the evidence presented, recommended approval of a CUP to allow a cannabis producer microbusiness that will cultivate cannabis plants outdoors, subject to the conditions recommended by staff.

On February 16, 2023, the CUP request was presented to the Santa Fe County Planning Commission. The Planning Commissioner approved the application for a Conditional Use Permit, by a 4-3 vote, to allow a 4,225 square foot area to be utilized to cultivate cannabis plants outdoors and an existing shed for the purpose of drying cannabis after harvest on a 10.22-acre parcel located at 62 Southfork Extension.

The Planning Commission memorialized findings of fact and conclusions of law in a Final Order on the request on April 20, 2023. The Final Order was recorded on April 24, 2023.

The appellant submitted this appeal of the Santa Fe County Planning Commission's Final Order on May 30, 2023, which meets the criteria outlined in SLDC Section 4.5.4.

The appellants raise five significant reasons why they consider the order flawed. These include questions about the nature of a Conditional Use Permit; the amount of water required to sustain a cannabis grow operation; the damage caused to Southfork Extension by the water deliveries required for the cannabis farm and the hauling of that water over private easements; the failure to satisfy the conditions in the order associated with the CUP; and the rush to approve before the San Marcos Overlay has an opportunity to determine rules on cannabis production in its jurisdiction.

Staff has addressed the issues raised by the applicants.

The Planning Commission, Hearing Officer, and Building and Development Services staff reviewed this project for compliance with pertinent SLDC requirements

and Ordinance No. 2021-03, and found that the facts presented supported the request for a Conditional Use Permit to allow a 4,225 square foot area for the purpose of producing cannabis: the use is compatible with the current development within the affected Zoning Districts; the use will not impact adjacent landowners; and the application satisfies the submittal requirements set forth in the SLDC inclusive of the Conditional Use Criteria set forth in Chapter 4, Section 4.9.6.5.

Recommendation: Staff recommends the Board of County Commissioners deny the appeal of the Santa Fe County Planning Commission's Final Order regarding a Conditional Use Permit to allow a cannabis producer microbusiness that will cultivate cannabis plants outdoors. This report and the exhibits listed below are hereby submitted as part of the hearing record.

Madam Chair, I stand for any questions. Also, what was handed out while you were on break by the appellant, the San Marcos Association sent a letter and the San Marcos commercial survey results. And there is one letter of opposition that I received today. And then from the applicant we received what they're going to be presenting in a slide show here a little later in the hearing. So again, I stand for any questions.

CHAIR HANSEN: Thank you, Jose. Are there any questions from the Board at the moment? Commissioner Greene.

COMMISSIONER GREENE: Thank you. Sorry, I meant to lead off the appeal with this beforehand, but I wanted to make two announcements in reference to this case. First off, I did witness the – I sat in for the hearing at the Planning Commission and watched most of the hearing for this and so I was aware of this before this became an appeal. I just happened out of curiosity wanting to see the people on the Planning Commission and watched a few cases that night.

And then secondly, I had a brief contact of ex parte communications where somebody reached out to me about a different subject and then brought this up. I immediately cut them off and told them not to discuss this any further with me. And I feel like I can be impartial and fair in meeting my responsibilities. So thank you very much, Madam Chair.

CHAIR HANSEN: Thank you, Commissioner Greene, for those comments. Anything else from anybody? Okay, so then I would like to go to the appellant.

DOUG SPEER: I have a slide presentation.

[Duly sworn, Doug Speer testified as follows:]

MR. SPEER: My name is Doug Speer. I live at 100 Pine West in Santa Fe, and I am under oath. First, I want to thank all of you for allowing us to present our appeal to LRA Grower's application for a conditional use permit. I represent the neighbors, a concerned group of 42 residents who own the five properties contiguous to the applicant's site at 62 Southfork Extension, as well as 10 properties on Pine West and Sculpture Lane, along with another 16 concerned property owners and residents in the surrounding neighborhoods for a total of 35 properties.

Our appeal of the Planning Commission approval decision and a full document in the case file address the following elements: the nature of a conditional use permit, the San Marcos overlay, our areas of concern, and the lack of meaningful conditions.

The concept of a conditional use permit is to allow certain uses as long as they

don't have detrimental effects on the community. The heart of a conditional use permit as defined in the SLDC are six criteria that must be met in order to gain approval. Throughout this process staff has asserted the applicant satisfied the CUP approval criteria as well as the applicable SLDC design standards. Meeting the technical requirements of the law is not equivalent to the criteria for a CUP. However, staff over and over claims the criteria of a CUP has been met by citing compliance with the cannabis ordinance. If meeting the legal requirements of the cannabis ordinance were sufficient, what is the purpose of a conditional use permit? A conditional use permit exists to preserve the quality of life in the community.

Planning Commissioner Member Krenz put his finger on the issue at stake during the permit approval hearing before the Planning Commission. This is not about the neighborhood. I'm sorry. This is about the neighborhood, the community. It is not about disapproval of cannabis or its use. It's not about whether the rules of the cannabis ordinance have been followed. The community does not want a cannabis grow facility in their neighborhood.

In fact, none of the neighbors surrounding 62 Southfork Extension – something's wrong with my builds. They're not showing up. I don't know what this is running on but I'll continue. None of the neighbors surrounding 62 Southfork Extension nor any neighbors in the nearby vicinity along Pine West nor any neighbors in the surrounding neighborhoods of Silverado and East Lone Butte have testified on behalf of LAR Grower's application. Of the two people who testified before the Planning Commission, one lives in Vermont and the other lives in Santa Fe. There is absolutely no support for this permit within this neighborhood. All the properties which you can't really see identified in red have explicitly signed on to this appeal. Additionally, this objection is also shared widely in the community.

The Commission who passed the cannabis ordinance recognized the importance of the community overlay and understood that those communities may want to adopt different regulations from the County because County-approved uses may not reflect the values of the overlay communities. 62 Southfork Extension is within the San Marcos District Overlay which has been working on an update to a San Marcos Community District Overlay use matrix for the past four months. The Santa Fe County Planning Department sent out a survey in May to the residents of the SMCD asking how they feel about a variety of cannabis uses in their community. When asked if commercial outdoor grow facility should be allowed in residential areas 73.3 percent of respondents said they should not be allowed.

On Wednesday, June 28<sup>th</sup>, the San Marcos Community District Planning Committee met to discuss the results of the survey. These notes are from the Planning Department's summary of the meeting. Clearly, the San Marcos Planning Committee affirmed the survey results that are recommending that commercial outdoor cannabis grow facilities should not be permitted in rural residential zones in the San Marcos District, which by the way, that's information that was unavailable at the time of the Planning Commission hearing. Based on the cannabis ordinance's provision allowing community district overlays to set their own cannabis regulations, we believe the survey results and the position taken by the San Marcos Planning Committee provide sufficient evidence to refuse this permit application.

However, there are several reasons why the neighbors object to this CUP so adamantly, which I will briefly outline next. There shouldn't be any doubt or debate about the risks associated with the outdoor cannabis grow facilities. We've provided multiple issues in the neighbors' documents located in the case file. The County ordinance acknowledges in Section 10.22.2.4 that odor, significant water use, and security risks are all elements of cannabis cultivation. In addition to bringing inherent hazards, all of these issues have a direct impact on property values. One of the neighbors of a contiguous property for sale had an offer withdrawn after hearing of this permit application.

CHAIR HANSEN: Would you wait one second? There's some kind of feedback.

MR. SPEER: These are genuine risks to the community. They can't be remedied through conditions on a permit. Scientific studies to internet cannabis websites, and even at the Planning Commission there has been a great deal of discussions around how much water is required to grow a cannabis plant. The Brookings Institute says cannabis requires six gallons of water per day. The applicant claims he will only require 1.71 gallons of water per day, or 12 gallons a week. A recent Illinois State University study found that growing outdoor cannabis requires 5.3 gallons of water per day. The question is, are we to believe an absolute best case scenario provided by the applicant over the scientific studies of respected organizations.

The applicant states he will be trucking 1,200 gallons of water per week to the site, which is less than 30 percent of the Brookings Institute estimate of 4,200 gallons for 100 plants. Even at three gallons per week, the applicant would require 2,100 gallons of water.

This could be the coolest summer for the rest of your life. That headline caught my eye in the midst of the ongoing heat wave that we're living through. In our current climate it would unwise –

COMMISSIONER HAMILTON: I think it would be most polite to you if we just waited for a while because there's some noise going on up here we can't identify through no fault of yours at all but it's very distracting. Apologies to you.

MR. SPEER: I understand.

[Audio difficulties]

CHAIR HANSEN: Okay, let's try again.

MR. SPEER: With our current climate it would be unwise to underestimate the amount of water required for a venture such as this. As you know, meeting all the state and County requirements for a cannabis operation requires a significant investment of time and money. The question all the neighbors have is what will the applicant to protect that investment if the heat we are experiencing persists and 1,200 gallons per week isn't enough to sustain his cannabis plants. By law, he isn't supposed to use his domestic well, but the applicant could easily truck in more water if his crop is wilting under 90+ degree heat day after day, [inaudible] truck in more water.

Well, that brings us to the road issue. Southfork Extension started as a ranch road and then became an access road for new property owners in the 1970s. It was not built to any construction standard, rather it was simply carved out of the earth and graveled. According to the SLDC, the legal responsibility to maintain the road falls on the property

owners, and repair and maintenance has been spotty until travel is compromised. In 2022, for the first time in six years, property owners along Southfork Extension raised \$11,000 to add basecourse and grade the road where necessary.

If Southfork Extension was a County road and met the specifications for a rural cul-de-sac, perhaps it could withstand the delivery of so much water to support the applicant's cannabis farm. At least it would be the responsibility of the County to repair damage caused by trucking water weekly to the site. Remember, the applicant's estimate of 1,200 gallons per week is an extremely optimistic view, especially in light of the climate change we're all feeling on a daily basis. The true amount of water required could easily reach six gallons per day per plant or 17.5 tons of water per week, not including the truck and trailer.

Southfork Extension is not engineered to carry this much weight at this frequency. It's too narrow and does not have enough of a base to withstand this type of wear and tear. Repairs will be necessary. But all the benefits and profits of LRA Growers, which is a commercial enterprise accrues to the owner, while the neighbors, who oppose it, are required by law to pay for the upkeep of the road. This is entirely inconsistent with the SLDC and harms the quality of life in the community that the criteria of a conditional use permit seeks to preserve.

The Planning Commission in an acknowledgement that the amount of water required is an issue, added two conditions to the permit. That, one, the applicant is limited to 100 plants, and two, the receipts from the County water facility must be turned in with the well meter reading each month. The motive here seems to be that if the applicant was limited to 100 plants, and he had to turn in his water receipts that he would be more likely to only use 1,200 gallons per week. While these conditions may be well intentioned, the neighbors do not believe they can meaningfully address the problems with water usage and road damage.

The condition to limit the applicant to 100 plants does not address the essential question of how much water those 100 plants will require and it begs the question of what happens when the applicant's plants are dying due to lack of water. If 100 plants require more than 1,200 gallons of water in a week, does anyone honestly believe he will allow them to die? The neighbors believe the potential loss of the applicant's cannabis crop is far more costly to the applicant than buying more water commercially when it's needed, even if that means skirting around the conditions in this permit. Collecting receipts and meter readings is all well and good but what mechanism does this to monitor this data? Is there any consequence if the applicant chooses to buy 2,400 gallons in a month rather 1,200? Since there's nothing in the condition that says he may only truck in 1,200 gallons of water, period, there's nothing to prevent him from bringing in as much water as he requires.

The meter readings are also suspect as a deterrent since no meter currently exists to provide a record of use with which to compare future readings. The result of the inadequate conditions in the permit leads directly to more water trucked in, more road damage and more costs for the neighbors to bear over time as LAR Grower's profits accumulate.

In summary, we maintain the appeal should be granted because due to the negative impact on the community the neighbors are overwhelmingly against this permit.

The San Marcos Community Overly survey and Committee are definitively against commercial cultivation in rural residential zoning. The water required to maintain 100 plants is completely underestimated by the applicant. The road is not up to code and is not engineered to withstand the payload required to truck water weekly. The cost of maintaining the road falls on the neighbors and not on LRA Growers. The conditions on the permit do not adequately address the issues and can be easily skirted.

For these reasons the concerned neighbors of 62 Southfork Extension ask that the Board grant our appeal and refuse to issue the conditional use permit to LRA Growers. Thank you.

CHAIR HANSEN: Thank you. Are there any questions from the Board? I think later. I am going to go to LRA Growers now for your presentation. Am I saying your name right? I'm sorry.

MICHAEL SALIMBENE: I'm Michael Salimbene representing LRA Growers with Santa Fe [inaudible]

[Jennifer Salimbene and Michael Salimbene were placed under oath.]

JENNIFER SALIMBENE: Jennifer Salimbene, 51 Rio Guicu, Santa Fe, New Mexico, 87507.

MR. SALIMBENE: Michael Salimbene, 51 Rio Guicu, Santa Fe, New Mexico, 87507. Thank you, Commissioners, for giving us this opportunity. We want to first touch on the fact that this hearing unfortunately isn't about whether we or anybody supports cannabis legislation, cannabis growing, or not. This is about whether it's allowed at 62 Southfork Extension. What we intend to show is that Mr. Harris has tediously followed every state rule, requirement, recommendation, every County rule, requirement and recommendation, and even followed the San Marcos Overly rules and requirements that they put in place regarding cannabis growing.

He's even made certain that he obliged the Planning Commission's ruling and conditions that they had set when they granted approval. In fact, all of the requirements that Jim has adhered to are a part that even the Board of Commissioners passed back in July of 2021. And that was a unanimous vote.

So as everybody knows, the state of New Mexico has legalized adult recreational marijuana on April 12, 2021. And that the New Mexico cannabis producer microbusiness, cannabis producer is a licensed premise that possesses no more than 200 fully mature plants at any given time. So this actually will show where the grow area is and a picture of the proposed area, which is only 65 feet by 65 feet. The area of the subject property sits on 10.22 acres and it has been set up as an outdoor grow area because of the requirement from the San Marcos Overly that we'll get into in a second. The outdoor grow will be centrally located inside that ten acres and the garden will be set back from the property.

In that spot you cannot see other homes or anything without the wall that will be built. Or a fence, I'm sorry. And then it's over a quarter mile from the closest neighboring residence. Not a quarter mile; a tenth of mile, excuse me, from the closest neighboring residence, and as I said, the visibility, it can't be seen from any residence, even without the fence.

This is a site plan on how the grow area looks and this shows everything existing in the proposed site for the garden.

So the San Marcos Overlay District, and this is where I think where a lot of this is kind of culminating in this debate but the site is zoned rural residential within the San Marcos Community District and if you look at their – at the San Marcos Community Planning, what their Planning Commission had proven that a cannabis producer, microbusiness, is a conditional use within this zoning. Commercial greenhouses are prohibited within this zoning district.

MS. SALIMBENE: You only have the choice to do an outdoor grow in that zoning district.

MR. SALIMBENE: And that's actually an important point brought up during the Planning Commission is that according to the rules and requirements that San Marcos had voted on and put out, Jim – Mr. Harris – is actually only doing what they require, which is an outdoor growing area, because he can't do a greenhouse as it would be a commercial business. It's not within 500 feet of a sensitive use area, such as a school or daycare facility, public park, religious institution. It's not within 200 feet of another cannabis retailer or consumption area. And it's over one-tenth of a mile from the closest neighboring residence.

Like I said, if you go to the 9.1.4, San Marcos zoning district, under cannabis production, it says that outdoor cannabis production, permitted use in rural zoning district, conditional use in rural fringe and rural residential, which this is. Neighboring businesses – so the area, this road, Jim lives on Southfork Extension, is home to a few businesses. You've got Apogee Spirulina algae farm and Spirulicious Foods. You've got Anderson Ranch Art Center and Ceramic Studio with a commercial burning kiln, and Etchmaster Glassblowing and Etching and training workshops. And so that it shows that this area, that this little neighborhood actually is a business friendly neighborhood for small business.

Each of these locations – one is directly next door. The other is at the end of the road that passes by here and Anderson Ranch Art Center is just kind of right over in the next-door neighbor's property, adjacent to the next-door neighbor.

The other part that has been – caused a bit of fuss is the water usage. One of the – actually one of the main points and conditions made at the Planning Commission was that Mr. Harris put in a water meter, which he's actually already done. He's already done that and fulfilled that requirement, and registered it as one of the conditions. So as far as the implication that Mr. Harris, if we were in a drought will go running to his well is unfounded. It's baseless. It shouldn't even be brought up because that implies that Mr. Harris would break the law, which he wouldn't. For multiple reasons, one, integrity, but the other would be because the pH levels in the water from the well would just speed up the killing process as it is not good for plants. It doesn't work for the plants anyway.

And so that was never on the table and it wasn't on the table during the ENN, it wasn't on the table during the Planning Commission, and it has never been a point where – a source of water for Mr. Harris and LRA Growers.

So the onsite well will be for household use only. A Carlin SSM meter was installed in June of 2023 and it's registered with the Office of the State Engineer for monitoring. Meter reading will document that water from the well is not being used for the grow facility. pH levels in the domestic well water are too high and would kill the plants.



Now, transporting water. There's been a lot of discussion on this. The water will be transported from the Santa Fe County automated bulk water dispensing facility. Roughly twice a week by pickup truck which belongs to Mr. Harris, LAR Growers, and basically using a flat-bed trailer and a water tank. I'll show what that will actually look like. Water storage from the Santa Fe County automated bulk water dispensing facility will be stored onsite in a 1,200-gallon cistern. And so again, to kind of break down the idea that a 3,000 gallon water truck would be driving down the road as was stated, that's kind of impossible because he only has a 1,200-gallon cistern.

So we built a structured water plan and what we've done is taking from other businesses in similar climates and using their data is exactly what Mr. Harris is doing when he's doing his grow. It's using examples and the data from other businesses in similar climates, going through Illinois and such is not useful because our climate is very different then the University of Illinois. So this represents exactly what not just the plan, because as a business goes you need to make a business plan, this being part of the business plan, especially since his business is the growth of a plant it's important for him to really know what kind of water to expect, how much – these are expenses and he needs to figure these out before he goes into business.

There are four stages for cannabis growth. The first stage is the germination and seeding stage. Anybody who has had a garden and has planted in soil outside will realize that that portion of the process is not a couple days but rather, in this case, about four weeks, roughly. So for the first month, assuming that May 1<sup>st</sup> was the planting – he's got a roughly six-month growing season. So between the end of October and May 1<sup>st</sup> there is no growing. There is no micro-grow business going on that has anything to do with water or travel or anything like that.

So May 1<sup>st</sup> is you germination, begins. During that process you will not be adding six gallons, three gallons – you're not going to be watering plants every single day. In fact, the process is that you will start with the soil being about – adding about 25 percent of what the gallon size of the pot is. So in this case, a 20-gallon pot would need five gallons of water, would effectively moisten the soil enough to germinate the seeds. From that point, in this climate, it will take roughly, in a year, you will only be watering a small amount every four to seven days during the germination process.

After that, during the seeding process, it will increase but very minimally. Therefore, we figure on the high side, about 1,760 gallons of water total, is what it would take for the entire month of May trucked in. Using data from the last ten years in Santa Fe County rainfall, and using the surface area of say, 100 plants, that would equate to 940 gallons of water would be added in by rain. That is only showing the surface area of the pot. It is not any portion of the collection process. It is just what goes into the pots. So we're up to June, 3710, July, 5170, and then you get up into what we did on these numbers is we took the numbers from other growers in similar climates and how much water they use in a sophisticated drip system. The water you use in a sophisticated drip system is not the same amount that you would use if you just had a pitcher and you bring it in. Jim's, Mr. Harris's drip system keeps excess water from pooling or filling up inside the pots.

So the numbers we used were on the high side so that we could show that even when you use on the high side the amount of water is significantly less than what the

concern the neighbors have shown on their presentations. So the most, in a very dry season, August would see 12,770 gallons. September would see 13,060. Those are the two most vital points of the growth season. And then October being towards the end of the harvest, very much on the high side, we put in 9,670, but by that time you're wrapping it up.

Now all kinds of things can affect that and stop it all together – a frost. We've had frosts in October. And things like that would actually decrease that number and it could be significantly. There would be nothing that would actually increase it as we accounted for erring on the side of caution.

So the highest amount of water trucked in for an entire grow season would be 47,470, which is what we show on the graph. The lower end of trucked in would be roughly 32,000 gallons of water, at 640 gallons. So the highest number of truckloads possible would equate to no more than four truckloads a week, and this would only be in that peak growing season, for less than eight weeks.

As far as the roads and transporting, there's been a concern. The driveway hammerhead allows for emergency access and emergency vehicle turnaround. The grow area is not within or obstructing a platted access easement. That's important because it was brought up that there was a concern for fire. That is not a concern in the sight of the Fire Marshal. Neighboring businesses currently use this road for their employees and commercial activity on a daily basis. LRA Growers proposed grow area would not require new access points or any additional construction nor will they have any employees. Yes, Mr. Harris is the only employee and he already currently resides there.

Traffic – there will not be any additional traffic to the grow area that is behind the residence. Mr. Harris lives on site and is the only employee. Hauling water into the site will occur twice a week on his way home from work, only during the grow season. The impact on the local and regional roadways will essentially be unchanging. Maintenance, there is not – this is also very important. There is not a recorded road maintenance agreement there.

Some more impact facts here is, as we stated in the water plan, Mr. Harris will be driving with his trailer, which looks like this here, the specs on it is 1430 pounds. He will be doing it between two to six times per month for the first three months. When you look at that weight – this is actually another very important point – a GMC Sierra 1500 weighs 7522 pounds. That is curb weight plus two adults. That is not the gross vehicle weight. The gross vehicle weight is over 8,000. The Ford F-250, and these are vehicles that are actually in that area, in the area that have these vehicles. Ford F-250 is 8,649 pounds and that is current for its 2023 model.

The container that we're using is actually a little larger than the one Jim was planning to use, but we wanted again to err on the side of caution to show the worst case scenarios. This is showing the 750 gallons, versus the 600 gallon tank that he actually is using. This weighs 185 pounds; his is probably a little bit lighter. Full, would be 6,225 pounds if it were a 750-gallon tank that is. When you put those two together, and my background is actually having been owning car dealerships and having been an expert witness for insurance companies, things like this and information and specifications like this are my area of expertise. And the trailer would be considered unladen weight. A trailer by itself – a trailer connected to a truck is considered unladen and is counted as a

separate vehicle. And so therefore the impact on a roadway it would be as if there were two vehicles. That's important because a water truck is not two vehicles. That is all one fixed truck and carrying 3,000 gallons, that could do damage, like a garbage truck. But two small light-duty vehicles would not by any means make any more impact than any other automobile driving down the road.

Therefore when that trailer is empty – when he leaves the trailer is empty, therefore only weighs a little over 1,500 pounds, or as much as an Indian motorcycle with a rider on it. So that would be like Mr. Harris leaving in his pickup truck and someone following him on an Indian motorcycle. I can't imagine any of the neighbors would be upset with that if that were to happen up to 40 to 50 times in an entire six-month growing season.

If – when he's coming home after work, it would be like two pickup trucks following each other, and even the bigger one I put out there, even though it would never weigh that much. Nobody would ever raise any kind of concerns over seeing two pickup trucks driving down the road.

The last is a pickup truck and a camper. There are many people, in fact if you look just on the GIS site you can see there are people in that area that have campers. I'm also certain that San Marcos Planning folks have not come out and said, you know what? Your campers are doing too much damage. I'm using a camper that actually I'm very familiar with and that camper, without putting anything in it is nearly 8,000 pounds. So as far as damaging roadways, these are real life examples of what this – this is exactly what this would be equivalent to.

Now, moving on to the odor. Another concern. LRA Growers will not process. They will not test. They will not distribute cannabis on this site. They will only be growing and harvesting. So this also has been explained at the legislative level about wind and climate here. Because we live in a very dry climate odor does not linger. Not like it does in more humid climates, especially if it's still or stale and there's not as much wind, as all of us know once you've get out into Santa Fe County, we're not lacking in the amount of wind that we get to enjoy on a daily basis. Couple that with the dry climate and the odor would be, from such a small amount of plants would be minimal, if even noticeable, especially at the distances, which the closest people could possibly be to the rural area.

But just in case there could be odor we have odor mitigation. Cannabusters. Cannabusters is backed by more than a decade of success across the odorous industry and has been certified as safe by Section 21 in the United States Code of Federal Registers. The system will consist of a top of fence mounted misting with nozzles at five degrees. It will be controlled by a wind meter which will activate the downwind section of missing nozzles and reduce odors by eliminating on contact blowing in from the crop. The system's injector will be set to different dosages and ranges according to the crop's growing stages as we discussed. And this will be turned on and off based on the wind direction and the wind speed.

So basically, how it works, Cannabusters, it oxidizes organic odor upon contact. Cannabusters is odorless. Odor molecules are eliminated on contact resulting in no odor molecules and no odor. Cannabusters is silent, does not make noise.

Light was another concern. Since this is an outdoor grow area in which natural

sunlight will be used there will be no synthetic sun or synthetic light used for the growing, especially outdoors. Exterior lighting – the exterior lighting is the security lighting which is designed to illuminate the grow area from dusk to dawn and includes motion sensors designated to stay off unless triggered. There will be outdoor security lights that will be shielded and direct light down. The lights provide a security measure required by the State of New Mexico. And again, I can't stress this enough. These lights must be triggered and they are required by the state.

The outdoor lighting standards will be followed to enhance the safety of the area during the evening hours, provide security, conserve energy, protect the night sky consistent with the Night Sky Protection Act. And so I also want to express that these are the things that the state has required. These are the things that the County has accepted and these are the things that also San Marcos Overlay has accepted to the point where they require that it must be an outdoor grow area.

Undue crime and a concern with crimes – concerns are speculative. Public records, including Family Watchdog and the Santa Fe County Sheriff's Office sheets indicate crimes happening inside the community currently, within the neighborhood and between the residents, not a result of outsiders or influenced by any microgrows. The data – there are two registered sex offenders against a child, distance from 62 Southfork Extension are between half a mile and another at .46 miles. Cases in 2023: assault and battery, homicide, domestic disturbance and battery, [inaudible] of a motor vehicle. These sources come from sources that are accessible to all of us from Family Watchdog and Santa Fe County Sheriff's Office. So it's all on public record.

LRA Grower's owner, Mr. Harris has state of the art surveillance cameras that will monitor the area 24 hours a day, seven days a week to ensure the safe operation of the grow area. The owner lives on side and will have the ability to remotely access security features should the need arise.

On to property values. There is no sufficient evidence to support the impact of cannabis or microgrows on property values, according to experience, a home's value is affected by local real estate trends, the housing market, the home's condition, age, location, broad appeal and property size. Well priced homes that are not testing the market are moving at a healthy pace in this area. So as far as property values go I know it's been stated, I think it's important to say that someone wasn't able to sell a property because they heard that there could possibly be a microbusiness is completely baseless. It's not something that – there's been no example of that anywhere, especially in the San Marcos overlay because this is the first one.

Secondly, speaking with a real estate agent for Barker Realty, they do not and cannot sway or manipulate a sale by – in their code of ethics as a realtor, by saying that there is a microgrow in the area, or even acknowledging it. It doesn't mean that people couldn't get their own research; obviously they could, but a real estate agent will not tell them that, and this comes from two well known, trusted real estate agents here in Santa Fe.

As far as a house being on the market too long because of a possible microbusiness, when you pull up Zillow's map you will see that there is no property for sale within a mile of Mr. Harris' and if anything has not sold or sold, it's not reported on Zillow, which is one of the largest real estate sites out there. So I don't want to put

speculation before you. I would also like to remove speculation from other things that have been told because it's not – there's no fact behind it. It's just hearsay.

This is of the real estate data that talks about inventory and market trends. I think all of us here in Santa Fe know about spiking up trends and downward trends. It's a very volatile market even now. So again, this kind of debunks anything that would imply that a garden, 65 X 65 feet with a fence – they do not have to disclose but your code of ethics keeps you from disclosing is certainly backed up by the data.

So we also, on the last page here we included Mr. Harris – a digital copy of his license for LRA Growers, LLC, that he did go through the state and get and was also assigned a case planner that if anybody is familiar with the process, they do make sure that his location and all the processes are met before they issue these licenses. And they saw that he was actually going through the process the right way, and they didn't see any major roadblocks that should stop that as they looked at that in the County and Overlay requirements.

So that is our presentation. If there's any questions we can answer them.

CHAIR HANSEN: Thank you very much. I would personally like to go to the public hearing, but if there's anybody that has questions that they need to ask right now up here – okay. So thank you very much. We will go to public hearing. How many people in the audience are here to speak for or against this? So we'll have three minutes. I'm going to have a timer put up. Everyone who wishes to speak, would you please stand and raise your right hand.

[Those wishing to speak were placed under oath.]

[Duly sworn, Amanda Montgomery testified as follows:]

AMANDA MONTGOMERY: Good evening. My name is Amanda Montgomery and I've lived on 36 Pine West for 30 years, which is a neighbor of LRA Growers. I would just like to say that I think the County is doing an amazing job in their sustainability efforts, and every week I'm on a newsletter and we get all sorts of information about how things are – the County's looking forward. And one of my concerns is about water sustainability, over the long term. Whether it's crops, whether it's development, excess development, how we're all going to handle that. But anyway, that's just one of my concerns.

The other thing I just wanted to say – and I've lost my train of thought. Sorry. Is that the survey that was done for the San Marcos Overlay District, those are our neighbors, okay? The indication was that 77.3 percent or 78 percent, 77, 78 percent, of people do not want neighbors – these are my neighbors. These are the people here, do not want an outdoor grow in the area. They just don't want it. Okay? You can have a cannabis business, other kinds of things, but an outdoor grow is one place where people were overwhelmingly unhappy about – or I should say were firm about what they wanted. Other things were like 50-50 and other kinds of ideas but the 77 percent did not want outdoor grows in our neighborhoods for many different reasons.

But I think that is the issue and I think Mr. Harris, his farm, his cannabis grow – we're like going to be guinea pigs. His is the first one, he was asking. I know of another one in the area. And I think maybe the Commission would like to take some time to think about what it means, because at the last meeting no one had the opportunity of the statistics from that particular survey. So it might behoove the Commission to take time to

think about what the neighbors want, what people, their constituents want, what other constituents throughout the county want in their neighborhood. And so that's where I am. Thank you.

CHAIR HANSEN: Thank you. Next.

[Previously sworn, Adan Mendoza testified as follows:]

ADAN MENDOZA: Madam Chair, Commissioners, my name's Adan Mendoza. My address is 113 Pine West. I live in the area. My family's owned the property since the 80s and I've lived out in the area since 1995. My parents moved out there and I currently live out there. I want to say that again, I want to reiterate that this isn't about cannabis or whether you support cannabis growth or legalization or anything like that. This is about the community of San Marcos. I will say that the applicant in his presentation and their presentation, I think in an attempt to explain how they met every condition in reference to the permit. I think they missed out on an important part, and what they didn't prove is that the community supports this permit.

And I think if you look in your packets and you see how many neighbors and how many people in the community do not support this permit, this use in the community, I think you will understand that it's overwhelmingly against this use. I think that's an important aspect. I think as the Commission you have the ability to hear the voice of the constituents and the people that live out in the community, and I think that's very important. I personally would request your support for the appeal of this permit. Thank you.

CHAIR HANSEN: Thank you. Next.

[Previously sworn, Nicolas Petrovic testified as follows:]

NICHOLAS PETROVIC: Good evening. My name is Nicholas Petrovic. I reside at 58 Southfork Extension, the property right next to Mr. Harris' and I am speaking for my parents this evening and myself. My folks moved out there in the mid-90s to get away from cities, crime, light pollution, etc. and this is not something they're looking forward to. They're in their 90s now; this is not the way they wanted their golden years.

That said, I would like to clarify something for the record. I am the owner of Apogee Spirulina, which they stated my farm is at 58 Southfork. It is not. It is at the Santa Fe Community College and there's no employees at all coming out to 58 Southfork Extension. And one thing I'd like to say throughout this process, we've been told this cannabis grow is no larger than a vegetable garden, etc. Vegetable gardens do not require eight-foot tall fences, video surveillance, lights to light up the area at night and so this is more than a vegetable grow and my folks are really against this and we would like to see the appeal reverse it. Anyway, thanks, guys.

CHAIR HANSEN: Next.

[Previously sworn, Rick Von Kaenel testified as follows:]

RICK VON KAENEL: My name's Rick Von Kaenel. I live at 36 Pine West. I wanted to point out another inaccuracy in the LRA Growers' presentation regarding businesses in the area. Apogee was never an operated business there. The neighbor on the other side, Etchmaster Glass, also, the owner lives there, but the business is located [inaudible]

The other thing I'm concerned about is if their estimate of the water usage is not correct, then what happens after that? I haven't heard any plan to solve that problem. The

damage to the road, covered that. Who would take care of it? Thank you.

CHAIR HANSEN: Thank you. Next, please.

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

SHERILEE VOGT-SPEER: My name is Sherilee Vogt-Speer. I live at 100 Pine West. My concern – I have a few concerns. One is the water as we know, is a precious, diminishing resource in the entire southwest. So I realize that legally, he cannot take water from the well, and that's great. And he says he can't use it anyway, but the water that's taken from the community is still depleting a precious resource in our area that a lot of people are taking steps to guard, and I just think that's something we need to all consider.

Next, I'm on the San Marcos Planning Committee. I attend. I think it's my civic duty to do so. I attend the meetings. I have been doing this for some time. We work hard. And I just want to point out that use matrix that was presented was one that was assumed by the planning committee. It was not from the San Marcos Overlay District. We just met and the first time discussed it a couple of weeks ago in June. And overwhelming, all the people that are on the planning committee said no. They do not want grows in rural residential areas.

It reflected the same as what you saw on the survey, the 77 percent. So I think that's pretty accurate. And I think we need to be given a chance to put together our use matrix, get everything approved, go through all the procedures that everyone would go through legally in our area for any new kinds of businesses. And let us put this plan together first. So I don't see what the rush is about getting this permit passed before the community has a chance to speak up and get their plan in place. So it just seems unfair to the people who are working hard.

The other thing is I think when people speak up you should really be listening to people who live in the community, not people from other areas. I feel like our community has not interfered in anyone else's permit. That's for them to decide, and I think we deserve the same respect and only people in the area should really have a say. Thank you.

CHAIR HANSEN: Thank you. Next.

[Previously sworn, Ralph Scala testified as follows:]

RALPH SCALA: Hello. My name is Ralph Scala. I'm also speaking for my partner, Bridget Green. We own the property 56 Southfork Extension and 32 Southfork Extension. I am actually the person that was looking at the property that was directly next door. So I understand that through real estate stuff that it wasn't put out there but we decided to not purchase that property directly next to the grow because the only buildable site on that property is in direct sight of the grow, which if it has security lights going on from dusk until dawn – one of the reasons we all moved out there is for the peacefulness, the great sky that we're looking at in the evening and so having that would be quite – it would just be annoying all night long to have to look at that.

I'd also like to talk about the smell. I know some of us who are driving from in and out of town, even if you go by the Bisbee Court and you're driving along Highway 14, those indoor grows which have spent hundreds of thousands of dollars on mitigating smell, pumping out and it still smells like a weed farm when you're driving on the highway. So that's something to consider. We're only a few doors down, and depending on which way the wind blows, it is really quite strong.

I'm not quite sure to say about the watch dogs. I love Jim's dogs. They often times spend half the day at my house during the day, and they're hanging out with me on my property which is three doors down from him. How would they even control what is happening or even watching a situation that they're not at?

I also would have to say that this is very difficult. One of the reasons we moved out there is to have autonomy and stuff and to tell somebody what they can do with their property doesn't really sit well with me, but something like this has a huge effect on the community. It doesn't take a criminal mastermind to know that the lead time for some calls out there is – takes quite a while and security lights is not going to stop a criminal to jump a fence and cut down plants. There's been instances where I had a high school kid working for me, helping me, he had a gun pulled on him, just right there on Southfork, because he gave somebody the eye at a stoplight. So there's real stuff happening in our neighborhood that's not being even talked about. So I really appreciate you giving me the time to speak. Thank you very much.

CHAIR HANSEN: Thank you. Next. Is there anybody else in the audience who wishes to speak?

[Previously sworn, Rho Painter testified as follows:]

RHO PAINTER: I'm caddy-corner from Mr. Harris at 73 Southfork Extension. Just to reiterate – yes, I'm under oath. Sorry. The first impact I felt of this is the super-moon the other night. I had people from out of state with me who walked out. We had to walk down the Harris' property just to see the moon, because there were five to six bright lights up there, continuous. It's a huge impact. There's nothing that can be changed from that if he's going to use those.

CHAIR HANSEN: Thank you. Is there anyone else in the audience who would like to speak? I'm going to go to online.

MR. FRESQUEZ: Madam Chair, our online speaker is Dennis Kurtz.

[Previously sworn, Dennis Kurtz testified as follows:]

DENNIS KURTZ (Via Webex): My name is Dennis Kurtz. My address is 42 San Marcos Road West, just off of Highway 14 in Santa Fe. I am president of the San Marcos Association and I am under oath. Just two major points I would like to make to the Board. Comments have been made before this evening about the San Marcos Planning District Overlay process. I wanted to make it clear to the Board that this is not a case of the San Marcos Planning District Committee jumping up for now and saying we want to enact some kind of regulations concerning cannabis and so forth. In 2019, the BCC approved the San Marcos Planning District Community Plan, in the summer. And in the fall of 2019 we started working on the overlay, the use matrix, that is the next step in that process. We worked on it in February of 2020. It was put on hold because of COVID.

About six months later, I and others began asking the County what was going to happen. By then, Zoom and Webex and those things had gotten the bugs worked out of them – how are we going to proceed with the overlay process? It wasn't until 2023, so from 2019 we began this. 2023 when I and I believe Doug Speer made a comment at the hearing, the SLDC hearing concerning this application that the overlay had never been completed yet. It wasn't until then that it was revived. All that time, we, the San Marcos Planning District, had been in limbo.



And so from our perspective, I just wanted to make it clear, we feel like [inaudible] applications and even consider them when we haven't had a chance to fulfill our own legal obligations is not really fair. That's the easiest way to say that.

The second point I'd like to make – it has to do with the definition of the cannabis producer microbusiness. This is the definition in the ordinance and in the SLDC. A cannabis producer at a single licensed premise that possesses no more than 200 total mature cannabis plants at any one time. Mature is the problematic word, because any lawyer in the room can tell you that it says absolutely nothing about how many immature plants can be there. That definition, it's possible for someone, especially a company with lawyers and people willing to push it to come in and say we're going to have five or six separate crops, because they're not mature. Only this one is mature. Then five days from now the next crop is mature. Five days after the next crop is mature.

I'm not going to get into breeding cannabis and all that sort of thing but down the line, this owner or a future owner could accuse the microbusiness license and put in far more crops than what are being proposed here in this application. That's going to increase the water, it's going to increase all the road use, it's going to increase all the other problems that have been discussed. Thank you for listening. I really would like you to consider this, and the long-term future potential impact here.

CHAIR HANSEN: Thank you. Do we have anyone else online?

MR. FRESQUEZ: Madam Chair, I don't see anybody else online that would like to speak.

CHAIR HANSEN: Is there anyone else in the audience who would like to speak? Okay. Seeing that, I am going to close the public hearing, and then I'm going to go to questions from the Board. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I don't have any questions. I think the presentations were very thorough. I do have some concerns about the permit. I think that when we enacted the cannabis legislation two years ago it was our intent that the communities with overlay districts would be able to regulate cannabis within their communities, and so I do feel like if this is approved it is sort of circumventing that process, that we are allotting people to have.

The other thing I want to point out is last summer during the monsoon season a woman in this neighborhood came to me and said that her road was a mess, could the County fix it? It turned out it was a private road but Olivia and I went out anyway to drive the roads in that neighborhood, and they were indeed practically impassible during monsoon season. It was stated during the presentation that there's no road maintenance agreement so in order for the roads to get maintained I guess neighbors have to get together on an ad hoc basis to come up with the money to fix them. I don't think that's the proper road condition for a business that has to truck in water regularly. I understand of their estimates it might not be that much more traffic, but on that road I don't think you would have been able to get the water. I think there was a week when he might not have been able to get any water to his house. I think he could barely get to it on some of those roads.

I don't think we have any regulation about the lighting but I do understand that if you're living in a dark place and all of a sudden there's a bunch of lights over a field that could be very annoying. I don't know that we could decide based on that.

And my last comment is I know the Planning Commission was trying to come up with a compromise but I don't know that we have the staff to enforce the requirements that were put on there. Does somebody need to read the well monitor readings that they send in monthly? Is somebody on the Growth Management staff going to look at his receipts of his water use and figure out that he's using the amount that he's supposed to be using? I just think that that's a burden on our staff, that they're not really equipped, particularly if this is a precedent and there's going to be others like this, which there probably are around the county. Maybe not in this district, but are we going to monitor everybody's water use?

I think that people who want to grow cannabis should grow it where there's water and water right there. So that's my opinion so far. And I'd like to hear what the other Commissioners are thinking.

CHAIR HANSEN: Thank you, Commissioner Hughes. I'm going to go you first, and then Commissioner Hamilton.

COMMISSIONER GREENE: Wonderful. Well, thank you very much, Madam Chair. Thank you to the appellants and the staff and the folks that are trying to exercise their rights, to reiterate some of the concerns, the water use to me is something that can be circumvented. I don't feel secure that this is dealt with in an enforceable way. I'm concerned about the chemicals being used for odor remediation. I think that's a bit of an issue to understand what that is made of and what kind of carry and spread that can have.

Again, the road issue is a big issue, given the fact that there is no road agreement and within a road agreement there could easily be – and maybe this becomes a condition of approval, a stipend that is given to maintain the road. But without a road agreement I don't know how that would get spent on folks just to get easements there. Again, the County's enforcement and Cannabis Control Division, I had a question about this, wondering if we could actually get the license for this microbusiness that has been issued qualified to say that it isn't 200 plants but it's actually 100 plants or 50 plants or whatever condition and limit that we think is appropriate here, if we decide to go in that route.

The lighting issue, San Marcos is an amazing spot out there and the Highway 14 corridor I think is a dark skies corridor. I think we have some dark skies resolutions in Santa Fe County and I don't think that this supports that.

I have some questions that I would like to wait until I hear everybody else's to come back with. Thank you, Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: So, I certainly respect, totally respect the idea that communities have the right to overlay districts where it's determined what they want there and what they don't. I understand that but there is still four years and they haven't finished what they want to specify, and this really – fairness has to happen for everybody. So this is – you can only regulate based on what – and I know staff made a point of saying this. You can only regulate based on what regulations exist now. I don't think it's appropriate to say, well, you have to wait until we get all the regulations, because this is a use for a property and it's an appropriate use. All the factors that are considered in a condition use are met in this case in terms of public safety and what not.

Things regarding crime are in fact speculative. This is a legal thing to grow and

do and I don't think that the possibility of having – the sense that everybody is going to come here and steal their cannabis plants is really very fair. You could argue that somebody could want to put in a thoroughbred racing breeding farm, expensive race horses, and then they would be an attractive nuisance to somebody who would want to steal thoroughbreds and maybe a single horse is easier to attract than a single cannabis plant, but the point is it's not something to deny an appropriate permit on.

I don't know what to think about the light issue, because it's kind of a Catch-22. If it's a dark sky area, but it's permitted to grow there, but the states going to require them to do lights? There's got to be some way to mitigate that. Maybe that is one of the things I would like to get some guidance on, which is part of the reason I would actually like to actually ask if we could do an executive session after everybody gets their comments and discussion out, because there are certain points like that where it's so much of a Catch-22 that this is a conditionally permitable use, but it's also on a private road. And because there is not a road maintenance agreement, well, we can't let you do the use. That's not appropriate either.

We've had this discussion in other contexts. It's just too much of a Catch-22 for me to be comfortable with it. So like I said, it's those legal points that I'd really like to get some advice on and discuss it in executive session.

The water thing is another. There's no place in Santa Fe County or any place in New Mexico that argues against planting alfalfa. The amount of water cannabis takes to grow, I just looked it up, is significantly less than what it takes to grow alfalfa. And nobody out there – they don't outlaw people growing alfalfa no matter how concerned people are about water use. So I find that problematic. And in fact, my math could be wrong. It's simply data I looked up for cases of water use over a growing season, assuming a six-month growing season, the estimate that the applicant put in is perfectly believable. That's kind of arguable if the budget is put in and is reviewed through the process by other boards and it is an acceptable water budget. You can't say you have to give us a water budget and then put conditions which the Planning Commission did and then say but I don't want to give this permit because it will be a burden on the staff to enforce it. That's just not acceptable.

So those are my thoughts and comments for now but I'm requesting an executive session after everyone gets their questions out.

CHAIR HANSEN: Thank you, Commissioner Hamilton. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair. Just for clarification, alfalfa is – I think the majority and I don't know of any exceptions, should be water with surface water and significant water rights and it would be very difficult to truck in water for alfalfa.

COMMISSIONER HAMILTON: Yes, but that wasn't the point of the analogy. The point of the analogy, if you were only growing 65 X 65 feet of alfalfa, is having to do with the prejudice about what plant you're growing. It in fact does use more water. So it's the argument of how much water.

COMMISSIONER BUSTAMANTE: Okay. For the crop itself, again, it might use less water, but that water isn't present onsite, so it wouldn't really be that it was about the alfalfa other than what it is that we're actually talking about what we're

growing. And I have to hear – I completely hear what Commissioner Hughes is saying. If the overlay district and the community planning process is underway, and everyone was delayed in that process, and being from a community of primarily working class, how often can we get together to work on our community type of infrastructure where the community infrastructure, otherwise what is the purpose of a community plan if not to define what is appropriate for the community.

And when I think of what that road situation, living in a very similar community, I didn't hear anything about what the applicant – not the appellant, but the LAR Growers would do to improve the road, make that amenable – maybe that's something that could come out during the planning process. But to the contrary, those roads are very difficult to maintain and we don't have – I'll just say we don't have the County staff and capability for the enforcement of the water criteria that is being brought up. When I look, and reading through the water uses issues, and I would say I have incredible respect for those individuals who had "quite skeptical" of the water usage claims. We're talking about somebody who's been farming multiple generations of sand. Under these conditions what would it really take to grow that here, on top of what it's going to do to the roadway, I don't think it's appropriate for us to imagine what that – well, I think it is appropriate. It's our job to imagine what that would be.

But really, when we get to what the conditional use permit is I guess I have a question for Mr. Larrañaga. What is the purpose of a conditional use permit? In real general terms, what is the purpose of a conditional use permit, particularly when you have an overlay district that is responsible for the planning of their community. I don't want you to have to – unless you have it readily available. Thank you.

MR. LARRAÑAGA: So this may answer your question, Madam Chair, Commissioner Bustamante. Under Appendix B, Use Matrix, Table 8-4, Use Matrix Labels, it states the uses permitted within a zoning district may after review and approval of a conditional use permit in accordance with the [inaudible] So a conditional use may have to meet other standards – studies, reports and assessments. This particular case went to SHPO for review for comments on the archaeological sites. And water of course is always a big question on any project. Staff agreed and researched with our own Utilities Department as far as water and the bulk station. They sell either commercial or residential water. Again, I contacted with [inaudible] Since we started the canvass applications, and they consider a bulk water station a commercial water station, so it would be commercial water that he would be hauling in.

Again, conditional use would be bringing it to the Hearing Officer, Planning Commission and having a public hearing and having people speak out on it, where a permitted use would be a site plan would be done administratively. I don't know if that answers your questions.

COMMISSIONER BUSTAMANTE: Thank you, Mr. Larrañaga. That helps a lot. So if there is actually a determination that there would be a public hearing, then again, what would be the point of a public hearing if it wasn't to listen to the concerns and issue brought forth by the public? Then looking through the survey that was done, and I understand that that survey was done by our staff, correct? The responses from that survey – I don't think it is a matter of what the particular product is. I do see, and I kind of had a big question, when it was – wait a minute, we're saying Apogee –

I've worked with Nick and happened to work at the Community College when that was happening there and it isn't in this location, and I thought, well, is there another – not to mention that two of those, of the organizations that were listed that were theoretically in close proximity doing algae, which would have a huge effect on water, had nothing to do – they're not anywhere near that area, in fact they're at the Community College where someone else recommended, what would it take for the Community College to take this type of project and look at what it would really mean to be feasible under the circumstances that we have in this type of climate, and I would say terrain, because this is not an agrarian terrain, and that is a huge difference to me in water availability.

I also want to point out that if there's as surprised as I am, and I think we can all look around the room and say, to previous year's water, when we would have the monsoons, we would apparently seem to be having monsoons – seem to be contradictory terms. But it seemed like we were having our monsoons in April this year. I don't know if we're going to get – and I don't think – someone can come up with predictions, but right now, it sort of seems to be up in the air and I'm not going to say that I've never trusted the weather forecaster but the reality is, we're basing things off of these patterns, weather patterns that have obviously changed, and even the most skeptical will acknowledge that the weather patterns have changed. That it might mean you're flush with water.

The point is these are all sort of speculation outside of what boils down to be what Commissioner Hughes has stated, one, we don't have the staff, we don't have the personnel, infrastructure, to monitor the water use, to actually stay on top of what it would mean to have those requirements that would be put in place, and compatibility with the zoning district that's still in a planning phase for an overlay district, if it's not for that reason why we have public comment. I recognize I'm repeating myself, but if that's not the reason we have public comment and that having a community plan is to address those impacts on the community, I would say it is clear that the concern for the water is an impact.

I also feel that I need to say, yes, and I have said it in public forum, that speculation can have its impacts on the community, but the worry of something has its impacts. That's something that's a given. Yes, and their concerns are creating and generating a general community discomfort, if you will. That's an understatement. But one thing that has happened is there are times that we can do something that would actually have – I'll give you an exact example of the growth of the airport. The airport had people in that particular area, south of the airport, very worried that it was just going to be very loud and nightmarish and we filled literally the old Sweeney Center protesting the size of the airport. Sound studies were done and larger airplanes are gone sooner and we don't have the same type of impact on the community that was assumed in the first place.

But none of that work has happened here. Nothing has happened to assume or understand what type of impact this will have on the community. What is evident that there is a road that is in bad shape that no one has agreed to maintain in the interest of someone's business and the business has not put forth some type of proposal to say, to address your concerns we would do these things with regard to the road. And again, we can't actually monitor the water usage. So that's what I have to say. I don't have – other

than the question about what the conditional use would be. Yes, I do hear and I do see that they have met the requirements of the law in that regard, but the law in the other parts of it also say that the community has a say in what is going to happen within their community with regard to the community planning process. So that is my general take.

CHAIR HANSEN: Thank you, everyone. So one of my concerns is the light. I do think that that is an issue, but the way I heard you say is that the light would only go off if it was triggered. It's not on all the time. Okay, I'm seeing somebody shake their head. So it's not on from dusk to dawn. You have to speak into the microphone if you're going to speak.

MR. SALIMBENE: Yes, it is motion activated and it is within the fenced in area, so it is not on from dusk until dawn. The sensors are on from dusk until dawn, not the lights. The lights will only come on when activated. And it's set up for security surveillance, not its – but it's more sophisticated than your garage door.

CHAIR HANSEN: It's not going to go off when the plants blow.

MR. SALIMBENE: Right. Exactly. If the wind's blowing and a plant moves it's not going to set off the motion detector, the light detector. It would have to be actual – something actually happening, someone inside there breaking in. And that's a requirement from the state. They're very specific on what kind – like I said, you can't just use a Home Depot garage door light sensor. This is a security sensor that is specific for someone breaking in. So yes, it is not light that it is always on. It's only in the instance – and again, it comes on, and then it goes off. And there's cameras so that the light will allow the cameras to pick up the face and stuff like that, things like night vision and stuff can't do.

CHAIR HANSEN: Thank you. So my other concern is that when we wrote these regulations for cannabis, one of my concerns was that I wanted to make sure that small business could actually be able to grow cannabis and have a business. So this is the first one that's come in front of us. But that was one of the strong intentions of this Board was to make sure that there would be individual, small growers that would be able to grow cannabis, that we wouldn't be relying on large corporations or out of state businesses coming in to grow cannabis in our community and creating big businesses. A hundred plants is a really small grow area. I've seen 100 plants grown in a garage. Some areas that are not even that big.

I see 200 plants would be – the road is definitely an issue but is West Pine Road, is that also a private road? Okay. So I also see that a lot of – there's not a lot of neighbors around this location at the moment, within direct contact. It seems like it's – below you there's nobody. I looked on the Assessor's map. So I don't really know if this is going to bring more criminal activity. I think we're in a different stage, like what Commissioner Bustamante stated about the fear of all the noise from the airport. We're now – cannabis is legal, like when people had cannabis stolen it was usually when it was an underground market. It was illegal and people wanted to just go rip off plants from other people, where that's not the case anymore. The case is you can buy cannabis anywhere; it's legal.

So this is the kind of situation that I think we have imagined for people to be able to have a small business and be a cannabis grower and I know there's still obviously a lot of stigma around it. That is what I have seen – fear and stigma of overuse of water, overuse of lights and the road issue. I would like to see some kind of a maintenance

agreement on the road. I think that seems reasonable to me even though – because you all live there on this road together. It looks like there’s at least ten people, and West Pine Avenue, Road, or Pine West – I’m sorry if I’m getting that wrong. I don’t know. Do they have a road agreement? So nobody has a road agreement.

And so – and that’s something that I see constantly in the county. It’s not uncommon. That’s the way it seems that people do business, but I’m thinking if Mr. Harris is going to want to be able to get his truck in there he’s going to want a good road to travel on. Otherwise it’s more damage to his vehicle. So those are my comments at the moment. I’m going to go to Commissioner Greene and then I’ll do one more round and then I’ll ask – go ahead.

COMMISSIONER GREENE: Thank you, Madam Chair. For the applicants, does the current home that’s on there have water harvesting on the roof? Are you – do you have cisterns and do you have a harvesting system, or are you planning –

CHAIR HANSEN: Mr. Harris, you are not sworn in.

[Duly sworn, James Harris testified as follows:]

JAMES HARRIS: James Harris, 62 Southfork Extension, I’m under oath.

COMMISSIONER GREENE: The question is, do you have water harvesting from your roof right now?

MR. HARRIS: Water retention.

COMMISSIONER GREENE: Water retention, but not something that you could harvest for use in irrigation.

MR. HARRIS: I have a flat roof, so I have canales and I can add water retention barrels.

COMMISSIONER GREENE: Sure. How big is your impervious surface of your roof?

MR. HARRIS: 2,600 square feet.

COMMISSIONER GREENE: Wonderful. And then you are the sole proprietor of LRA Growers?

MR. HARRIS: Yes.

COMMISSIONER GREENE: So it’s a sole member LLC?

MR. HARRIS: Yes.

COMMISSIONER GREENE: Okay. And you’re the only owner of your property?

MR. HARRIS: Yes.

COMMISSIONER GREENE: Okay. This is a right that could be transferable with the property?

MR. HARRIS: I don’t believe so. I don’t believe that that can be transferred.

COMMISSIONER GREENE: Okay, well, that may be something that we would have to take into consideration, making an opportunity for somebody to just flip this property as an allowable use. It’s a restriction.

CHAIR HANSEN: I think because of the license – the license is to an individual.

MR. HARRIS: Yes.

CHAIR HANSEN: It’s an LLC. You can sell LLCs all the time.

MR. HARRIS: I believe I read that it is not transferable.

COMMISSIONER GREENE: Okay. Great. Thank you. Have you put broad specifications of the lighting that actually show that it's going to be actually shielded or not from the neighbors? Is there a lighting plan? Is this on a slope? Are these hung below the eight-foot fence?

MR. HARRIS: They are just below the eight-foot fence. Yes. And facing down and shielded. So any real light we be more reflective off of the ground than anything else.

COMMISSIONER GREENE: And no additional security lighting that would be put on the property that would be visible from a neighbor?

MR. HARRIS: No. No more than what is there now.

COMMISSIONER GREENE: Is there – this may be for the folks in the neighborhood, the last \$11,000 I think was what I heard it cost to lay in basecourse and to grade the road. And is that just for the Southfork Extension that goes – or is it for the whole Southfork?

MR. HARRIS: It is for the entire Southfork, which I think is a quarter mile or so long, a quarter to a half-mile long.

COMMISSIONER GREENE: I'll ask you to verify that in a second. Or somebody else can follow up with that if that's a necessity, but I think I have enough information for right now.

CHAIR HANSEN: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. Do you currently participate in road repairs when they're needing to be done? Just as a neighbor, as a landowner?

MR. HARRIS: Yes. We all put in our share, depending upon where you are on the road, how much of the road you use. Four years ago I took my own time to fill in the potholes, and that was solely on my own. And I'm more than willing to do that additionally, just so that you're aware of the amount of traffic on our road, I put up a cam and monitored the traffic from my residence to the end of the road, because there are three residents after me and it's a dead end road. So I did monitor the traffic over a 2 ½ week period and counted the cars and trucks per pass, per vehicle. So vehicle in, vehicle out. That would be two passes on the road. And the total in 2 ½ weeks was 385 vehicles, total in 2 ½ weeks.

So just doing the math, for those four homes, including mine, we're over 7,000 passes on that road per year. There are nine residents on Southfork, so you could realistically double that number to 14,000 to 15,000 passes on that road. In a growth season, passes with the loaded truck of water would total about 40 passes, as compared to 14,000 passes. Just so that you're aware of the actual impact. It's not quite what it sounds. I'd just like you to know that.

CHAIR HANSEN: Thank you. I just want to say, I feel like that information is valid. How much use of the road and what the options are for fixing it. It doesn't change that much. To me it's not a reason to interfere with what is an acceptable conditional use because the terms to meet conditional use are in fact – I've been lectured by other people on this Board, that's why we have staff there, to do this kind of analysis. That's exactly what the staff report says. The water requirements have been met. The lighting requirements have been met. The road requirements have been met.



The thing that's not addresses is it is certainly true that if San Marcos had a prohibition against the grow in there because in their overlay district, we wouldn't be sitting here. But they don't. And while listening to the community is what we're all about – that's entirely important. We have sat through many, many, many hearings where people said, I don't want so and so to build their house on their property, which the neighbors mind, because I've had 20 years of a clear view. And it doesn't matter if everybody in the community agrees. You can 100 percent agreement, but you can't take a property right away just because of public sentiment.

This is some place, perhaps, in between. I understand that as San Marcos goes along, if they change their overlay requirements, this might be the last open grow. But right now there is no regulation against this whatsoever. And finally, the thing about water, their water budget is in my calculations quite valid. Our staff say it's quite valid and the number – the effort it takes to bring water in is going to be an excessive burden. I just want to repeat, repeating oneself is not illegal, the idea that it's like, well, we can put regulations on how much water you can use but we're still not getting to approve the permit because it's going to be a burden on our staff to enforce it. No. You cannot do that. That is entirely inappropriate.

But the part of the enforcement thing – we never have, nobody ever any place has enough staff to – and heaven forbid, we should take in this country the time to go out and make sure everybody's doing everything exactly right. Usually, if there is a problem, and there's a complaint, and if somebody goes out and looks at it, surely we have the staff to do that. The applicant says they're going to read the meters, they document them. If somebody comes in and says I think they're using too much water. They present the evidence. You don't have to have enough staff to go out and look at everything they've done.

So, and frankly, I also agree with what Commissioner Hansen indicated what was part of our intent, which is to encourage the small business potential of having legalized cannabis and give people an opportunity to do something that's entrepreneurial. And I would hate to see that lost without a good reason.

CHAIR HANSEN: Thank you, Commissioner Hamilton. Commissioner Greene.

COMMISSIONER GREENE: Sorry, just to that point, just as a second time to follow up on that. I think I'm all for that entrepreneurial side of that, and that is an agricultural use that somebody with acequia water and an old agricultural alfalfa field that might want to convert to cannabis is an appropriate conversion in that entrepreneurial thing, but in the middle of the desert and the highlands of here, this is partially less of an entrepreneurial opportunity as sort of making hay, right? Making something new in a place that might not be agriculturally viable, except for the high value of cannabis and shipping in water. So it's inappropriate in this venue but thank you very much for letting me respond to that.

COMMISSIONER HAMILTON: May I respond to that?

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: That's great. I understand that argument. The appropriate place for that kind of argument is with the zoning and when the regulations are done in the first place, and not individually when we go oh, you know,

oh we're in the desert. We don't outlaw agriculture here and it's not in the regulations.

COMMISSIONER GREENE: It's not illegal to grow cannabis here, but their limited to 12 plants. A commercial operation is a whole other thing. And it's a conditional use, and so that's why we're debating –

COMMISSIONER HAMILTON: A conditional use governed by appropriate availability of water, which has been determined by the staff. So that's what I'm saying is they've met all those conditions.

CHAIR HANSEN: Personally, I agree with Commissioner Hamilton. I do think they have met all the conditions and I appreciate the work that staff's done on this. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I think that when we made the regulations, I think there's two things that we had in mind that are competing here. One is, yes, we want to encourage small businesses, but we also wanted to allow overlay districts to govern themselves, and those two things – and I think it's not really fair to say, well, way back before cannabis was even legal San Marcos should have known that cannabis was going to become legal in 2021 and then they should have thought ahead and made that illegal. They haven't had a chance to do their overlay planning until now and so I think the question for me is do we want to let them have the chance to do their overlay planning that we allowed them when we did that.

And part of that is that the staff hasn't had the time. I would like to redo the overlay planning over in the Eldorado side of my district, but I've been told, well, you have to wait years and years and years because all these other districts are ahead of you. And so it's not true that an overlay district can just say, oh, yeah. We want to go ahead. They have to wait for our Planning Department to have time to do that I think that. I think it would be legitimate for us to allow them time to do that.

CHAIR HANSEN: Actually, we have the final say.

COMMISSIONER HUGHES: And we would have the final say of course.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: Actually I disagree with you. You're right, it's not appropriate to give them the time to put everybody else on hold anymore than we could have denied the dollar store a permit saying Eldorado in the future is going to want to outlaw this. They have – Eldorado has the opportunity to say, from here on forward, we don't want anything like this in here. We're going to put these overlay regulations. And sorry. San Marcos has had years to do it, and there was the opportunity and they can still do it. But right now, it hasn't been done.

I totally respect their right and the value of having overlay districts. I've pushed them hugely. I think it's fabulous that San Marcos does it. But this hasn't been done yet, and somebody who lives in the area has the right to pursue what's legal in their area now, not what might be made outlawed in the future. It's just not fair to the individual.

CHAIR HANSEN: And I want to point out that they did say that they couldn't have any greenhouses. So they did have that forethought. They don't want cannabis greenhouses and they didn't outlaw outdoor grow. I only say that is a point. Commissioner Hughes.

COMMISSIONER HUGHES: Yes, and I don't want to belabor the point,

but I think it doesn't really compare to the Dollar Store because Eldorado had very specifically allowed commercial uses on that strip of land, and then they said, oh, we meant a craft store, not a dollar store, and clearly that is not something that could be – I mean I wasn't on the Commission then. I was Commissioner-elect. I followed it and I knew you had to vote for allowing the dollar store. But this is a little different because this is a conditional use. It's not a permitted use. We have the discretion to go either way on this and I think even just the road condition gives us the ability to deny this if we want to, because the road is a private road and it's not in good shape. Thank you.

CHAIR HANSEN: I don't know if the road is not in good shape. One picture I got – a couple different pictures of a road that – maybe I've lived in New Mexico too long.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: First of all, I agree that conditional use is different than a permitted use. That wasn't the point of the analogy. The point of the analogy is there were other things they could have taken another tack to outlaw what they wanted and asked for the time to do that. Like, deny this permit because we want to in the future be able to make our overlay district, so we will prohibit this and that was just not appropriate. And I actually really disagree about the roads. We've been given information on how many road trips are included and the size of the truck that will be hauling water, and how it compares to all the others, and as long as there's participation, everybody else in the community participates voluntarily. I am sure they have the capacity if they wanted to do a road agreement, to do a road agreement and include all the neighbors which would include Mr. Harris. Or to do it voluntarily which they have all done.

CHAIR HANSEN: Okay, so where are we?

COMMISSIONER GREENE: So for clarity, has the water budget changed? Because one of the things I'm seeing is from the testimony in the Planning Commission it appeared that it was reported that these plants would take between 1.7 and two gallons a day, and then now in what we're hearing here it's five or six, depending on – has this moved or was it gross numbers of water budget versus the traffic during peak season? Because I get to 25 trips a month during peak season, as opposed to, at one point I think I saw it reported as 12 maximum.

CHAIR HANSEN: So I'll let – you can come up and answer that question.

MR. SALIMBENE: So to explain that. The water budget was actually calculated correctly and took through the growing season. We also broke down on that graph was the stages of the plants, which, because it's not five gallons from the moment you put a seed in the ground, a day, to the moment you harvest. It is ultimately that five gallons that was being presented by the – earlier. It was assuming that you start with fully mature plants and with fully mature plants, and what we were explaining was that's not true. That's not how that – how we did that right on there. And so as far as the water budget goes, the water budget is correct in using the EPA's actual program. That's how they came up doing the water budget, through the smart sense water system.

What we added in there was taking the absolute worst case scenario, bumping things up to show that your worst case scenario looks like this. The water budget still stands. The water budget was still approved because using the drip system and such it

will use less water. And when you take the average from the germination point to the harvesting point, you'll find that there's not an average of five gallons a day. It's more of an average bringing it down to like two.

COMMISSIONER GREENE: So just to drill down. So at the peak, 15,000 gallons – I'm ignoring, because these are potted plants bagged in to reduce evaporation but it also reduces the absorption from rain. So the monsoon figure is total – it should just be added back in there to 15,000 gallons a week.

MR. SALIMBENE: What's that?

COMMISSIONER GREENE: It looks like you're estimating 15,000 gallons a month at the peak.

MR. SALIMBENE: At the peak, yes, that estimate was just taking – just adding to the – pulling up the [inaudible] the five gallons or what that would actually look like, and that's what that graph shows.

COMMISSIONER GREENE: One hundred gallons a day divided by 15,000 gallons is 25 trips a month.

MR. SALIMBENE: Yes, if we use a 600-gallon tank. However, everything we show on there was a 750-gallon tank using the weights and the –

COMMISSIONER GREENE: So 20 trips. So every weekday during the month, 20 weekdays a month, more or less, Mr. Harris is going to come home from work with a tank or more.

MR. SALIMBENE: Every weekday.

COMMISSIONER GREENE: Sure. Twenty times a month. During the summer. During those peak months.

MR. SALIMBENE: Assuming if you were to say in those peak months that it didn't rain one day and that there was no water that he had brought in earlier for his 1,200 cistern. I mean that's quite the extreme. Because now you're taking the extreme number of the five gallons per day that the other side was speaking of and then you are also applying the fact that now there is no rain in Santa Fe whatsoever. And I'll be honest, if that is the case, and there is absolutely no rain and we're out of water and the depot runs out of water, I'm quite certain that the least of anybody's worries is whether Mr. Harris can grow marijuana or not.

If they stop selling millions of gallons of water because we're talking about millions of gallons of water a month the depot sells, and this is, for lack of a better term, a drop in the bucket of how much water he's taking out of there –

COMMISSIONER GREENE: I'm not worried about the water use, per se; I'm worried about the water transportation.

MR. SALIMBENE: Right.

COMMISSIONER GREENE: You're basically running a water transportation business that happens to subsidize itself through cannabis.

MR. SALIMBENE: I don't think that's fair to say at all, because there are 15,000, at the very least, that is inaccurate because that was done with a field camera and counted, you have 8,000 trips a year just on the three neighbors past Mr. Harris. There are nine neighbors on the road. So if he doubled it, but would venture to say that a couple of these people have more than one car and multiple people come visit them. But if you just doubled that number from the three people on his road and himself, that's over 15,000

trips a year. Even on the biggest drought we could ever imagine you're still – let's say it's 80 trips. It's 80 trips in a vehicle, or rather a trailer, that weighs the exact same amount, if not less, than a full-size pickup truck.

I have a full-size pickup truck. If I were to go visit Mr. Harris three to four times a week, because that's actually the real number, it would be a maximum on there of four times a week, in the maximum point of the grow season, would I be told I couldn't visit him in my full-size pickup truck. I've got to bring something smaller, because it's too heavy because the road conditions can't handle it? That road is no different than any other dirt road in Santa Fe. It's not bad. But I think it's not fair to say that he can't add 50 full-size pickup truck weight vehicles over a month, over six months. It makes no difference. But over an entire six-month period, can we really tell him, hey, sorry, but that visitor in that truck, it's something else and we're going to stop him at the pass weight-wise and if it's really the concern – it's not really – there's no difference. There is no difference when it comes to the impact on the road. In fact, if anything, it's less because those tires, my tires, would tear that road up. The tires on that trailer as smooth, smaller tires, and therefore would have less impact on the road surface than a vehicle with torque.

**Executive Session. Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978, deliberations in administrative adjudicatory proceedings**

CHAIR HANSEN: Okay. We've had a couple rounds of questions here. Is it appropriate, County Attorney, to go into executive session?

MR. YOUNG: Madam Chair, under the Open Meetings Act there is a permissible exception for executive session for deliberations in administrative adjudicatory proceedings such as this, as allowed by Section 10-15-1(H)(3) NMSA 1978. So, yes, that is permissible if the Board chooses to enter into executive session.

COMMISSIONER HAMILTON: Madam Chair, I'd like to move that we go into executive session to discuss some of the legal points.

CHAIR HANSEN: And do I have a second?

COMMISSIONER GREENE: I'll second that, pursuant to everything the County Attorney addressed.

CHAIR HANSEN: Can I have a roll call vote?

**The motion to go into executive session passed by majority 3-2 roll call vote as follows:**

Commissioner Bustamante	Nay
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Nay
Commissioner Hansen	Aye

[The Commission met in executive session from 7:20 to 8:00.]

COMMISSIONER HUGHES: I move we come out of executive session where the only things discussed were the things we had talked about going into it, and no decisions were made.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: Okay. Motion by Commissioner Hughes and second by Commissioner Greene.

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

**12. PUBLIC HEARINGS**

**A. Case # 22-5211 LRA Growers LLC, Conditional Use Permit (CUP) Appeal (cont.)**

CHAIR HANSEN: Appellant, Mr. Speer, please come forward and please be as brief as possible.

MR. SPEER: I'm going to reply to any of this?

CHAIR HANSEN: Yes.

MR. SPEER: Okay.

CHAIR HANSEN: But I ask you to please keep it brief.

MR. SPEER: I will do my very best. There was a lot of discussion. So the LRA Growers start out by saying, hey, we followed the rules. I completely disagree that following the rules is enough to grant a conditional use permit. I believe a conditional use permit is about the community and whether it's right for the area. Otherwise, why isn't it just permitted? It doesn't make sense. You have to have a public hearing, You have to listen to people, and there's reasons, not just legal, that a conditional use permit is in the code.

And as to the conditional use permit, they also said it's a conditional use permit in the San Marcos Community District. That – I don't know who created the use matrix for cannabis, whether it doesn't appear in the ordinance, but whoever did arbitrarily put a conditional use for rural residential areas. I don't know where that came from. There's no evidence of it. It's not in the ordinance. It's an addendum. It's an explanatory piece that the Planning Department can hand out and show you this matrix but I don't know why rural residential was made a conditional use permit.

There all – all of those uses in that section are the County uses. The County uses were given to all the community overlays, which really troubles me that we are in a situation where the community overlays are specifically called out in the ordinance as having the opportunity to set different rules, but the use matrix was created with these permissions that they never weighed in on. It just copied the County matrix and put it on every community district in the county. I don't get it. It makes no sense.

The water issue is something like nailing jello to the wall for LRA Growers. At the original hearing in December, they claimed that they were going to truck 480 gallons of water a week. Now – and then at the Planning Commission it was 600 twice a week, and now it's a 750-gallon container twice a week for part of the time, but it goes up when

they need more water, which they think they need in, guess what, the hottest months of the year – August, September, October. Well, the water usage, by the way, which I – Commissioner Hamilton you said that staff approved it, that they looked at it. They based it on the application, which said 480 gallons a week. That was the response from staff.

They never even – this is the first time we saw a water use table which in the month of August they're charging 12,000 gallons. In September, 13,000 gallons. Actually it's almost 13 in August and almost 10 in October. That is a lot more water than they ever said they were going to use from the beginning. So it keeps changing. I can't trust that they're going to use anything that they say, because it's never been consistent from the application to tonight. The number of trips at 750 gallons, he said it would be 40 trips over the course of the entire season. Well, I get 34 and 12 is 46 trips in just the last three months, according to their numbers on that chart, at 750.

Oh, by the way, he has a 1,200-gallon tank and he's going to put 12,000 gallons of water in it during the month of August. 13,000 in the month of September, and 10,000 in the month of October. How is a 1,200-gallon tank going to hold that much water? It can't. I'm sorry. It can't. The numbers are not accurate. Staff did not have accurate numbers to even look at, and that's what they said, well, yeah, if that's what you're going to use, it looks good to us.

Lookit. The water is a big issue because it affects the road, and I know your opinions about the road, but people have to pay real money to fix the road. And when these tanks of water, which are going to continue right through the monsoon season. You know why? He testified in the Planning Commission, Mr. Harris: The planters, like I say, are 20-gallon containers. That's what he's going to put his plants in. They would basically be protected by it. So there would not be any evaporation through the soil. It would only evaporate basically through the plant. I figure that per week we'll be looking at about 12 gallons per plant or two gallons a day, roughly. Member Trujillo: If I understood you correctly, you're saying there's not going to be any surface area at all? Mr. Harris: Minimum surface area, yeah, because it's covered in plastic and there's just limited evaporation. So you have a planter that's covered in plastic, so when the monsoon rains come, no water is going to get to the plant. So the water, the 2,000 per month that he said was from rain, which I haven't seen any rain for quite a while. I don't know where his 2,000 gallons of rain is. But it's not going to get to the plants because they're in planters and they're covered in plastic to eliminate evaporation.

The question about the lighting. Lookit. We understand there are going to sensors. They're going to detect movement, I guess. Heat? Movement? And I understand they're tuned. They're not going to be affected by the wind. That's great. Are these sensors pointed only in? Because if they're picking – and if you walk by the fence on the outside are the lights going to go on? Well, maybe no people are going to walk by every night but I got to tell you we had a lot of coyotes and they go all over. They're on my property all the time. They're on – chasing whatever they chase. I assume rabbits. This is not going to necessarily eliminate false positives. You're going to have lights going on in the middle of the night.

The odor issue, which we have genuine concern over, he addressed by saying he's going to spray this chemical. We did a little research on the product that he said he was going to use and he said that it must be used in humid conditions to be effective, and it's

typically used inside. So it really is a meaningless thing.

By the way, Southfork Extension is what we're talking about, not Southfork. Southfork is a completely different road. Southfork Extension. I just want to clarify that because the words keep getting used and they're wrong.

I really object to the idea that the San Marcos Planning Committee had a chance to implement these rules differently. And the reason I am because I'm on that committee and we heard nothing after COVID started about anything. So this law has been in place, what? 18 months? It wasn't until we raised the issue with the Planning Department about cannabis regulations that they even began to address it and started meetings in March, I believe it was. So if they didn't do a thing, how could we have – the committee can't act alone. The Planning Department drives that completely. And if we were given no option and now this permit is going to be given because it was based arbitrarily and County standards were just applied to every overlay group. I think that was, by the way, parenthetically, a big mistake. Every overlay community should have been given the right to delay until they had a chance to write their use matrix. There should have been that written into the law because you said nothing, nothing stops the overlay committees from being able to write their own regulations. However, you're stopping it.

The greenhouse question is my last thing, and it's irritating just because I want to make sure it's clear. The greenhouse prohibition is based on a use matrix that was written in 2016. The committee at the time put in their own rules. That's what they did and they were approved by the County Commissioners and greenhouses were not permitted. It had nothing to do with cannabis. It was just a general rule that still exists because that's what they put in the law. It's not about cannabis. Nobody had a chance to do anything about cannabis. And if the committee had been asked, I guarantee you the results that you see in the survey and the results that you're hearing from our neighbors, would be exactly the same. We would have not permitted it in rural residential.

So you can tell me that, well, it's the law right now. You made it up. Somebody made up the use matrix. I don't know where it came from. Somebody did it. That's not fair to the residents to make that the rule. We didn't have any say in it. To say that that's the San Marcos Community District Overlay use matrix is not true. That isn't our use matrix. That's the County's use matrix. That's why we object. We want to be heard and we want to be able to say lookit, it's a conditional use permit that's supposed to protect us. That's what that's about. Protect the community. It's not just an automatic permission.

I get exercised. I apologize. But I am – it's important. Thank you for your time. I hope I didn't belabor.

CHAIR HANSEN: Thank you. Thank you, sir. At this evening's hearing we've heard issues about the Southfork Extension road, which is a private road. And I want to give the applicant and the affected members of the community an opportunity to reach an agreement concerning road maintenance. I'd hope that the decision on Case #22-5211, LRA Growers Conditional Use Permit Appeal, be tabled until the last regular Board meeting in August. Do I have a second for that?

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: So what we're asking is for you to work out the road agreement with your neighbors, because that seems to be one of the big issues here. Is



there any other comments that anybody wants to make under discussion? Commissioner Greene.

COMMISSIONER GREENE: Just to be clear, this is a notice on you to be as pro-active and as accommodating, potentially, as you can be in an effort to make it so your neighbors don't have to deal with what they perceive as one of the biggest impacts. There are definitely other impacts in this but this road one is the one where you can really have a negative impact that you could maybe be able to remedy especially in a situation where there is no road agreement. So that could be generous on your part, or you can decide you don't want to do it and we'll see where that all goes, right. But this is part of what we want to see worked toward is something that makes this direct impact mitigated as much as possible.

CHAIR HANSEN: I see an agreement there. Any other comments?

COMMISSIONER BUSTAMANTE: Madam Chair, I think it's also – yes, for the folks who want to put the operation in, but it's up to the community members to work on this as well. There is clearly authority for legal right for the development in this. The road is the issue. So if the community decides not to work on a road agreement that's a whole situation unto itself. So it would be really up to all of you to work together if it's the road agreement.

MR. YOUNG: So Madam Chair, at this point I think you've got a motion and a second. You're under discussion right now so you need to vote.

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

CHAIR HANSEN: So the last meeting in August, we'll see you all back here for the road agreement and good luck. I don't think there's any other business that we have to deal with today.

**13. CONCLUDING BUSINESS**

**A. Announcements**

CHAIR HANSEN: I want to remind people about the County Fair at the fairgrounds, August 2<sup>nd</sup> through 5<sup>th</sup>.

COMMISSIONER GREENE: Is it the last meeting in August or the first meeting in August if it was a month?

CHAIR HANSEN: Well, we made it –

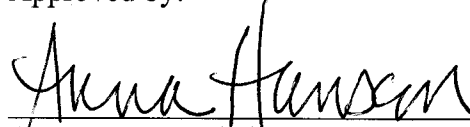
COMMISSIONER GREENE: Last meeting. That's fine. Last meeting in August is what it is. So six weeks.

CHAIR HANSEN: Yes. That will give them a little bit of time to work on issues.

**13. B. Adjournment**

Upon motion by Commissioner Hamilton and second by Commissioner Hughes, and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 8:18 p.m.

Approved by:




Anna Hansen, 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 08/29/2023



# THE SAN MARCOS ASSOCIATION

P.O. Box 722  
Cerrillos, NM 87010  
<https://thesanmarcosassociation.org/>

February 8, 2023

To: Santa Fe County Planning Commissioners  
In care of Jose Larrañaga, Building and Development Supervisor – Santa Fe County Growth Management Department

Re: LRA Growers, LLC Conditional Use Permit Application Hearing – February 16, 2023

The San Marcos Association (SMA) (<https://thesanmarcosassociation.org/>) is a non-profit community service organization (IRS Code 501(c)(4)), and a Registered Organization under Chapter 2 of the Sustainable Land Development Code of Santa Fe County. Our goals are to protect the rural, residential character of the area for which we advocate; to monitor development to see that it is consistent with that character and with applicable plans and ordinances of Santa Fe County; and to advocate on behalf of property owners/residents of the area in matters of public service, utilities, and the general welfare of people. SMA's area of advocacy includes the San Marcos Planning District, wherein LRA Growers propose to develop an outdoor cannabis producer microbusiness.

*Regarding the LRA Growers, LLC Conditional Use Permit (CUP) Application, the SMA Board of Directors respectfully request that the Planning Commission deny, or establish a moratorium regarding, this and any other cannabis-related CUP applications in the District until the unfinished San Marcos Planning District overlay has been approved by the Board of County Commissioners.*

*SMA alternatively requests that, should the Planning Commission approve this CUP, it imposes the condition that future operations of this enterprise be subject to regulations included in the San Marcos Planning District Overlay when it is ultimately approved. That condition would ensure that this or any other cannabis microbusiness not receive legacy status.*

We make these requests for the following reasons:

*First* – The San Marcos Planning District overlay has **not** been completed or adopted by the BCC. The San Marcos Planning District Plan was adopted by the Board of County Commissioners on October 29, 2019, and the overlay drafting process began on November 20, 2019. At least two (2) community meetings took place, and a third was scheduled, when the County halted our work due to COVID in February 2020. SMA has repeatedly requested that this overlay process be restarted.

*Second* - On July 30, 2021, the Board of County Commissioners (BCC) passed Ordinance 2021-03, which enacted countywide zoning and other regulations for cannabis businesses. Section 10.22.10 of this ordinance states that “*Nothing in this Section shall preclude different cannabis regulations from being adopted for Community District Overlays in ordinances adopted after the effective date of Ordinance No. 2021-03.*” Community members, including potential cannabis growers, in the San Marcos Planning District should have the opportunity to discuss and to consider what cannabis

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Vice-President – Janet McVickar

Treasurer – Gail Buono  
Secretary – Jill Cliburn

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regulations might be added to our yet-to-be-completed overlay. Those discussions should be permitted to take place before any cannabis-related applications are approved.

*Third* - Since the COVID-induced pause in the overlay process was instituted in early 2020, new ordinances have been passed that affect the San Marcos Planning District. Additionally, developments, including but not limited to cannabis microbusinesses, have been proposed in and around the Planning District. District residents are concerned that, without specific guidance provided by a BCC approved overlay, development may be permitted that would otherwise not be allowed. Such development might then be 'grandparented in' regardless of stipulations in a subsequently approved overlay.

*Fourth* – SMA understands that Santa Fe County plans to reinstitute the San Marcos Planning District overlay process in the coming weeks. Thus, community members of all sentiments will soon have the opportunity to provide input into a revised overlay. Pausing consideration of this and any other CUP applications concerning cannabis production, until the revised overlay is adopted, will provide for a more complete and considered discussion of the benefits and/or detriments of such developments.

The residents of the San Marcos Planning District value their community and are not opposed to responsible development. However, SMA feels that greater public input, especially in the form of the already begun public process to revise the current overlay, is necessary to modernize guidelines and to provide clarity on issues, such as cannabis production, where the overlay is currently silent. Revising this document is long overdue. We look forward to the restart of the overlay drafting process and are prepared to help in any way we can.

The San Marcos Association's Annual Organizational Meeting is scheduled to take place the same evening as the LRA Growers CUP application hearing. That scheduling conflict may prevent one or more of our Board members from speaking directly to the Planning Commission. We apologize for that and present this letter for the Planning Commission's consideration. It serves as our formal public comment on this matter.

The San Marcos Association thanks the Planning Commission for its consideration of our request.

Respectfully,



Dennis D. Kurtz, President  
The San Marcos Association

CC: Jose Larranaga via email - [joselarra@santafecountynm.gov](mailto:joselarra@santafecountynm.gov)  
Penny Ellis-Green via email - [pengreen@santafecountynm.gov](mailto:pengreen@santafecountynm.gov)  
Robert Griego via email - [rgriego@santafecountynm.gov](mailto:rgriego@santafecountynm.gov)

*President – Dennis Kurtz*  
*Vice-President – Janet McVickar*

*Treasurer – Gail Buono*  
*Secretary – Jill Cliburn*



MAY  
2023

# 2023 SANTA FE COUNTY SAN MARCOS CDO COMMERCIAL CANNABIS SURVEY RESULTS

SFC CLERK RECORDED 08/29/2023

PRESENTED TO:

SANTA FE COUNTY  
100 CATRON ST.  
SANTA FE, NM 87501

PRESENTED BY:

Southwest Planning & Marketing  
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## Introduction

This report presents the findings from the 2023 Santa Fe County San Marcos Commercial Cannabis Public Opinion Survey.

Following the legalization of cannabis in New Mexico, the Board of County Commissioners (BCC) of Santa Fe County passed Ordinance 2021-03 (Cannabis Ordinance), which established County-wide regulations for cultivation, retail sales, and production of commercial cannabis and cannabis products. The Cannabis Ordinance includes a provision that allows Community Districts within the County to consider different commercial cannabis regulations that reflect their community's individual needs, goals, and character.

To assist with determining the San Marcos community's individual needs, goals, and character as they pertain to commercial cannabis regulations, the county contracted with Southwest Planning & Marketing (SWPM) to conduct a public opinion survey. Working in collaboration with county staff, SWPM identified research objectives, developed a survey instrument and administration methodology, administered the survey, and processed, analyzed and summarized the data.

The findings from the survey are presented in the following sections: 1) Methodology, 2) Summary of Key Findings, 3) Data Tables, 4) Appendix A: Survey Instrument, and 5) Appendix B: Unedited Responses to Open-Ended Question.

## Methodology

The survey was administered in April-May 2023 via mail. Each mailing address (list provided by county) within the San Marcos Community District was mailed a postcard each week for three weeks with an invitation to complete the survey; the postcard included both a link and QR code to the survey. English and Spanish versions of the survey were available.

A total of 194 survey responses were received (22.3% response rate based on the number of addresses provided by the county). The data presented in this report are for these 194 respondents.

Upon completion of surveying, SWPM processed and analyzed the data, and created this report.

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## Summary of Key Findings

- ✓ 56.1% of the respondents were not aware that Santa Fe County had developed a Cannabis Ordinance prior to receiving the survey.
- ✓ Cannabis Retailers/Dispensaries (should they be allowed in the following areas)
  - Commercial/retail areas: 67.7% of respondents stated that cannabis retailers/dispensaries should be allowed or should be allowed with limitations; 27.4% said they should not be allowed.
  - Residential areas: 25.4% of respondents stated that cannabis retailers/dispensaries should be allowed or should be allowed with limitations; 74.6% said they should not be allowed.
  - Agricultural areas: 46.7% of respondents stated that cannabis retailers/dispensaries should be allowed or should be allowed with limitations; 53.3% said they should not be allowed.
- ✓ Commercial Cannabis Indoor Growth Facilities (Greenhouses) (should they be allowed in the following areas)
  - Commercial/retail areas: 66.1% of respondents stated that commercial cannabis indoor growth facilities (greenhouses) should be allowed or should be allowed with limitations; 33.9% said they should not be allowed.
  - Residential areas: 30.9% of respondents stated that commercial cannabis indoor growth facilities (greenhouses) should be allowed or should be allowed with limitations; 69.1% said they should not be allowed.
  - Agricultural areas: 68.3% of respondents stated that commercial cannabis indoor growth facilities (greenhouses) should be allowed or should be allowed with limitations; 31.7% said they should not be allowed.
- ✓ Commercial Cannabis Outdoor Growth Facilities (should they be allowed in the following areas)
  - Commercial/retail areas: 49.1% of respondents stated that commercial cannabis outdoor growth facilities should be allowed or should be allowed with limitations; 50.8% said they should not be allowed.
  - Residential areas: 16.7% of respondents stated that commercial cannabis outdoor growth facilities should be allowed or should be allowed with limitations; 73.3% said they should not be allowed.
  - Agricultural areas: 62.7% of respondents stated that commercial cannabis outdoor growth facilities should be allowed or should be allowed with limitations; 37.4% said they should not be allowed.
- ✓ Cannabis Manufacturing Businesses (THC extraction, food, textiles and related products) (should they be allowed in the following areas)
  - Commercial/retail areas: 69.4% of respondents stated that cannabis manufacturing businesses should be allowed or should be allowed with limitations; 30.6% said they should not be allowed.



- Residential areas: 22.7% of respondents stated that cannabis manufacturing businesses should be allowed or should be allowed with limitations; 77.3% said they should not be allowed.
- Agricultural areas: 52.5% of respondents stated that cannabis manufacturing businesses should be allowed or should be allowed with limitations; 47.5% said they should not be allowed.
- ✓ Cannabis Testing Facilities (should they be allowed in the following areas)
  - Commercial/retail areas: 67.2% of respondents stated that cannabis testing facilities should be allowed or should be allowed with limitations; 32.8% said they should not be allowed.
  - Residential areas: 25.8% of respondents stated that cannabis testing facilities should be allowed or should be allowed with limitations; 74.2% said they should not be allowed.
  - Agricultural areas: 53.1% of respondents stated that cannabis testing facilities should be allowed or should be allowed with limitations; 46.9% said they should not be allowed.
- ✓ Cannabis Consumption Establishments (should they be allowed in the following areas)
  - Commercial/retail areas: 63.9% of respondents stated that cannabis consumption establishments should be allowed or should be allowed with limitations; 36.1% said they should not be allowed.
  - Residential areas: 15.5% of respondents stated that cannabis consumption establishments should be allowed or should be allowed with limitations; 74.6% said they should not be allowed.
  - Agricultural areas: 40.3% of respondents stated that cannabis consumption establishments should be allowed or should be allowed with limitations; 59.7% said they should not be allowed.
- ✓ The methods most preferred by respondents to get information from Santa Fe County are email (71.1% of respondents), mail (32.2%), and website (20.6%). Social media (10.6%) and phone (5.0%) are the least preferred communication methods.
- ✓ 98.9% of respondents prefer to communicate via English; 0.6% prefer Spanish.
- ✓ Respondents typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations from the Santa Fe County website (50.6% of respondents) and the Santa Fe New Mexican (43.1%).

## Data Tables

### INTRODUCTORY QUESTIONS

**Do you live in and/or own property in the San Marcos area?**

Response	20%	40%	60%	80%	100%	Frequency
Yes	[Bar chart showing 99.5% cumulative frequency]					99.5%
No	[Bar chart showing 0.5% cumulative frequency]					0.5%

**Do you own a business located in the San Marcos area?**

Response	20%	40%	60%	80%	100%	Frequency
Yes	[Bar chart showing 18.8% cumulative frequency]					18.8%
No	[Bar chart showing 81.2% cumulative frequency]					81.2%




**Prior to receiving this survey, were you aware that Santa Fe County had developed a Cannabis Ordinance?**

Response	20%	40%	60%	80%	100%	Frequency
Yes	[Bar chart showing 43.9% cumulative frequency]					43.9%
No	[Bar chart showing 56.1% cumulative frequency]					56.1%


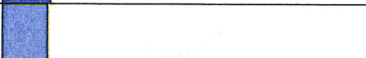

**CANNABIS RETAILERS/DISPENSARIES**

Thinking of the San Marcos community, please indicate whether you think **Cannabis Retailers/Dispensaries** should be allowed in:

**Commercial/retail areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						40.3%
Should be allowed with limitations						32.3%
Should not be allowed						27.4%

**Residential areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						13.0%
Should be allowed with limitations						12.4%
Should not be allowed						74.6%

**Agricultural areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						21.7%
Should be allowed with limitations						25.0%
Should not be allowed						53.3%

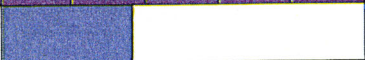
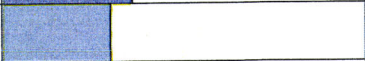
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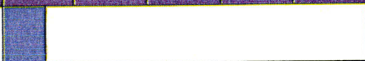
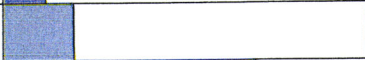

**COMMERCIAL CANNABIS INDOOR GROWTH FACILITIES (GREENHOUSES)**

Thinking of the San Marcos community, please indicate whether you think **Commercial Cannabis Indoor Growth Facilities (Greenhouses)** should be allowed in:

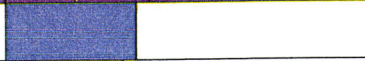
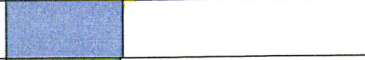

**Commercial/retail areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						36.1%
Should be allowed with limitations						30.0%
Should not be allowed						33.9%

**Residential areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						11.6%
Should be allowed with limitations						19.3%
Should not be allowed						69.1%

**Agricultural areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						36.1%
Should be allowed with limitations						32.2%
Should not be allowed						31.7%

**COMMERCIAL CANNABIS OUTDOOR GROWTH FACILITIES**

Thinking of the San Marcos community, please indicate whether you think **Commercial Cannabis Outdoor Growth Facilities** should be allowed in:

**Commercial/retail areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						27.6%
Should be allowed with limitations						21.5%
Should not be allowed						50.8%

**Residential areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						13.9%
Should be allowed with limitations						12.8%
Should not be allowed						73.3%

**Agricultural areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						36.3%
Should be allowed with limitations						26.4%
Should not be allowed						37.4%

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## CANNABIS MANUFACTURING BUSINESSES

Thinking of the San Marcos community, please indicate whether you think **Cannabis Manufacturing Businesses** (THC extraction, food, textiles and related products) should be allowed in:

### Commercial/retail areas?

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed	■					40.0%
Should be allowed with limitations	■					29.4%
Should not be allowed	■					30.6%

### Residential areas?

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed	■					14.4%
Should be allowed with limitations	■					8.3%
Should not be allowed	■					77.3%

### Agricultural areas?

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed	■					29.6%
Should be allowed with limitations	■					22.9%
Should not be allowed	■					47.5%



**CANNABIS TESTING FACILITIES**

**Thinking of the San Marcos community, please indicate whether you think Cannabis Testing Facilities (research and development, quality control, potency testing, safety analysis) should be allowed in:**

**Commercial/retail areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						46.1%
Should be allowed with limitations						21.1%
Should not be allowed						32.8%

**Residential areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						15.9%
Should be allowed with limitations						9.9%
Should not be allowed						74.2%

**Agricultural areas?**

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed						31.3%
Should be allowed with limitations						21.8%
Should not be allowed						46.9%

SFC CLERK RECORDED 08/29/2023

## CANNABIS CONSUMPTION ESTABLISHMENTS

Thinking of the San Marcos community, please indicate whether you think Cannabis Consumption Establishments (with regulations similar to those governing onsite alcohol consumption) should be allowed in:

### Commercial/retail areas?

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed	■					39.3%
Should be allowed with limitations	■					24.6%
Should not be allowed	■					36.1%

### Residential areas?

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed	■					13.3%
Should be allowed with limitations	■					12.2%
Should not be allowed	■					74.6%

### Agricultural areas?

Response	20%	40%	60%	80%	100%	Frequency
Should be allowed	■					22.1%
Should be allowed with limitations	■					18.2%
Should not be allowed	■					59.7%



**COMMUNICATION PREFERENCES**

**How do you prefer to hear from Santa Fe County?**

Response	20%	40%	60%	80%	100%	Frequency
Email						71.1%
Phone						5.0%
Mail						32.2%
Text						16.7%
Paper Newsletter						13.9%
Website						20.6%
Social Media (Facebook, Twitter, Instagram, etc.)						10.6%
Other:						1.7%

**What is your preferred language?**

Response	20%	40%	60%	80%	100%	Frequency
English						98.9%
Spanish						0.6%
Other:						0.6%

SFC CLERK RECORDED 08/29/2023

## How do you typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations?

Response	20%	40%	60%	80%	100%	Frequency
Santa Fe County Website						50.6%
Other website(s) - please name:						6.9%
Radio station(s) - please name:						4.6%
Santa Fe New Mexican						43.1%
Rio Grande Sun						1.1%
Other newspaper(s) - please name:						5.7%
TV station(s) - please name:						3.4%
Facebook						13.2%
Twitter						1.1%
Instagram						1.7%
Other:						37.4%

## Appendix A: Survey Instrument



## San Marcos Santa Fe County Cannabis Ordinance Public Input Survey

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As a result of the legalization of cannabis in New Mexico, the Board of County Commissioners (BCC) of Santa Fe County passed Ordinance 2021-03 (Cannabis Ordinance), which established County-wide regulations for cultivation, retail sales, and production of commercial cannabis and cannabis products.

The Cannabis Ordinance includes a provision that allows Community Districts within the County to consider different commercial cannabis regulations that reflect their community's individual needs, goals, and character.

The purpose of this survey is to collect input from San Marcos-area residents, business owners, and/or property owners about commercial cannabis regulations. **YOUR OPINION MATTERS!**

Note: Individual cannabis use/growing is not regulated by the County.

**< Please only complete this survey if you are 18 or older >**

**1. Do you live in and/or own property in the San Marcos area? (select one)**

- Yes       No

**2. Do you own a business located in the San Marcos area? (select one)**

- Yes       No

**3. Prior to receiving this survey, were you aware that Santa Fe County had developed a Cannabis Ordinance? (select one)**

- Yes       No



**CANNABIS RETAILERS/DISPENSARIES**

Thinking of the San Marcos community, please indicate whether you think **Cannabis Retailers/Dispensaries** should be allowed in:

**4. Commercial/retail areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**5. Residential areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**6. Agricultural areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

SFC CLERK RECORDED 08/29/2023

**COMMERCIAL CANNABIS INDOOR GROWTH FACILITIES (GREENHOUSES)**

Thinking of the San Marcos community, please indicate whether you think **Commercial Cannabis Indoor Growth Facilities (Greenhouses)** should be allowed in:

**7. Commercial/retail areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**8. Residential areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**9. Agricultural areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)



**COMMERCIAL CANNABIS OUTDOOR GROWTH FACILITIES**

Thinking of the San Marcos community, please indicate whether you think **Commercial Cannabis Outdoor Growth Facilities** should be allowed in:

**10. Commercial/retail areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**11. Residential areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**12. Agricultural areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**CANNABIS MANUFACTURING BUSINESSES**

Thinking of the San Marcos community, please indicate whether you think **Cannabis Manufacturing Businesses** (THC extraction, food, textiles and related products) should be allowed in:

**13. Commercial/retail areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**14. Residential areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**15. Agricultural areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)





**CANNABIS TESTING FACILITIES**

Thinking of the San Marcos community, please indicate whether you think **Cannabis Testing Facilities** (research and development, quality control, potency testing, safety analysis) should be allowed in:

**16. Commercial/retail areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**17. Residential areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**18. Agricultural areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

SFC CLERK RECORDED 08/29/2023

**CANNABIS CONSUMPTION ESTABLISHMENTS**

Thinking of the San Marcos community, please indicate whether you think **Cannabis Consumption Establishments** (with regulations similar to those governing onsite alcohol consumption) should be allowed in:

**19. Commercial/retail areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**20. Residential areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)

**21. Agricultural areas? (select one)**

- Should be allowed \_\_\_\_\_ (please explain)
- Should be allowed with limitations \_\_\_\_\_ (please explain)
- Should not be allowed \_\_\_\_\_ (please explain)



**COMMUNICATION PREFERENCES**

**22. How do you prefer to hear from Santa Fe County? (select all that apply)**

- Email
- Phone
- Mail
- Text
- Other: \_\_\_\_\_
- Paper Newsletter
- Website
- Social Media (Facebook, Twitter, Instagram, etc.)

**23. What is your preferred language? (select one)**

- English
- Spanish
- Other: \_\_\_\_\_

**24. How do you typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations? (select all that apply)**

- Santa Fe County Website
- Other website(s) - please name: \_\_\_\_\_
- Radio station(s) - please name: \_\_\_\_\_
- Santa Fe New Mexican
- Rio Grande Sun
- Other newspaper(s) - please name: \_\_\_\_\_
- TV station(s) - please name: \_\_\_\_\_
- Facebook
- Twitter
- Instagram
- Other: \_\_\_\_\_



## Appendix B: Unedited Responses to Open-Ended Questions

## CANNABIS RETAILERS/DISPENSARIES

**Thinking of the San Marcos community, please indicate whether you think Cannabis Retailers/Dispensaries should be allowed in:**

### **Commercial/retail areas?**

#### **Should be allowed (please explain):**

There already is one off Bisbee and that's a good thing

All property owners should be treated equally as far as commercial grows instead of only allotting licenses to huge corporations. Leave our profits to the small canopy growers

I need it for medicine. This neighborhood has an aging population. I'm sure I'm not the only one that could benefit from a dispensary in the neighborhood.

As a medical prescription

Few places available- it's working ok in Madrid

It's not my thing, but legalizing Cannabis makes sense. No different than alcohol

It's available all over the state and I think as a citizen I'd appreciate local stores

Why not, it's legal like alcohol

#### **Should be allowed with limitations (please explain):**

we are a residential

Employment opportunities

Limits based on population

Licensed. Professional. Limited to how many businesses withing a square mile; not 1 on every corner.

Limit the number of dispensaries to 1

Distance from schools etc comparable to liquor stores

Given adequate security infrastructure - and should close early evening

limit density of dispensaries so other businesses can thrive

Not be allowed in a residential area. Existing commercial area would be fine

Only retail in areas and a limited number per square mile

Locations not near schools. Churches

Not too big

There should be established limits on the number to avoid proliferation of such stores. It would be awful to have a cannabis shop every mile or so. The area needs grocery and farmer's market much more than cannabis dispensaries.

Limited numbers and limited proximity to homes nearby

not within 200 feet of schools
not near schools
Yes on a limited basis
Limit on number. 1-2
Like in a shopping center or warehouse areas
Only next to existing commercial areas. No outdoor lighting at night. No night time business.
Should not be allowed if private roads are the only access
There should be limited hours and limits of how many dispensaries are allowed in the area.
Sales but no onsite consumption
With regs similar to licenses for beer & wine retailers
Consistent with alcohol retailers for density, hours & other regulations

**Should not be allowed (please explain):**

Residential families, not commercial businesses.
we are residential in
Very little commercial space available. Should be for restaurants and art spaces
We do not need the poverty and crime dope brings
City commercial zone only. We are mostly rural residential. Commercial nodes are small.
The drug situation in New Mexico is horrible. My family loses a God-son to drug addiction and it tears our heart to think more families will have to face this pain.
Bad enough we have corner liquor store so close. If you had to pick up bottles toss from windows on your property you would feel the same. Let's not make being stoned too easy.
The county doesn't have the resources to handle these businesses and their special effect upon the area. This includes traffic and cash handling.
Well water is a huge issue!
there is a very limited footprint of retail in the San Marcos area which should not be expanded.
Ours is a rural area. Highway 14 is a designated National Scenic Byway, the Turquoise Trail. The last thing we need is for it to become a destination for Cannabis purchases.
THC and Marijuana are still Schedule I Federally controlled substances
Very rural community and not enough law enforcement in area. We already have enough Drunk driver issues.
Individuals can travel to Santa Fe
Increase in traffic and burglary
Potheads attract problems
It is a rural area - there is no need.





This is a rural horse country area, putting a dispensary would bring in unwanted persons to the community, those dispensaries are best placed inside the physical City limits where they can be properly monitored by local enforcement

There are plenty of dispensaries in the Santa Fe area none are needed in the San Marcos area.

Unsafe, crime, decreases home values, it stinks

increase traffic in an area that already has a lot of traffic and is the main thoroughfare for the Turquoise Trail Charter School

concerned about traffic, cannabis-related crimes

This is a rural area and does not need a business like that.

## Residential areas?

### Should be allowed (please explain):

All property owners should be treated equally as far as commercial grows instead of only allotting licenses to huge corporations. Leave our profits to the small canopy growers

It's our personal space to do whatever we want

### Should be allowed with limitations (please explain):

Need more definition. Do you mean next to or in a neighborhood? They should be allowed where commercial development is allowed

"Limitations" meaning a commercial carve-out in residential/agricultural areas (ie like the farm store, beer hall, and gas station in the San Marcos area which are all in residential areas but have commercial carve-outs)

Limits based on population

not within 200 feet of schools

hours of operation.

Quantity of businesses, size, etc.

### Should not be allowed (please explain):

Residential means RESIDENTIAL NOT COMMERCIAL

Minimize traffic and theft problems

Residential is defined as residential as opposed to commercial/retail where businesses are desired to be.

Rise in crime. Night sky disruption from security lights. Strong odors from mature plants affects quality of life. Takes too much water to grow crops. Private roads cannot handle the impact of continuous large heavy water trucks.

Cerrillos and Madrid are already our Espanola

Because it is not a commercial area.

Additional traffic, lighting and people can damage the quality of life in residential areas.

Water shortage, irrigation issues. Chemicals infiltrate ground water/wells. Odor from crops. Hazardous to wildlife. Lighting - night sky protection ordinances violated. Security; too much drug crime from Arroyo Coyote Rd etc; nothing being done about it.

they are not zoned for it

We have limited amount of water in our area. Many wells have gone dry and our neighbors are having to truck in water to their homes.

The county doesn't have the resources to handle these businesses and their special effect upon the area. This includes traffic and potential crime from large cash handling.

Consistent with zoning practices

Water

retail of any type should not be allowed in residential areas

Uphold commercial vs residential zoning

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Affected property value for friend trying to sell her land; deal cancelled
It's a business that will have all night lighting, and trucks, and a distinct smell. We have way too much traffic already, and every year more all night lights, it's effecting the ability to see the night sky and stars. Nighttime light must be regulated.
I don't think residential areas are appropriate for these kinds of operations. Liquor stores are not allowed. No!
Schedule I
Has absolutely no business in residential areas
Residential areas are for residences not retailers or dispensers of anything.
As has been shown in other states property values have dropped. And if this is such a safe commodity why do you need lights, video cameras and 8 foot tall fencing too secure the grow?
Only in retail areas, keep the scenic byways free beautiful
Traffic and late night business
Not with little children
Increase in traffic and burglary
This presents numerous potential issues, such as increase traffic in crime just to begin with
Oh, along with fentanyl too?
Doesn't require an explanation..
Residences should be buffered from this use by acreage or at least 500 feet
Retail businesses create traffic & noise and should not be located next to residencies.
Private roads need maintenance. Security issues.
Don't want businesses of any sort in residential areas
See explanation noted above
This area already has a lot of people that speed or are inattentive while driving possibly
It is a residential area not commercial
Unsafe, crime, decreases home values, it stinks
Increase traffic in a rural area
Not appropriate to live near cannabis production.
To assure no exposure to children
Limit to commercial/retail areas.
Opens up residents to crime and lowered property values
traffic problem, growing over the limit cannabis in their homes and using too much water. I will lower the value of homes in this area.



## Agricultural areas?

### Should be allowed (please explain):

Treat every business equally!!!!

As long as it's not in or near Residential areas.

Again, why not?

So long as there are no residence within a quarter mile radius

What is an agricultural area???

### Should be allowed with limitations (please explain):

Agricultural?

"Limitations" meaning a commercial carve-out in residential areas (ie like the farm store, beer hall, and gas station in the San Marcos area which are all in residential/agricultural areas but have commercial carve-outs)

No pesticides

Limits based on population

How does agricultural differ from residential?

Off paved roads or places far from other residences so that smell and light pollution not impacting neighbors

Should only be allowed with proper security measures-private armed security

Not sure what 'agricultural' actually means, but if a grower wants a small storefront? Might be ok depending on how close it is to homes

No negative impact on water or infrastructure unless adequately compensated.

This industry will peak and flatten. It is not the golden goose every thinks it is do not get rid of food production land to grow pot. Food is more important.

Not too big

Must be limited in the scope of the project, the amount of water used for the project, and not visible by adjoining neighbors

I'm agreeing on a limited basis

Cannabis growing is very water intensive and must be regulated as to how much water can be used. It needs to be metered and checked.

Again, how many, how large

Water on well restrictions and limitations. Private roads are the only access and need maintenance, but I have none.

Grow food not pot.

Water is scarce in our area. San Marcos is not an agricultural area.

See above

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**Should not be allowed (please explain):**

Not enough water in this area. Crime would increase and I would hold the county liable for increased crime in my residential neighborhood

Because it is not a commercial area.

Should be allowed to be grown, but not dispensed.

Water shortage. Drought. Chemicals contaminate groundwater wells. Attracts more drug crimes.

We don't have enough water out here.

Again the water issue and increase in crime.

The county doesn't have the resources to handle these businesses and their special effect upon the area. This includes traffic and cash handling.

Retailing is not agriculture

retail of any type should not be allowed in agricultural areas

we do not allow commercial businesses in ag areas, do we?

Growing is one thing, selling is another. No.

Schedule I

Has absolutely no business in agricultural areas of our community

Water issues could be an issue ?

Water issues, concerns

NOT Allowed, Unless zoned commercial

Water issues in this area

Who got paid off to even ask?

Incompatible

The water table would be negatively affected.

see explanation noted above

Unsafe, crime, decreases home values, it stinks

Potential for chemical contamination of residential wells

Commercial growing uses too much water which may lower water table for residents.

Limit to commercial/retail areas.

Water, crime, property values

NM does not have the water resource to produce crops of cannabis. It will hurt the water table in this area



**COMMERCIAL CANNABIS INDOOR GROWTH FACILITIES (GREENHOUSES)**

**Thinking of the San Marcos community, please indicate whether you think Commercial Cannabis Indoor Growth Facilities (Greenhouses) should be allowed in:**

**Commercial/retail areas?**

Should be allowed (please explain):
Already are allowed. There's one in the commercial area on Bisbee
Better growing environment and uses less water. STOP THE CONTRACTORS BUILDING better grow with less water. STOP DEVELOPERS WHICH DEPLETES MORE WATER THAN
That is what commercial areas are for.

Should be allowed with limitations (please explain):
It will draw a criminal element
Limits based on population
Water
water usage limits should be enforced
excess traffic, water use, heavy water trucks, excessive lighting are all problems that must be addressed
number of outlets limited. proximity to schools churches etc.
These need to be in industrial areas.
Light pollution and water use are concerns
Maximum # of 200 plants; water usage monitored by SFCo and not exceed legal limits for that particular property; I am assuming this use is for growing plants to maturity for commercial sale to processing plants elsewhere - not for retail or personal sales
not near residential homes (smell), only with purchased water
Not too big
Water usage concerns
Same as previous
Only if they buy and truck in their water from outside sources - so that they do not affect the water supply in the overall San Marcos District.
Should be in a warehouse area
same as previous answer
No use of well water
Limitation in water usage.

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With regs similar to distilleries and breweries

Consistent with regs for distillers & breweries

**Should not be allowed (please explain):**

No enough WATER, wells are going dry. Will bring in traffic and criminals.

Not enough water or secure facilities.

Uses too much water, electricity and fertilizer that flows out towards the Rio Grande.

the water supply is already stretched tight - no commercial plant growing operations should be allowed

San Marcos does not have the water resources needed for commercial Cannabis operations. I have had two wells over 45 years, the most recent was drilled in 1998. I am now having to have water delivered. No commercial growing!

What City, County, State, or Federal agency has jurisdiction over odors? Ask communities where indoor grow operations are currently allowed.

Large eyesore with large greenhouses

They are not allowed now for regular agriculture so why for pot? No!

Require large commercial buildings and higher water usage

It is a huge waste of water which is in short supply. New apartment complexes and residential developments have already been approved with not evidence of concern for water..

Water area issues

Potheads & cash attract crime

Not enough water.

Where is the water coming from? The county needs to do a serious study on water use.

Unsafe, crime, decreases home values, it stinks

Water issues mainly & concern for area wells

Too much water usage

No, large greenhouse with traffic and water concerns.

Water is a valuable item in this area with several properties having to haul water. Cannabis needs a lot of water to grow.



## Residential areas?

### Should be allowed (please explain):

Better growing, less water. STOP THE DEVELOPERS WHICH DEPLETES MORE WATER THAN

### Should be allowed with limitations (please explain):

As defined in the law

Should be allowed where commercial businesses are allowed

Smell \*could\* be taken into consideration....even if the gasses and flies on "horse properties" are not regulated.

Limits based on population

Water

water usage limits should be enforced

Water availability. Water rights

Not to exceed micro grower limits

Water usage concerns

Only if water is monitored, and it does not affect neighbors whatsoever. The scope of this has to be very small, as it may very well lead to increased traffic, crime, light pollution.

depending on size of the acreage and water availability

Water and private roads, being the only access without maintenance

No use of well water

### Should not be allowed (please explain):

No enough water, wells are dry or going dry. Too much traffic. An excuse for the drug cartels to move and operate in residential areas.

excess traffic, water use, heavy water trucks, excessive lighting are all problems that must be addressed

Should only be allowed in commercial areas

Because it is not a commercial area.

Same as answer before... Extra traffic, people, lights, noise will degrade the quality of life.

Too much drug crime in area already. It would attract more crime. Groundwater contamination from chemicals. Water shortage. Hazardous to wildlife. Light pollution-violates night sky programs.

Not enough water

The crime rate has increased in Santa Fe County. My neighbor just had his truck stolen right out of his front yard.

Residential areas are particularly meant for residences not commercial operations. How is that not obvious.

These could bring crime as a theft target.

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Odor
Commercial business of any kind does not belong in residential areas
Maintain commercial vs residential vs ag zoning distinctions
the smell is overwhelming, well water should not be used for growing
Domestic wells are going dry. This will become worse. Protect our water. We have precious little.
What agency has authority over odor?
Absolutely not in any residential area
Residential areas should be for residences not greenhouses.
Most definitely not. As stated in previous question why now allow it for pot and not food production? And what about water? Has anyone actually studied the amount of water used to grow cannabis?
Not in line with the spirit of keeping the byways beautiful
Goes against the spirit of the overlay
See above. Water shortage. Growing marijuana consumes large amounts of water.
Water area issues
Are you nuts? Kids can play there?
Traffic and overwhelming odor
Not in residential but in rural residential if at least 40 areas and 500 feet from a residence for security purposes
same as previous answer
Not enough water
Because it is residential. Property values will drop and crime will increase
Unsafe, crime, decreases home values, it stinks
Absolutely not
Too much water usage.
Limit to commercial / retail and or agricultural areas.
No, not where there are families with children. Again water concerns, we need to be growing gardens and food we can eat with our water, not cannabis in our neighborhood.



## Agricultural areas?

### Should be allowed (please explain):

Better growing, less water. STOP THE CONTRACTORS BUILDING SUBDIVISIONS WHICH DEPLETES MORE WATER THAN

Water

That is what it is for.

So long there is no residence within a quarter mile radius

Within guidelines created by the district... such as, again, water, usage, and size of the project.

### Should be allowed with limitations (please explain):

Should be allowed where commercial businesses are ally

Limits based on population

If odor and security do not effect neighbors

water usage limits should be enforced

excess traffic, water use, heavy water trucks, excessive lighting are all problems that must be addressed

No smell allowed nor excess traffic well off main roads

Should have proper security measures. armed private security

water usage

Water recycling and fertilizer outflow regulated.

These need to be carefully isolated and neighbors should be allowed to veto any operation.

Need substantial setback

Light pollution and water use are concerns

if it is not adjoining a residential area and has adequate security

Maximum # of 200 plants; water usage monitored by SFCo and not exceed legal limits for that particular property; I am assuming this use is for growing plants to maturity for commercial sale to processing plants elsewhere - not for retail or personal sales

not near residences due to smell, only grown with purchased/reclaimed water

I do not believe we have actual "Agricultural areas" in San Marcos.

Limited to size and access

No negative impact on water or infrastructure like unmaintained roads.

Food first cannabis later. Just not worth it.

Not too big

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Water usage concerns
Cannot be close to residences
Overwhelming odors
Limited number - and only if they buy and truck in their own water, i.e., do not affect other properties' water supply.
Must be far enough away from other areas so security can be ensured
same as previous answer
Only if they agree to maintain private roads for access
Water usage needs to be considered
Grow food before pot
Again water table concerns
Limitation in water usage.
See above

**Should not be allowed (please explain):**

Not enough water. Too much traffic on dirt roads. Crime will go up
Drought. Hazardous chemicals in groundwater. Attracts crime. Too much crime already. Hazardous to wildlife. Light pollution.
A neighbor tried to open a commercial green house to grow vegetables an was denied because of concerns with water. The pot also uses big amounts of water. Not good for the neighborhood.
Odor, water use of cannabis cultivation is not compatible with our aquifer limitations
The water supply is limited and should not be diverted to use growing cannabis in this area
The amount of water usage issues will harm the aquifer
Higher water usage and potentially highly visible
See above
Water issues in area
Same as above
Not enough water
No water
Unsafe, crime, decreases home values, it stinks
Too much water usage.
No, we do not need large greenhouses in our community. We do not have the water resources. It will devalue our homes.
Again, water use should be considered



COMMERCIAL CANNABIS OUTDOOR GROWTH FACILITIES

**Thinking of the San Marcos community, please indicate whether you think Commercial Cannabis Outdoor Growth Facilities should be allowed in:**

**Commercial/retail areas?**

<b>Should be allowed (please explain):</b>	
Because it's already established! Equal opportunities!	
Only if animals and birds are protected from consuming	
<b>Should be allowed with limitations (please explain):</b>	
Limit water usage	
Limits based on population	
water usage limits should be enforced	
Oder.	
Water limitations	
These need to be limited and taxed to provide their own security.	
Maximum # of 200 plants; water usage monitored by SFCo and not exceed legal limits for that particular property; I am assuming this use is for growing plants to maturity for commercial sale to processing plants elsewhere - not for retail or personal sales	
It would depend on what the established businesses think about it.	
Not too big	
Only if they buy and bring in their own water supply - and do not harm the environment in any other way.	
No use of well water	
Limitation in water usage.	
Consistent with regs for nurseries	
<b>Should not be allowed (please explain):</b>	
Not enough water. Crime and too much traffic.	
Possibly interfere with property availability	
Uncontrollable odors that affect neighbors. Possibility of theft of product increasing local crime	
Retail areas are not appropriate for growing crops.	
Smell	

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Drought. Hazardous chemicals. Attracts more crime; already too much drug crimes. Hazardous to wildlife life.  
Lights = Night Sky pollution.

Water, electricity and effluent issues

Security

There is not enough water

It's a commercial area- keep things direct

uses too much water, should only be grown under cover.

Lack of water. There's a pattern here!

No! This is not the area for such grows! Where is the water coming from?

Water issue

Goes against the visual spirit paid out the overlay

Water shortage. Drought

Water usage and security concerns

No place for pothead business

Not compatible

Water shortage

Where is the water coming from? You need to do a water use study before greenlighting ANY grows

Not enough water

Unsafe, crime, decreases home values, it stinks

Too much water usage

No, we do not want the traffic in our community.

Water use



## Residential areas?

### Should be allowed (please explain):

Already established. Equal opportunities!

But only if animals and birds can be protected from consuming the plants

### Should be allowed with limitations (please explain):

As defined by law

Smell \*could\* be regulated, but only if horse properties get the same considerations.

Limits based on population

water usage should be enforced

Same as any ag in a neighborhood here. Keep it small and monitor water use and other disturbances

depends on acreage proximity to neighbors and water availability

No use of well water

### Should not be allowed (please explain):

Families do not need their residential home that they purchased knowing it was residential and not commercial when we all purchased our properties.

By definition it's too large of an operation

Same as above. Also, children play in these areas and sun and wind outdoors means much more water needed for crop

Residential areas are not appropriate for growing crops.

Residential is Rural here

Should not be allowed in residential areas

Oder

Smell

Attracts crime. Too much drug crimes in neighborhood already. Drought. Too much water usage. Hazardous chemicals contaminate wells, groundwater. Hazardous to wildlife.

Crime would increase

Same as above

These would bring crime as a theft target.

Increased crime, vast water use, light pollution, road damage, severe odor

Commercial ventures do not belong in residential areas

smell, water use

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I already answered this.

Absolutely not! Lack of water, first of all. The plants have a terrible odor. Residential areas are for residents, not commercial farming.

This has absolutely no place in residential anything

Smelly, water intense, traffic intense activities should not be allowed in residential areas.

As your question states residential area is off limits. Even though the county have already grandfathered in a cannabis farm on Southfork ext. and dismissing any concerns of the neighbors...

Water issue

Never they are residential use not both commercial and residential

See above

Water usage and security concerns

For all of the aforementioned reasons! It can negatively affect the neighborhood in so many ways!

No place for pothead business

Not compatible

Should not be allowed if the only access is private roads

Water shortage

It is residential not commercial or ag. These are residence where folks want to live in peace and quite. Introducing commercial cannabis into residential areas is a horrible idea.

Too dry, drought,

Unsafe, crime, decreases home values, it stinks

Too much water usage. Possible contamination of children.

Limit to commercial / retail and / or agricultural areas.

No, I do not want neighborhoods growing cannabis and using up the water. There could be people stealing or producing over the limits.



## Agricultural areas?

### Should be allowed (please explain):

Already established. Equal opportunities!
It's an agricultural product
That is what agricultural areas are for.
They need to have some place to plant and harvest.
As long as they are setbacks like in middle of 40 acres
If there's county roads with county maintenance
Only if animals and birds are protected from consuming

### Should be allowed with limitations (please explain):

Monitor water use
Limits based on population
water usage should be monitored
excess traffic, water use, heavy water trucks, excessive lighting are all problems that must be addressed
Should be allowed with armed security guards
Water usage concerns
These need to be limited and taxed to provide their own security.
Water, light pollution, security are concerns
if it is not adjoining residential area and has adequate security
Maximum # of 200 plants; water usage monitored by SFCo and not exceed legal limits for that particular property; I am assuming this use is for growing plants to maturity for commercial sale to processing plants elsewhere - not for retail or personal sales
only with purchased/reclaimed water - enforced!
I do not think San Marcos has agricultural areas. No.
So long as there is no residence within a quarter mile residence
Food production before cannabis
Limited number - and only if they buy and truck in their own water - and do not harm the environment and do not tear up private roads.
Water usage needs to be considered
Grow food not pot and where is the water coming from?
Limitation in water usage.

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**Should not be allowed (please explain):**

No water!!!

Too much water usage for the area

Can't control odor. Too much water usage. Water trucks will damage non county maintained roads

Rural is Residential here

Smell

Attracts drug crimes. Hazardous chemicals contaminates groundwater. Hazardous to people and wildlife. Emits odors. Night sky pollution against night sky protection ordinances.

Not enough water

Same as above. We don't have water to spare.

Security, odor, excessive water usage

There is not enough water

Seed spread and allergies would be an issue outdoors

Water issue

Water table usage concerns

See above

Water usage and security concerns

Water issues

No place for pothead business

Water shortage

The plants take too much water

Unsafe, crime, decreases home values, it stinks

Too much water usage for something that is not food for individual use. No commercial agriculture should be allowed in our area.

No, we do not want the spread of seeds or the smell of cannabis. There could be more crime related incidents. And a large agricultural area would devalue our homes.

Water use and amount of water needed to grow that crop



**CANNABIS MANUFACTURING BUSINESSES**

**Thinking of the San Marcos community, please indicate whether you think Cannabis Manufacturing Businesses (THC extraction, food, textiles and related products) should be allowed in:**

**Commercial/retail areas?**

Should be allowed (please explain):
With the regulations in place No danger to ANYONE
Where else can they do it in the three zones referenced here?
Because that is what a commercial area is for.
It's industrial
This is more of an inside activity, I don't see how it would interfere with other businesses.

Should be allowed with limitations (please explain):
As long as the odor and road use does not interfere with neighbors
water usage concerns
Not one on every block. Seems to be enough locations already.
size
Only if they do not require large quantities of water for their purpose
Just as in Santa Fe city limits
Comparable to breweries and distilleries
Has adequate security and is limited in operating hours
reasonable distance from residences if smell is a factor
Visually same looking buildings ? Water usage ?
Traffic and odors
Limited number
Like in a warehouse area
Only if the Hr county roads maintained by the county for access
Smell & crime related to theft
No consumption on site which could cause traffic accidents.

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Limitation in water usage.

On all of these questions, allow commercial operations with same considerations for density/quantity of operators as for similar operations, e.g. alcohol businesses, firearms businesses, etc.

**Should not be allowed (please explain):**

Too many families with children. Not enough water

Manufacturing should be kept out of retail areas.

These need to be in industrial areas only.

It's a rural area, not a manufacturing district.

Please take the time to locate the closest Hemp "textile" facility to Santa Fe, NM. Check with the NM Dept of Agriculture and determine the quantity of Cannabis that is used/sold for textiles or related products. Zero.

In addition to the issue of water shortage, pot is addictive and does damage to the brain.

No place for pothead business

Our water has been taken and our apple orchards are dying. No way do I want cannabis to be grown with precious water.

Unsafe, crime, decreases home values, it stinks

No, this is a residential area and we do not need the traffic and more people.

## Residential areas?

### Should be allowed (please explain):

With the regulations in place No danger to ANYONE

### Should be allowed with limitations (please explain):

Limits based on population

None of the dangerous procedures

only processes that do not generate air pollution, smell to neighboring residences

### Should not be allowed (please explain):

Never. Not enough water. Even if water were trucked in, our private dirt roads can't handle the traffic.

Manufacturing should be kept out of residential areas.

Should not be allowed in residential areas

Oder, explosions, traffic

It's industrial

Attracts crime. Too much drug crime already. Water issues; drought. Chemicals infiltrate groundwater/wells. Odors from fields. Hazardous to wildlife.

not zoned

No commercial operations in out residential area.

These need to be in industrial areas only.

Commercial pursuits do not belong in residential areas

San Marcos area already has a problem with Meth dealers, not legal. I'm not excited about having a manufacturing business for Cannabis here.

Why would manufacturing be allowed in a residential neighborhood. No.

Please research Butane Honey Oil and the associated illicit problems with extraction procedures.

Residential areas are for residents not commercial cannabis businesses

Would change the spirit of the San Marcos Overlay

Water usage and potentially visual harm to the landscape

Too much traffic And potential crime, as numerous employees may be coming and going

No place for pothead business

Overwhelming odors

Not compatible

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Can be dangerous.
Residential areas are for housing not extracting THC using hexanes and other incredibly dangerous chemicals...
Unsafe, crime, decreases home values, it stinks
Do not want commercial enterprises in residential areas.
Limit to commercial / retail and / or agricultural areas.
No, I would like to keep it residential and not for a business because of traffic and crime

## **Agricultural areas?**

<b>Should be allowed (please explain):</b>
With the regulations in place No danger to ANYONE
Again, it's not in a residential area, it would be fine.

<b>Should be allowed with limitations (please explain):</b>
water usage limitation should be in place
Because it is an agricultural area not a manufacturing area
size
Security and safety should be addressed. Extraction using flammable solvents is a fire hazard
Only if they do not require large quantities of water for their purpose
Safety and other disturbances like traffic, lighting, security fencing etc should always be considered- compare to other existing ag businesses like canning, processing, etc of any ag product
distant from neighboring residences
So long as there is no residence within a quarter mile radius
Traffic and odors
Only if the traffic they generate does not affect the surrounding area - or harm the environment.
Not compatible especially if there is a waste product
Only if they're a county roads maintained for access
Limitation in water usage.

<b>Should not be allowed (please explain):</b>
Not enough water, we are in a drought, and will be unfortunately. There is increasing crime, crime will just go up
We can't afford to lose more land to businesses

Manufacturing should be kept out of agricultural areas. Manufacturing is not agriculture.
Because it is an agricultural area, not a manufacturing area.
Drought. Odors from fields. Chemicals contaminate ground water/nearby wells. Hazardous to wildlife. Lights = violated night sky protection ordinances.
Same as above.
These need to be in industrial areas only.
No. That should be in an industrial area.
Water usage
Water usage could be an issue ? I don't know the processing needs
Water issues
No place for pothead business
Unsafe, crime, decreases home values, it stinks
Too much water use.
water, crime, property values
No, we do not need big buildings, traffic with workers. Again, we do not have the water and space for agricultural areas.
Water usage



## CANNABIS TESTING FACILITIES

**Thinking of the San Marcos community, please indicate whether you think Cannabis Testing Facilities (research and development, quality control, potency testing, safety analysis) should be allowed in:**

### **Commercial/retail areas?**

<b>Should be allowed (please explain):</b>
Why stifle one area of business? Already in existence! Give locals a place to work close to home!
It's a business
That is what commercial areas are for
If the buildings look appropriate to what's around them
As long as it is contained to commercial buildings, without possibility of children, or the public accidentally being involved.

<b>Should be allowed with limitations (please explain):</b>
Highly secured areas due to high crime in NM. Limited facilities.
These need to be carefully reviewed and taxed since security is a concern.
Only if they do not require large quantities of water for their purpose
again, if smell is an issue, not near residences or in areas that could disrupt neighboring businesses
Who will be overseeing the use of chemicals for the testing of cannabis?
If the buildings blend in to what is around them
Security available in a strip mall or warehouse situation
Limitation in water usage.

<b>Should not be allowed (please explain):</b>
Keep that in the town of Santa Fe, not the county
We are a low-density rural area. Testing facilities are not appropriate.
Does the NM Department of Public Safety quantitate Cannabis? No.
No place for pothead business
It is a rural area generally.
Unsafe, crime, decreases home values, it stinks
No, we do not need facilities that would give way to more traffic and workers.



## Residential areas?

### Should be allowed (please explain):

Why stifle one area of business? Already in existence. Give locals work!!

### Should be allowed with limitations (please explain):

Where commercial businesses are allowed

Limits based on population

No increased traffic

As long as it is not a detriment to the area.

Properly controlled

### Should not be allowed (please explain):

Never. Families don't want drug dealers, drugs, traffic, trafficking

Residential areas are not appropriate for testing and research facilities.

Should not be allowed in residential areas

Attracts crime. Already explained in previous questions.

not zoned

Residential areas are not set up for businesses like this.

Commercial pursuits do not belong in residential areas

not an appropriate home based business

same answer as previous question

Once again residential areas is not commercial.

It's residential usage, not commercial or both

No place for pothead business

Not compatible

Residential areas again are for peace and quite

Unsafe, crime, decreases home values, it stinks

No commercial enterprises wanted.

Limit to commercial / retail and / or agricultural areas.

No, we do not need testing facilities around family homes. It would devalue the homes.

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## **Agricultural areas?**

### **Should be allowed (please explain):**

Why stifle one area of business? Already in existence. Locals NEED WORK

### **Should be allowed with limitations (please explain):**

No land development

As long as it is not a detriment to the area.

Veto authority should be given to neighbors for such a project.

Only if they do not require large quantities of water for their purpose

Maximum # of 200 plants; water usage monitored by SFCo and not exceed legal limits for that particular property

not near residences

So long as there is no residence within a quarter mile radius

Limited number

Not so compatible as other areas would be

If no significant water usage.

Limitation in water usage.

### **Should not be allowed (please explain):**

NOT ENOUGH WATER.

Agricultural areas are not appropriate for testing and research facilities.

Attracts crime etc. Already explained in previous questions.

Should be in areas with other commercial buildings that they blend in to

Water issues

No place for pothead business

All this type of business is going on all over new Mexico. do we really need any more

Unsafe, crime, decreases home values, it stinks

No, we do not need to have testing of cannabis in a residential areas. There would be concerns for potential danger with testing.



**CANNABIS CONSUMPTION ESTABLISHMENTS**

**Thinking of the San Marcos community, please indicate whether you think Cannabis Consumption Establishments (with regulations similar to those governing onsite alcohol consumption) should be allowed in:**

**Commercial/retail areas?**

Should be allowed (please explain):
Why not??? Better than alcohol! Gives local businesses opportunities to hire locals and make profits. The American dream should not be stifled.
Same as or better than bars
That is what they are for.
Who know how much is safe to consume if
If appropriate to building/business codes

Should be allowed with limitations (please explain):
Limits based on population
Increased driving, and driving while intoxicated, are likely to be problems.
Security due to increase in drug crimes.
exposure to neighboring properties
Alcohol does not produce second hand smoke, cannabis does
Within legal constraints similar to those applied to alcohol use in public
Who knows how much is safe to consume if you are driving?
Only at currently existing locations
It's really no different than a bar that sells alcohol, except less likely to have brawls and bad behavior.
Security to prevent driving while impaired
In a strip mall or warehouse area

Should not be allowed (please explain):
Too close to residential homes
Not federally legal...
Regulations on alcohol what a joke! New Mexico has one of the worst drunk driving in the country.
We already have problems with alcoholics here. Thanks but no Thx.

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This activity should be isolated in the city.

as this is a rural, driving area, cannabis consumption should be limited to personal residences. driving high is stupid

What is the current quantitative limit for THC in an individual's blood or breath while operating a motor vehicle?  
ZERO.

Water shortage. Health damage. Impairs driving

Cannabis consumption should not be allowed

No place for pothead business

This area has a lot of speeders, possible DWI and inattentive drivers.

Unsafe, crime, decreases home values, it stinks

Many already in town!

A danger to traffic.

No, the smell of cannabis is worse than cigarettes. It is hard to regulate. Then if it is mixed with alcohol would be dangerous in a residential areas with families and children. We need to keep our rural area safe for families.

## Residential areas?

### Should be allowed (please explain):

Why not??? Better than alcohol. Gives local businesses opportunities to hire locals and make profits. The American dream should not be stifled.

### Should be allowed with limitations (please explain):

Whatever regulations there are in place for the beer hall on hwy 14 could be used as a guide

Limits based on population

Watching out for children and any odors emanating into neighborhood

Isn't that called a party?

Properly zoned

### Should not be allowed (please explain):

We live in the county for a reason, it's not to be commercial businesses.

Too much increase in commercial traffic

Residential areas are not for businesses.

Should not be allowed in residential areas

Why would you want to?

Attracts crime. Water shortage. Groundwater contamination from chemicals. Hazardous to wildlife. Odors from crops. Lighting: Night Sky Ordinances Violated.



Not enough police to stop drug abuse now.
Residential areas do not allow businesses like this and that should remain the case.
Commercial businesses do not belong in residential areas
No way, we don't need folks driving high through our neighborhoods
Cannabis isn't usually associated with restaurants, but it could be. We have two restaurants here, but they are in a commercial space.
Once again residential areas should not be included
Late evening traffic issues? Residential use not both
see above
The response I have to all of these issues in a residential area is black and white Dash it's a residential area, not a business zone.
No place for pothead business
Not compatible
Unsafe, crime, decreases home values, it stinks
A danger to traffic and accidental childhood exposure.
No, Cannabis would not be good for a neighborhood.

**Agricultural areas?**

<b>Should be allowed (please explain):</b>
Why not??? Better than alcohol! Gives local businesses opportunities to hire locals and make profits. The American dream should not be stifled.
If they want to have a consumption establishment next to their manufacturing, ie Santa Fe Brewery, it seems fine.

<b>Should be allowed with limitations (please explain):</b>
Whatever regulations there are in place for the beer hall on hwy 14 could be used as a guide
Limits based on population
Just so land doesn't get developed for the purpose.
So long as there is no residence within a quarter mile radius

<b>Should not be allowed (please explain):</b>
Not enough water, too much traffic if you bring water in.
These are not agricultural activities.
Not Federally legal
Attracts crime. Drought/Water shortages. Chemical Contamination in water. Hazardous to wildlife. Lighting: Night sky pollution ordinances violated. Odor from crops.





Do not want it in my neighborhood

Agricultural areas do not allow businesses like this and that should remain the case.

Consumption establishments would only be appropriate in commercial-zoned areas

again, driving. duh

Should only be allowed in commercial areas and blend in to the other buildings

Water and crime issues We can't even get speed control out here never mind crime issues

No place for pothead business

Not compatible

Unsafe, crime, decreases home values, it stinks

A danger to traffic and accidental childhood exposure.

No, we do not need an open field and allowing consumption with more traffic and people in our neighborhood. We need to keep our neighborhood and San Marcos safe and more consumption of fresh vegetables to use our water for.

**COMMUNICATION PREFERENCES**

**How do you prefer to hear from Santa Fe County?**

Response
New Mexican news articles.
None

**What is your preferred language?**

Response
American Sign Language

**How do you typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations?**

Other - Websites
San Marcos association
San Marcos website
San Marcos Association, Next Door
Nextdoor.com
San Marcos Association
TheSanMarcosAssociation.org
San Marcos Association
San Marcos Assoc.
Next door
New Mexico One Source
San Marcos Association

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**How do you typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations?**

Other - Radio
1260
KSFR, KMRD
KANW
KANW
KSFR
KANW, KUNM, KSFR,
KSFR

**How do you typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations?**

Other - Newspaper
Santa Fe Reporter
Reporter
Santa Fe Reporter
Reporter
Reporter
Santa Fe Reporter
Santa Fe Reporter
Santa Fe reporter
Reporter



**How do you typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations?**

Other - Television	
Local broadcast stations	
ABC, CBS, NBC	
KOB 4 KRQE	
KOB 4	
KOB	

**How do you typically learn about Santa Fe County planning efforts, activities, ordinances, and regulations?**

Other	
Local area blog	
My mail box	
Neighborhood text/phone tree	
word of mouth	
Internet posts	
Direct mail	
Email newsletter	
regular email notifications from the county commissioners	
Word of mouth	
Word of mouth.	
Next door	
Word of Mouth	
email	
mail	
Word of mouth	
Neighbors	
San Marcos association	
Commissioner's emails	

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Neighbors
I don't hear about County efforts...Information appears siloed
Notified because of RO status
email from county and San Marcos Association
Neighborhood email
Senator Liz Stefanics
Friends, posters, neighborhood sites.
San Marcos Association
I'm on the county email list and wish everyone was!
Mail
Nextdoor
Through a friend
Friends
email
Neighbors
nextdoor app
Neighborhood News
Mail
Email from planning committee
Community Blogs
Don't usually hear unless it's mailed
snail mail works for us
e newsletters
Mail
Mail
Mail
Email
Mail
I got three flyers
Mailing



Organizations I belong to		
Don't typically hear anything and when problems occur, they do NOTHING to resolve the problem anyway		
Mail		
Friends		
neighbors		
Mailing.		
Mailings		
NextDoor app		
Emails from the county		
Email blasts from the county		
word of mouth		

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**Jose Larranaga**

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**From:** Hank Hughes  
**Sent:** Tuesday, July 11, 2023 10:56 AM  
**To:** Colleen McCann; Jose Larranaga  
**Cc:** FriendsofLizStefanics@gmail.com  
**Subject:** RE: I oppose permits for Unregulated, Uneducated, Novice Marijuana Farmers in The San Marcos District. Lack of Quality Control endangers people's lives and subject NM to lawsuits....

Dear Ms. McCann:

Thanks for your comments. I am forwarding them to Jose Larranaga for inclusion in the official record for this evenings public hearing.

Hank Hughes  
Santa Fe County Commissioner, District 5



**SANTA FE COUNTY**

**From:** Colleen McCann [mailto:c.m.mccann.cybermesa@gmail.com]  
**Sent:** Tuesday, July 11, 2023 9:44 AM  
**To:** Hank Hughes <hhughes@santafecountynm.gov>  
**Cc:** FriendsofLizStefanics@gmail.com  
**Subject:** I oppose permits for Unregulated, Uneducated, Novice Marijuana Farmers in The San Marcos District. Lack of Quality Control endangers people's lives and subject NM to lawsuits....

**Warning:**

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

RE:  
UN-REGULATED MARIJUANA FARMS: RED RAVEN RD and SOUTHFORK RD

I understand that the South Fork rural Marijuana Farm is being appealed tonight. Regulations to safeguard the public are not in place - permits for novice farmers should NOT be given. Giving permits to uneducated novice marijuana farmers opens up lawsuits to the NM government. Safeguards are not in place for quality control or professional education endangers public health.

I am writing to oppose plans for the currently proposed marijuana farms in rural areas in the San Marcos District on South Fork and Red Raven Roads and for small marijuana farms in NM in general. Novice farmers without a formal education and lack of quality control will subject NM to lawsuits and a host of other problems. A list of my concerns follows.

1. NM NIGHT SKY PROTECTION

NM has a night sky protection program. Motion detected or other types of security lights from marijuana farms will be a night time visual nuisance to neighbors.

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## 2. CRIME

Marijuana farms will attract crime and trespassing from those trying to access free pot.

People that live on Arroyo Coyote Rd have had to deal with crime from a residence that was dealing drugs. A dead body was found on the premises. It took years to evict them. Now residents in the area will deal with crime from novice marijuana farmers and farms.

## 3. WATER

In a time of drought, 200 marijuana plants (6 acres) would require daily watering. Water tables are already low due to local residences and new housing developments tapping into ground water.

Many people in the San Marcos area are drilling dry wells after spending \$50k - \$60k drilling for water.

## 4. ROAD DAMAGE

Water trucks delivering water to service novice marijuana farms tear-up roads.

Local residents cannot afford to pay for road repairs caused by damage from constant commercial water truck deliveries which they do not benefit from.

In particular, Crazy Rabbit Rd, the access road to Red Raven Rd regularly floods during monsoon weather. The road turns into a pot-holed muddy swamp making it very difficult to navigate for people to get to work on time.

## 5. OVERSATURATED MARKET

It seems like marijuana dispensaries have sprung up on every street corner. Are these novice marijuana farms, with no quality control, needed when they are already "professionally" run suppliers practicing quality control?

## 6. NAIVE FARMERS

It seems that small local marijuana farms will fall into disrepair and become a longterm eyesore to local residents due to the naivety of unrealistic uneducated marijuana farmers. How will the county prevent that from happening?

It seems the county in itself is not prepared to approve novice marijuana farm permits because the county is ill-informed. They have not thought about the repercussions from lawsuits due to lack of quality control from novice farmers.

Quality Control testing and measurements are not in place for marijuana; a "mind altering drug". New marijuana farm permits should be put on hold until county and NM gov is better informed and testing reqs and quality control are in place. It seems that marijuana farming is better left to professionally run organizations; not uneducated small farmers with no quality control or education.

## 7. GROSS RECEIPTS TAX

If the county is approving novice marijuana farmers for a small profit why do they not control the industry in full by running the business professionally and with "quality control?"

There is plenty of land by the community college with infrastructure already in place. Students could be trained professionally on how to run professionally run commercial enterprises with quality control testing and regulations in place that would prevent small novice marijuana farms falling into disrepair.

NM would make more money by regulating marijuana farms with quality control. It would also help create more professional and non-professional jobs and protect public health.

## 8. LACK OF QUALITY CONTROL

How will the county do quality control checks for consistency on novice marijuana farmers? How will novice farmers prove they are producing consistent products? Could "unregulated" strong versions of marijuana cause death, brain damage and/or car accidents?

It seems the county has not thought through many issues that could endanger the public. I think the lack of regulations and quality control would subject the county to many law suits.

No permits should be given to novice marijuana farmers. There is no quality control or regs in place. That endangers people's lives due to lack of governmental oversight.

## 9. LACK of PROFESSIONAL EDUCATION

Novice farmers are not req'd to take "quality control" coursework or chemistry course? Why are there no educational requirements or regulations for novice marijuana farming?

Why is the county okaying novices to manufacture mind altering drugs without any formal education? Do novices understand the chemistry of manufacturing mind altering drugs?

How will the county test products for quality control of novice pot farmers? How will the county create reports for quality control?

Will this become another tax burden for taxpayers who have to pay for this oversight due to lack of gov't planning?

## 10. LAWSUITS

The lack of education and regulations for professionally run pot farms opens up lawsuits to the NM government. I am surprised these pop-up pot farms have not been thoroughly thought through by the NM Governor and County Commisioners.

Lawsuits due to lack of oversight, lack of regulations and lack of education will surely bring forth lawsuits that NM taxpayers will foot the bill for. This will reflect poorly on NM government and policy making.

## 11. PERMITS GIVEN TO NON-PROFESSIONALS

Why is the county even considering giving permits to uneducated novices when they themselves do not understand the implications?

What kind of mess will the county commisioners create by approving unregulated marijuana farming?

## 12. LICENSING

To become a Mental Health professional, a Pharmacist or a Doctor requires years of education and licensing because they deal with people's mental and physical health. Yet novice marijuana farmers are not reqd to have a formal education? Marijuana affects both physical and mental health yet years of education is not required by marijuana farmers? Why?

In closing, I will say I hope you take the permitting of novice marijuana farmers more seriously. Lack of marijuana farming regulations, quality control, and formal education by novice marijuana farmers will be a disaster to NM.

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The NM government needs to put permitting on hold and require stronger regulations and educational requirements of not only small marijuana farmers but also govt workers. Permits should not be given to novice marijuana farmers. A lack of oversight, regulations and professional education and licensing of these small farms will make NM a laughing stock and subject NM to lawsuits. Is that what you want?

Sincerely,  
Colleen McCann  
505.660.8148  
Property owner of  
33 Old San Marcos Trail





## LRA GROWERS

There are 10 different licenses. LRA Growers is the most limited and basic.

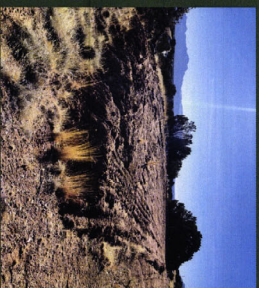
The State of New Mexico legalized adult recreational use marijuana on April 12, 2021.

Currently, adults 21 and older may grow up to 12 plants per household without a permit

New Mexico Cannabis Producer Microbusiness  
A cannabis producer at a single licensed premises that possesses no more than 200 total mature cannabis plants at any one time.



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**PROPOSED GROW AREA**  
65X65

**LOCATION**

The ± 10.22-acre subject property is located at 62 Southfork EX1 accessed via NM 14.

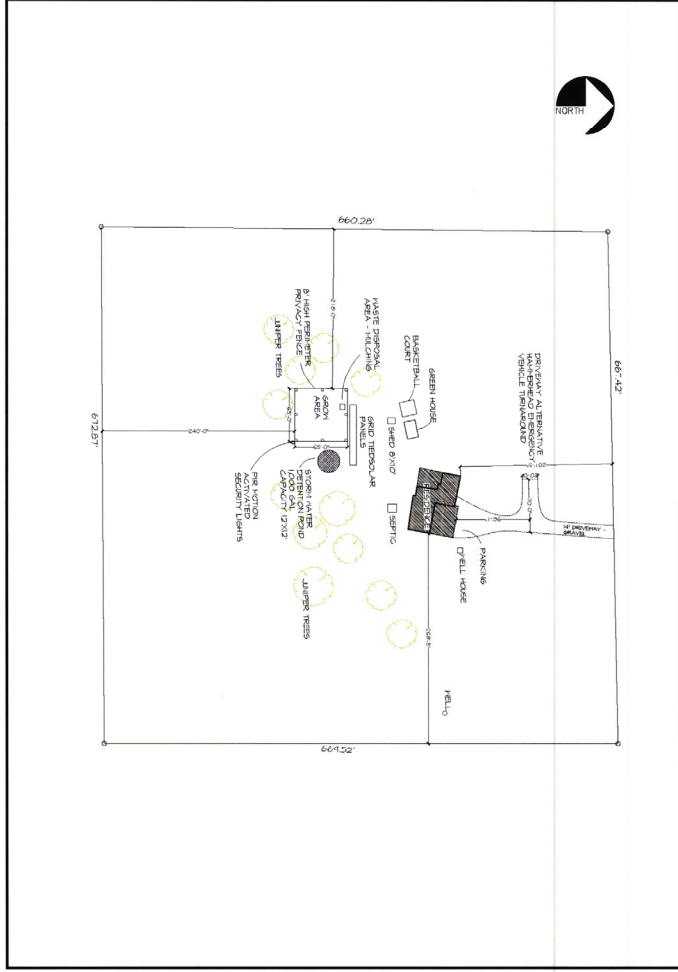
The outdoor grow will be centrally located within 10.22-acre property which allows the garden to be set back from the property lines in all four directions.

Over 1/10 mile from closest neighboring residence

**VISIBILITY**

The fenced grow area cannot be seen from any residence in any direction or from the road.

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622 SOUTH FORK  
SANTA FE, NM

DATE: \_\_\_\_\_  
SCALE: 1" = 400'  
SHEET TITLE: SITE PLAN  
DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_

10/1/2023



# SAN MARCOS OVERLAY DISTRICT

The site is zoned Rural Residential (RUR-R) within the San Marcos Community District Overlay.

A cannabis producer microbusiness is a Conditional Use within this zoning district. Commercial Greenhouses are prohibited within this zoning district.

Not within 500 ft of a "sensitive use area" such as a school, daycare facility, public park, or religious institution.

Not within 200 ft of another cannabis retailer or consumption area.

Over 1/10 mile from closest neighboring residence

9-14 SAN MARCOS COMMUNITY DISTRICT OVERLAY

Commercial Type	Function	Structure	Activity	SMDRR	SMDRR-F	SMDRR-R	SMDRR-C	SMDCN	Special Condition
Commercial with drive-through facility		2210		X	X	X	X		
Store or shop without drive-through facility (retail)		2210		X	X	X	X		
Store or shop without drive-through facility (technology)	2414			X	X	X	X		
Industrial - manufacturing and wholesale trade				X	X	X	X		
Food service and related products				X	X	X	X		
Consumer services	4100			X	X	X	X		
Automotive services and maintenance		4100		X	X	X	X		

9-15 SAN MARCOS COMMUNITY DISTRICT OVERLAY

Cannabis production

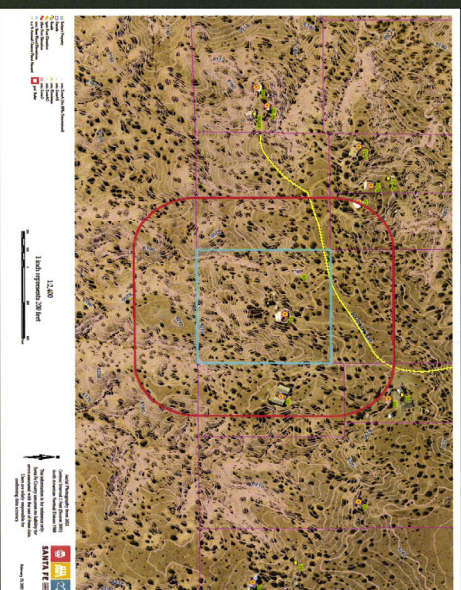
- **Commercial Greenhouse**
    - o Permitted use in Rural Fringe.
    - o Conditional Use in Commercial Neighborhood
  - **Outdoor Cannabis Production**
    - o Permitted use in Rural Fringe and Rural Residential
    - o Conditional Use in Commercial Neighborhood
- Selling Cannabis**- Cannabis retailers with drive-through facilities would be prohibited throughout San Marcos. Cannabis retailers without drive-through facilities would be permitted in the Commercial Neighborhood zoning district.
- Consuming Cannabis** - San Marcos would not allow any cannabis consumption area in this overlay district.

- **Research and development**
  - o P in Commercial Neighborhood
  - o X throughout
- **Food, Textiles, and Related Products**
  - o X throughout
- **Commercial**
  - o C in Commercial Neighborhood
- **Store or Shop with drive-through**
  - o P in Rural Fringe
- **Store or Shop without drive-through facility**
  - o P in Commercial Neighborhood
- **Bars**
  - o X throughout



# NEIGHBORING BUSINESSES

- Apogee Spirulina
- Spirulina Algae Farm
- Spirulicious Foods, LLC
- Anderson Ranch Arts Center & Ceramic Studio
- Etch Master: Glass Blowing, Etching Training & Workshops





#### USAGE

The onsite well will be for household use only. A Carlson SSM Meter was installed in June 2023 and is registered with Office of the State Engineer for monitoring. Meter readings will document that water from the well is not being used for the grow facility.

The PH levels in the domestic well water are too high and would kill the plants.

#### TRANSPORT

Water will be transported from the Santa Fe County Automated Bulk Water Dispensing Facility twice a week by pick up truck using a flat bed trailer and hauled in a 750 gallon tank.

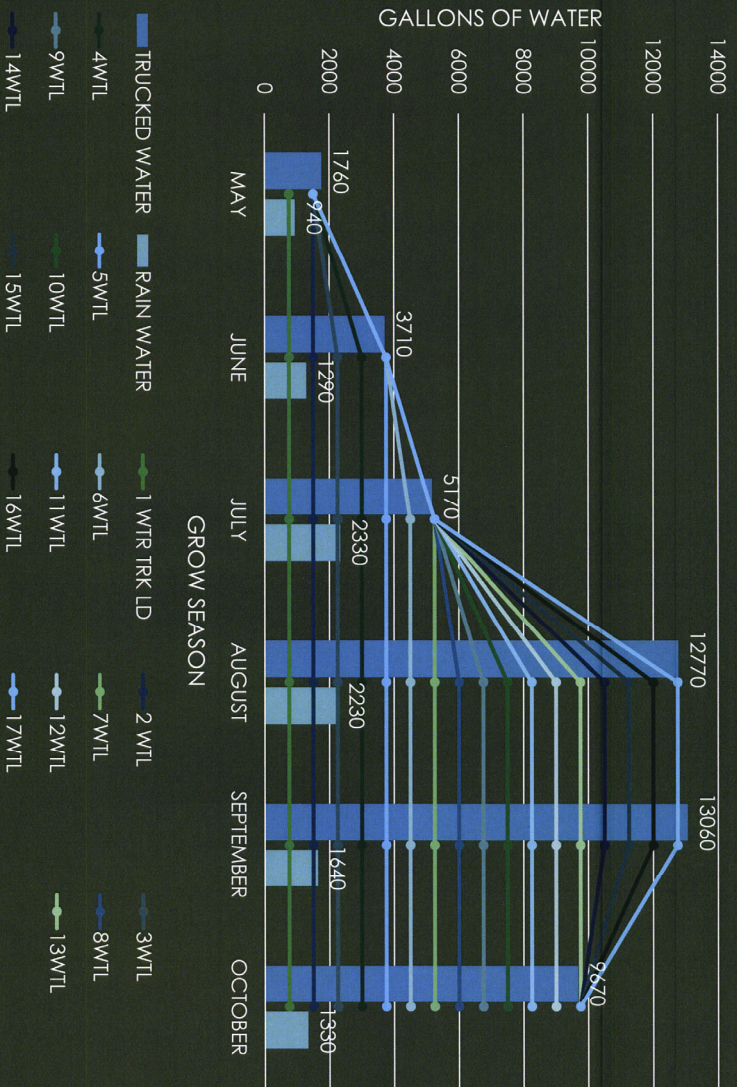
#### STORAGE

Water from the Santa Fe County Automated Bulk Water Dispensing Facility will be stored on site in a 1200 gallon cistern.

WATER



## WATERING PLAN



### CANNABIS WATERING FACTS

- There are 4 stages during the growing season with differing watering requirements:
  1. Germination / Seeding (4 Weeks)
  2. Vegetative (4-8 Weeks)
  3. Flowering (8-12 Weeks)
  4. Harvest (8-12 Weeks)
- Cannabis with a sophisticated drip system will require only 3.5 – 5 Gallons per day in the late stages. The Graph represents the highest amount!
- **Highest Amount Trucked 47,470 Gallons (as shown on graph)**
- **Lower End Trucked 32,640 Gallons**
- The highest # of Truckloads possible would equate to no more than 4 truck loads a week and this would not be a weekly event if at all. **(SEE VEHICLE IMPACT ANALYSIS)**



**ACCESS**

Driveway hammerhead allows for emergency access and emergency vehicle turnaround.

The grow area is not within or obstructing a platted access easement.

**IMPACT**

Neighboring businesses currently use this road for their employees and commercial activity on a daily basis.

LRA Growers, LLC's proposed grow area will not require new access points or additional construction.

**TRAFFIC**

There will not be additional traffic. The grow area is behind the residence. James Harris lives onsite and is the only employee. Hauling in water to the site will occur twice a week on his way home from work only during grow season. The impact on the local and regional roadways is unchanging.

**MAINTENANCE**

There is not a recorded road maintenance agreement.

**ROADS**



### VEHICLE IMPACT FACTS



As clearly stated in the Watering Plan, Mr. Harris will only be driving with his trailer between 2 to 6 times per month for the first 3 months (or between > 1 to 1.25 times per week for the first 12 weeks)

That will only increase to between 2.5 to 4 times per week for the last 12 weeks.

Since a trailer is considered unladen weight separate from the tow vehicle, we must consider the trailer as a separate or additional vehicle.

Therefore, an Empty trailer being pulled by a truck, would be equivalent to the truck being followed by a motorcycle.



+



A trailer with a full tank of water would be equivalent to 2 separate pickup trucks.



+



OR



+





LRA Growers, LLC will not process, test or distribute cannabis on site.

#### ODOR MITIGATION

##### Cannabusters

Cannabusters is backed by more than a decade of success across odorous industries and has been certified as safe by Section 21 of the United States Code of Federal Regulations.

##### SYSTEM

The system will consist of top-of-fence mounted misting with nozzles at 5' OC. It will be controlled by a Windmeter which will activate the downwind section of misting nozzles and reduce odor by eliminating, on contact, all odors blowing from the crop.

The systems injector will be set to different dosages rates in accordance with the crop growing stages (Odor Intensity) and will be turned ON/OFF based on the wind direction and the wind speed.

##### HOW IT WORKS

- Cannabusters oxidizes organic odor molecules upon contact.
- Cannabusters is Odorless! Odor molecules are eliminated on contact, resulting in **no** odor molecule and **no odor**.
- Cannabusters is silent

ODOR



## NATURAL LIGHT

This an outdoor grow area in which natural sunlight will be used

## EXTERIOR LIGHTING

The security lighting is designed to illuminate the grow area from dusk to dawn and includes motion sensors designed to stay off unless triggered. There will be eight outdoor security lights that will be fitted with shielding that directs light downward. The lights provide a security measure required by the State of New Mexico.

The outdoor lighting standards will be followed to enhance the safety of areas during evening hours, provide security, conserve energy, protect the night sky consistent with the Night Sky Protection Act

LIGHT



CRIME

Concerns are speculative. Public records including Family WatchDog and Santa Fe County Sheriff's HotSheets indicate crime is happening inside the community, within the neighborhood and between the residents. Not a result of outsiders or influenced by microgrows.

DATA

2 Registered Sex Offenders Against a Child: Distance from 62 Southtrak Ext .52 - 1.46

Cases in 2023

Assault and Battery

Homicide

Domestic Disturbance & Battery

Burglary of a Motor Vehicle

SOURCES

Familywatchdog.us

santafecountynm.gov/sheriff/sheriffs-hotsheets

SECURITY

LRA Growers owner James Harris has state of the art surveillance cameras that will monitor the area 24 hours a day 7 days a week to ensure the safe operation of the grow area. The owner lives on site and will have the ability to remotely access security features should the need arise.

CRIME &  
SECURITY



PROPERTY VALUES

There is no sufficient evidence to support the impact of Cambis or Microgroves on property values. According to Experian, a homes value is affected by local real estate trends, the housing market, the homes condition, age, location, neighborhood appeal and property size. Well priced homes that are not testing the market are moving at a healthy pace.

ADDITIONAL FACTORS AFFECTING PROPERTY VALUES

Interest Rates

Inventory

Construction

DATA

2022 Q4 Market Report

2023 Q1 Market Report

SOURCES:

Experian

New Mexico Association of Realtors

Sanita Fe Association of Realtors

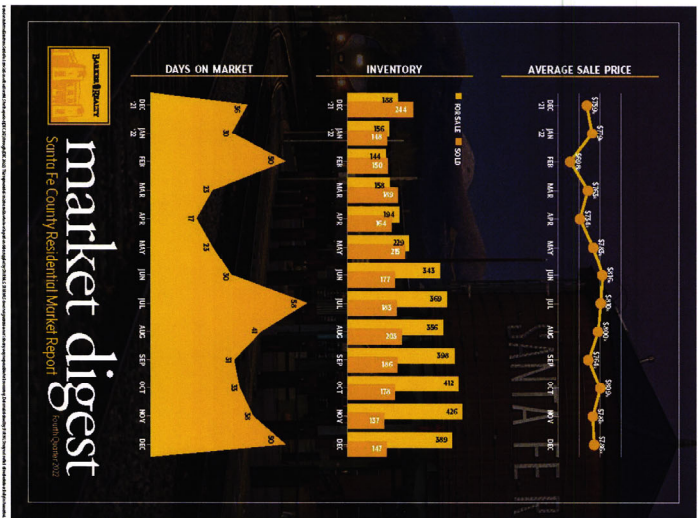
SanitaFeReEstate.com

Sanita Fe County Residential Market Reports

PROPERTY  
VALUES




SFC CLERK RECORDED 08/29/2023



Baker & Realty  
Barbes

SFC CLERK RECORDED 08/29/2023



**State of New Mexico**  
**Regulation & Licensing Department**  
**Cannabis Control Division**

NEW MEXICO  
REGULATION & LICENSING DEPARTMENT

HEREBY CERTIFIES THAT

**LRA Growers LLC**

HAVING GIVEN SATISFACTORY EVIDENCE OF THE LICENSING REQUIREMENTS  
PRESCRIBED BY LAW IS AUTHORIZED TO OPERATE IN THE STATE  
OF NEW MEXICO AS A

**Cannabis Producer Microbusiness**

License No. CCD-2023-0165      Issued 04/14/2023      Expires 04/13/2024

THIS LICENSE SHOULD BE CONSPICUOUSLY POSTED IN PLACE OF BUSINESS OR AS REQUIRED BY LAW



SFC CLERK RECORDED 08/29/2023

# Questions

**THIS IS TO CERTIFY THAT**  
**LRA Growers LLC**  
is licensed / registered by the New Mexico Regulation and Licensing Department  
in accordance with provisions of laws in the State of New Mexico

License / Registration No. CCD-2023-0165	License / Registration Type Cannabis Producer Microbusiness
Issue Date 04/14/2023	Expiration Date 04/13/2024

The bearer is prohibited by law from using this identification card to give the impression that they are in any way connected with a governmental agency

Signature of holder:

LRA Growers LLC  
62 Southfork Ext.,  
Santa Fe, NM, 87508

SFC CLERK RECORDED 08/29/2023

**State of New Mexico**  
**Regulation & Licensing Department**  
**Cannabis Control Division**



HEREBY CERTIFIES THAT  
**LRA Growers LLC**  
HAVING GIVEN SATISFACTORY EVIDENCE OF THE LICENSING REQUIREMENTS  
PRESCRIBED BY LAW IS GRANTED A LICENSE TO OPERATE IN THE STATE  
OF NEW MEXICO AS A  
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