

**MINUTES OF THE**  
**SANTA FE COUNTY**  
**PLANNING COMMISSION**

**Santa Fe, New Mexico**

**January 21, 2021**

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

In accordance with the Public Health Emergency Order issued by the State of New Mexico, this meeting was conducted on a platform for audio/video meetings.

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

**Members Present:**

Charlie Gonzales, Chair  
Frank Katz, Vice Chair  
J. J. Gonzales  
Leroy Lopez  
Susan Martin  
Rhea Serna

**Member(s) Absent:**

Steve Krenz

**Staff Present:**

Vicki Lucero, Building & Development Services Manager  
Gabriel Bustos, Case Manager  
Penny Ellis-Green, Land Use Administrator  
Paul Kavanaugh, Code Enforcement  
Jaome Blay, County Fire Department  
Estrella Martinez, Clerk's Office  
Roger Prucino, Assistant Attorney

**C. Introduction of New Planning Commission Member**

Chair Gonzales welcomed Rhea Serna to the Commission. She indicated she was happy to have the opportunity to serve.

SEC CLERK RECORDED 02/26/2021

**D. Election of Planning Commission Chair and Vice Chair**

Chair Gonzales nominated Frank Katz to the position of Chair and Member Martin seconded. Member Katz declined the nomination.

Member Katz nominated Charlie Gonzales and Member Martin seconded. There were no other nominations and Charlie Gonzales was named chair by acclamation.

Chair Gonzales nominated Frank Katz to serve as Vice Chair. Member Martin seconded. There were no other nominations and Frank Katz was named Vice Chair by acclamation.

**2. Approval of Agenda**

Member Katz moved to approve as published and Member Martin seconded. The motion passed by unanimous [6-0] roll call vote.

**3. Approval of Minutes: December 17, 2020**

Member J.J. Gonzales moved to approve as presented. Member Lopez seconded and the motion passed by unanimous [6-0] roll call vote.

**4. Consent Agenda Final Orders**

**A. Case #20-5090 Canoncito-Eldorado Waterline Project, Hondo II Booster Station & Water Tank Conditional Use Permit. Santa Fe County (Public Works Department/Projects Division Applicant), requested approval to construct a 12" water transmission line from the Rancho Viejo Tank Service Area to the Hondo II Fire Station. The water line (31,771 linear feet) will traverse through the Community College District, through Eldorado and the US 285 South Highway Corridor District Overlay, within the US 285 RPW and will terminate at the Hondo II Fire Station. The applicant also requested approval to install a Booster Station and Water Tank at the Hondo II Fire Station. The 720 square foot Booster Pump Station Building will be 14 feet in height and will be unmanned. The proposed Water Tank (1,885 square feet in area) will be constructed 23 feet in height and at full capacity will hold 340,000 gallons of water. The proposed Booster Station Water Tank and transmission line will ultimately feed distribution lines to serve the Canoncito at Apache Canyon Mutual Domestic Water Consumers and Sewage Works Association. The proposed development traverses T16N, R9E, Section 20, 21, 22, 23, 27, 34 & 35 and T15N, R9E, Section 2, SDA-1&2 (Commissioner Districts 4 & 5) Jose E. Larrañaga, Case Manager (Approved 6-0)**

Member Katz moved to approve the consent agenda as presented. Member Lopez seconded and the motion passed by unanimous [6-0] roll call vote.

5. **New Business**

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

GABRIEL BUSTOS (Case Manager): On November 12, 2020, Case # 20-5070 Las Campanas Master Association Conceptual Plan Amendment and Height Variance was presented before the Santa Fe County Hearing officer. Ten members from the public spoke in support of the application and testified that cell phone service in this area of Santa Fe County is inadequate. A majority of the members of the public who testified at the hearing expressed their concern for the health and safety of residents due to not being able to connect with first responders in the case of an emergency. Other concerns were, due to the existing quality of cell phone service, it creates inefficiencies in being able to work from home. No members of the public spoke in opposition of the proposal. Staff has also received over 400 letters of support from community in regards to this development and five letters being in opposition.

On April 14, 1992, the Board of County Commissioners approved the Las Campanas De Santa Fe Master Development Plan. This approval allowed for large scaled mixed use development which included a total of 1,419 residential lots, two golf courses, two golf course maintenance facilities, a clubhouse with dining facilities, a tennis center, an equestrian center, a sales office, a hospitality house and a waste water treatment facility.

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

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

SLDC, Section 8.10.10.3. Expansion of existing PDs states, "An expansion of an existing PD is a request for any enlargement, greater density or intensity of non-residential uses, relocation, decrease in a project's size or density, or modification of any condition of a previously approved and currently valid PD."

The Applicant has addressed conceptual plan criteria and staff has commented on the Applicant's response. The Applicant is requesting a variance of SLDC Section 10.17.8.1 of the SLDC to allow a stealth communications tower to be 70 feet in height. Section 10.17.8 states the overall height of a proposed stealth wireless communication facility shall be limited to that which is allowed within the zoning district in which the facility is to be located, and which is consistent with the surrounding community.

The Applicant has addressed the variance criteria. Staff has commented on the Applicant's response.

Building and Development staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conceptual Plan amendment to allow a stealth communications tower as an allowed use on Parcel 5 within the Las Campanas Planned Development District. The proposed use is a Permitted Use within a Planned Development District as per Appendix B: Use Matrix; and the Application satisfies the submittal requirements set forth in the SLDC inclusive of Criteria set forth in Section 4.9.9.

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

On November 12, 2020, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the amendment of the Las Campanas Conceptual Plan and approval of a height variance for the proposed Stealth Wireless Communications Facility subject to the following conditions. May I enter the following conditions into the record?

Conditions:

1. A separate application for a Development Permit/ Site Development Plan for the stealth facility must be submitted and can be reviewed and approved administratively. Residential lots are restricted to stealth WCF only. Nonresidential and utility related lots may have non stealth WCFs and shall be reviewed as a CUP.
2. The Conceptual Plan showing the uses allowed, restrictions as to the location of stealth facility, site layout and conditions of approval shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.9.9.
3. The proposed communications facility (and its associated infrastructure) shall comply with all criteria set forth in the SLDC prior to approvals of the development.
4. The applicant shall transfer the appropriate amount of development rights to get to the 48' height limitation allowed.
5. The variance shall apply only to the proposed stealth facility

MR. BUSTOS: Staff recommendations is approval of an amendment to the Conceptual Plan to allow the proposed stealth communications tower as a Permitted Use within the Las Campanas Planned Development District to be located on Lot 5 which comprises 7.62 acres, subject to the following conditions. And Mr. Chair, if I could enter the following conditions into the record?

CHAIR GONZALES: Yes.

Conditions:

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

MR. BUSTOS: Staff recommends denial of the request for a variance of Section 10.17.8.1 of the SLDC to allow the Stealth Communications Tower to be 70 foot in height. The maximum height allowed in a PD is 27 feet or 48 feet with the Transfer of Development Rights. If the decision of the Santa Fe County Planning Commission is to recommend approval of the variance request, staff recommends the following conditions be imposed. Mr. Chair, if the following conditions could be entered into the record.

CHAIR GONZALES: Yes, you may.

Conditions:

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

MR. BUSTOS: This report and the exhibits listed below are hereby submitted as part of the hearing record. The Santa Fe County Board of County Commissioners will be holding a public hearing on this matter potentially on February 9, 2021.

CHAIR GONZALES: Thank you, Gabe. Does the Commission have any questions of staff?

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

CHAIR GONZALES: Rhea, please.

MEMBER SERNA: I was wondering are there any other examples of stealth wireless communication towers that are 70 feet in height in the unincorporated Santa Fe County?

MR. BUSTOS: Mr. Chair, Commission member Serna, no, this would be the first of its kind.

MS. LUCERO: Mr. Chair, if I could just add to that. There are some cell towers in the 599 area that are stealth towers that are disguised as pine trees. But I don't think any of them are as tall as 70 feet.

CHAIR GONZALES: Thank you, Vicki. Mr. Katz, please

MEMBER KATZ: My question is whether other alternatives to the stealth tower were looked at?

MR. BUSTOS: Mr. Chair, Commission member Katz, there were other options that were looked at. However, one facility at this proposed height would kind of eliminate the need for other smaller sites. So that's why the applicant is choosing to go this route.

MEMBER KATZ: What were the others and can we have some information on them. There is a rule about height and if that could avoid it with other options, we should know about it.

MS. LUCERO: Mr. Chair, Commission member Katz, perhaps the applicant can discuss the options that they looked into. Staff, generally, in this kind of request staff would look at multiple towers that are smaller in height so maybe two 36-foot towers instead. And I don't know if the applicant did look at that option as well. Perhaps, we can have the applicant address that question.

ROBERT KIELY: Yes, my name is Robert Kiely and I would be happy to --

CHAIR GONZALES: Hold on, Mr. Kiely. Does the Commission have any more question or statements? Okay, Mr. Kiely, please proceed with your presentation.

MR. KIELY: Okay, thank you very much. My name is Robert Kiely and I am the Chair of Las Campanas cellular committee and it's a joint committee between the Las Campanas owners association which is about 950 households or 1,900 people in the Las Campanas area as well as the Club at Las Campanas which is about 900 memberships or roughly 1,600 people. And also, who will be joining us right after I speak will be Amy MacKenzie of Black and Veatch who represents Verizon Wireless because this is a joint application. I'll give you some background and I think I can talk about some of those issues that were just brought up and then Amy will get into the specific details about the application.

I've been an owner at Las Campanas for 27 years and I've lived here six years after I retired from a 32-year career in international telecommunications management. And the first thing you notice when you come to Las Campanas area is that the cell service is so terrible. Drop calls, dead spots, can't get very good -- in many, many places you get zero signal. So when I heard there was a committee being formed to address this issue several years ago, I had volunteered to be on the committee and was selected to be chairman.

Before we ran out to telecom companies to build a tower, we decided the best thing to do is to survey your owners and club members as well as the neighboring communities to really get an idea of what's important. So we sent out a survey and had 401 responses from Las Campanas owners and members and 158 from other communities and we found out basic information like 69 percent of the owners use Verizon and 22 percent use AT&T and a smattering of other ones like T-mobile. We found that the vast majority of people experienced drop-calls and no service. We also

found out that there are issues like convenience and working at home. But the major issues that people have are safety and security. In other words, they need to call an EMT. They need to call 911. They need to call their doctor and they simply can't get through and it's a dangerous situation.

We also found out that a super-majority of the people here are in favor of a tower. So, with that mandate in hand we went out to talk to the various cellular carriers. And, frankly, it wasn't an easy thing at first to convince them to build a tower out here because we had some requirements that we wanted for a cell tower. First of all, it had to be a stealth design so it fit in with the architecture with Las Campanas which is the southwest architecture. It had to be a bell tower –

MEMBER J.J. GONZALES: Question, Mr. Chair.

CHAIR GONZALES: Is there a question?

MR. KIELY: I'm sorry I thought I heard question. It had to be a bell tower because Las Campanas is the Spanish word for bell and that makes a lot of sense. We wanted to have a minimal height so as to least impact on sight lines because one of the reasons people buy homes in this area is because of the beautiful views of Jemez mountains and to the east the Sangre de Cristos. We also wanted to have it the minimum height to provide adequate service. And, finally we wanted to have it talk enough to have two carriers on it. That was not only what we wanted to cover both AT&T and Verizon but also that was the County recommendation. I believe it was Jose Larrañaga that recommended we have two carriers on it.

The question was asked that, did we look at other possibilities: yes, we did. We looked at the possibility of having shorter towers that were disguised. We talked to people who did a similar operation over at Desert Mountain in the Scottsdale area and it was a very, very expensive endeavor. And, in fact, the person who led that effort from AT&T was removed from the position and they elected to never, ever do that sort of project again. You have to put in a lot of different power. You have to run a lot of fiber optic cable. You have to plow-up streets and plow-up driveways. It's kind of ugly. The other thing we did was to look at other locations around Las Campanas but we found out that the other locations are more in the residential part of Las Campanas and they affected a dramatically higher number of sight lines than choosing the location that we did.

If you don't mind – so after we talked to various carriers, we decided upon Verizon because they have a great design team and they came up with a very inspired type of an architecture and I guarantee you, if this is built, it will be the most beautiful cell tower in all of northern New Mexico. Those trees over along 599 look horrible. They look like a cat that stepped on an electric pad or something. So we don't want that. We want a beautiful looking tower.

The site that we chose is in the far west area of Las Campanas adjacent to the existing Las Campanas administration building and next to that is the maintenance facility with a bunch of trucks and backhoes and piles of dirt and that kind of thing. And we chose that location for a couple of reasons. It already has power, so we don't have to plow in power. It already has fiber optic cable so we don't have to plow in fiber optic cable. There's a security system there. There's parking there so we wouldn't have to put in additional parking and mess up the land. So it really is the right place and the design matches the existing building and Amy will show you that later.

I don't know if you've had a chance to go to the particular location and I know the sight lines are important to everybody – to the Planning Commission as well as the owners. But if you go to that location, to the west is BLM land, beyond that is National Forest land and along that corridor is the Camino Real de Tierra Adentro Trail which is a beautiful hiking trail that the federal government in conjunction with the County put in several years ago. I like that trail a lot. The cell service there is miserable. To the south only 400 yards away is that big Buckman water treatment plant by Caja del Rio and Las Campanas Drive. It has a 10 million gallon water tank there which is huge and I hear there are plans to build another one. And this tower, if you give us the approval, will still be lower than that water tank which is only 400 yards away. So if you're looking at affect on the horizon, the water tank has a much more affect on the horizon than this planned tower that we have. To the north of the tower is Las Campanas Water & Sewer Treatment Plant with a big sewage plant. Next to that is the agronomy building where they do agronomy for the Club at Las Campanas and next to that is a dog park. And then to the east is undeveloped land. So the one thing that you don't see when you're standing at the tower location is any homes. The nearest home, I looked on Google maps and did the distance, and it looks like it's just about 900 yards away, the nearest home and that's about half a mile. So if we would have put a much of smaller towers around it would have affected a lot – dozens and dozens of sight lines. This will affect a very, very small number of sight lines from where it is.

So this is really the best location. So as was mentioned by Mr. Bustos, this design, the Las Campanas conceptual plan was done in the late '80s/early '90s, and I think it was approved in 1992 and that's when cellular was just in its infancy. I was actually working in high-tech telecommunications technology at that time and I did not have a cell phone and believe me, I was an early adopter of about everything. The Apple iPhone wasn't even adopted until 2007. So there's an old conceptual plan. It certainly does not meet the needs of today's environment. We're asking that you make two changes to this 29 year-old plan to allow an adequate cell tower.

So as far as what has transpired after we talked to Verizon, we got a contract with Verizon Wireless and it was a very good process. They're great people. We had a neighborhood pre-application meeting on July 14<sup>th</sup>. There were 114 attendees. We heard zero complaints – well, pardon me. We heard one complaint. Everything was positive and there was one complaint. The complaint was, why can't we do this fast, why can't we get the tower faster. So it was a very positive environment and we submitted that with our application at the end of July.

Following the application, the County came back and said, Okay, we will allow a use to change the conceptual plan to put in a cell tower but they said it would be restricted to 27 feet in height which is fully inadequate for a cell tower. And Amy will talk a little bit more about the reasons behind that in a couple of minutes. It essentially would kill the project, a 27-foot cell tower or even a 48-foot cell tower. I doubt if any carrier is going to invest a lot of money on building a tower that will not provide adequate coverage.

We did go to the Hearing Officer on November 12<sup>th</sup>. I just want to bring your attention to what the Hearing Officer said because the County's interpretation of this – staff's might be a little bit different than mine. [Background noise interference] – in Exhibit 7, the Hearing Officer states that, the uncontroverted evidence submitted in the



public hearing establishes that compliance with the existing height limitation of 27 feet will not provide materially improved service and the 70-foot height request is necessary to provide adequate service in the vicinity of Las Campanas. That's the Hearing Officer. And he goes on to finish, that's Mr. Virtue, In conclusion, the Applicant meets the requirements of the SLDC applicable to amendment of the Las Campanas conceptual plan and should be approved. The variance application meets the requirements of the SLDC applicable to approval of a height variance for the proposed wireless communication facility should be approved.

We asked for 70 feet and the Hearing Officer said 70 feet, but at the very end he put a wherefore, the Hearing Officer recommends that the application be approved subject to the condition recommended by County staff. So County staff, after the Hearing Officer said 70 feet, they took it upon themselves to say, Oh, well our condition will be 48 feet. And to me, that just doesn't make any sense as a telecom professional. Having a 48-foot tower is just not the right thing to do.

I just want to point out too, as was mentioned by Mr. Bustos, there have been over 400 letters of support for this tower by owners, by club members, by adjacent communities, even some people who just visit Santa Fe sent in letters and there were five against. So the letters if you read them and they're all in the attachments, if you read the letters they talk about convenience, they talk about work at home, they talk about Covid-related situations but the main issues that people brought up are safety and security. When people want to communicate with EMT or 911 or their doctor they need to be able to communicate. Santa Fe County average median age according to what I just checked this afternoon with the Census Bureau was about 47 years. The median age in Las Campanas is 68 years. So obviously the people here in Las Campanas and the surrounding communities are similar, we need to be able to communicate with emergency services. And, let me just briefly read excerpts from a couple of letters here and these are all in County record as one of the 400 letters. On September 14<sup>th</sup> of this year – which is last year now – my wife, her two sisters and I were on a walk near our house in Las Campanas. One of the sisters, aged 76, fell. We could not get her up. She needed emergency help immediately. My cell phone would not get a signal. I had no choice but to run, well walk due to bad knees, back to the house to use a land line for the emergency call. So this is the kind of thing that happens. Here is another one, a gentleman who is 82 years old and is a resident: I'm an 82 year-old with a pacemaker. I need contact with medical personnel and equipment but my cell phone won't work inside. If I have to go out in the cold where the phone works; why? Please, please approve the Las Campanas 70-foot tower and save me from the outside misery and possible sickness.

Now it's 2021, we're in the capital of New Mexico and people can't get emergency services because we're messing around with a distance of height between 48 or 70 feet. To me, that is just unacceptable. We need to think about what we want to do here. If we really want to serve the people of Las Camapanas and Santa Fe County.

So as you know, and this is getting close to the end of my talk, a variance can be based upon about three different grounds. One, where the request is not contrary to public interest. Well, clearly this is opposite of that. This is in the public interest and so that is one reason why the variance should be granted. Where strict application of code would cause undue hardship. The strict application of code says 27 feet or 48 feet with development rights and that would cause undue hardship because of the code for people

like this that are 82 years old and can't get phone service to call their medical provider. And, finally, is substantial justice done in order to have this variance. Well, let's face it, yes. It's the right thing to do. It's the just thing to do and I would respectfully request that the County Planning Commission approve the variance of 70 feet as well as change the conceptual plan to allow a cell tower.

I don't know the exact procedure here. I would be happy to pass it on to Amy to talk about details or if you have any questions or comments I'd be happy to answer them. And I also want to thank the Planning Commission for listening to us today and also to the numerous people from Las Campanas and surrounding communities who are on this call. I'm hoping you'll stay on and take a few minutes to voice your opinion.

CHAIR GONZALES: Thank you, Mr. Kiely.

[At this point, Robert Kiely of 10 Blue Sky Circle, Santa Fe, was duly sworn and affirmed that he was under oath and his previous testimony was the truth.]

CHAIR GONZALES: Thank you, Mr. Kiely. You said you had another person that was going to speak from Verizon.

MR. KIELY: Yes, Amy MacKenzie will be speaking next, please.

[Duly sworn, Amy MacKenzie, testified as follows:]

AMY MACKENZIE: I don't have a whole bunch more to add from what Robert said other than the fact that we've been working with Las Campanas and the County for well over a year now and we've taken into consideration both the needs of Verizon and the needs of Santa Fe County's citizens. This is quite an expensive project to do and we take that into consideration when we do sitings. And the thought of having lots of little short towers to make this coverage work is impractical largely because of two things: the expense and also the topography. As you know, in that particular area of the County it's very hilly. It's very up and down. And just because you might have a good line of sight at one location doesn't mean you're going to have good line of sight for everybody. So when we looked at siting the proposed stealth tower we knew going in that we needed to make it really nice looking and we did. We made it a Santa Fe architectural design so it very much melded into the existing architectural design of the community's building. We also kept it away from the line of sight of residents as Robert talked about. And we only made it tall enough to be effective. It is taller than the 27 feet that's prescribed in the SLDC but there's a couple of things that we have to take into consideration when we do a siting. We need to do the maximum coverage that we can and we also needed, per the ordinance, to make it co-locatable. So 27 feet wasn't going to provide any kind of wireless improvement other than to the folks that are basically at that building. When we took it up to 48 feet there was improvement but only at about 50 percent and it would not allow another co-locator because they would then be at like 38 feet or something and they are not going to cover that line of sight so it is essentially a one carrier tower again working at maybe 50 percent. So when you go to 70 feet then you have more than adequate coverage, much improved coverage for Las Campanas, for the roads around there, for the Buckman water treatment. You get the coverage that is needed especially for emergency management. And it's co-locatable so a second provider like AT&T or T-Mobile would be able to co-locate below Verizon and provide adequate service for them as well. You have to take in lots of different components when you are siting a tower, so we did and we looked at that and we also have a very restrictive area because it is mostly residential and so we're just very lucky that this particular area

is in a PDD that we can actually put something. The 90 or more percent of Las Campanas is residential so we don't have the luxury of lots of space. So that's how we got from here to there and I hope that answers Mr. Katz and Ms. Serna's questions.

I would be happy to – and I don't know, Gabe, if they have already seen photos. I am happy to show the design if that helps. Yes?

CHAIR GONZALES: Please.

MS. MACKENZIE: Okay, let me attempt to share. I believe you can see that.

This is the looking I guess north from the community building, the Las Campanas building. As you can see, we have kept the Santa Fe architecture and design. At the top windows would be where Verizon is and below in that middle section, would be a spot open for a second carrier and, again, we took into consideration what it does look like but we also have to make sure it works. And I think that the marriage of those two have come into a really nice design.

I'm happy to show another picture of different vantage point of what you would see if that would help.

CHAIR GONZALES: Yes, please do.

MS. MACKENZIE: Okay, give me one second. This is the north elevation looking south as it is presently which shows that there is nothing there right now. The second view is what you would see looking south and that's what it would look like at 70 feet. The next elevation is looking west again. There's the Las Campanas homeowners association building as it is currently. And this is what it would look like with the tower at 70 feet. And then there's one more – this is looking northwest and everything is beige but you can see the Las Campanas building right here and this is the view that you would see looking northwest. Does anybody need to see anything again?

CHAIR GONZALES: I think we're fine. Is that the end of your presentation?

MS. MACKENZIE: Unless there's any questions. I stand for any questions you might have.

CHAIR GONZALES: Okay, does the Commission have any questions?

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: Yes, J.J., please go ahead.

MEMBER J.J. GONZALES: Yes, I had a question about the TDRs that get the height from 27 feet to 48 feet; where do those TDRs come from? I have never heard of a TDR for a height variance. Maybe Mr. Bustos or Vicki can answer that question.

MS. LUCERO: Mr. Chair, Commission member Gonzales, a TDR is a transfer of development rights. So if a person chooses to leave a portion of their property as open space for various reason for maybe a flood plain or its got steep terrain, they can reserve that as open space and can basically sell or transfer the development right for somebody else to use. So in this case, in a planned development district, it does allow you to get additional height if you purchase a transfer of development right. So that's what staff's condition or recommendation was that in order to get to the 48 feet they would need to submit transfer of development rights in order to get up to that 48 feet. So that's what we are recommending if the Planning Commission does recommend approval

of the variance or does approve the variance then they'll comply with that section of the code that would get them to the 48 feet.

MEMBER J.J. GONZALES: The only question that I have, Vicki, is the transfer of development rights that I'm familiar with is for building a second home on a one-acre lot or to increase the density for housing. I never knew a TDR would increase the height of anything. That is not my understanding of TDRs and I don't know where that came from. I must have not been aware of that part of the TDR program.

MS. LUCERO: Well, Mr. Chair, Commission member Gonzales, TDRs can be used for a lot of different things. Density as you mentioned is correct. It can be used for density to increase the density. It can be used to increase the height of a structure. It can be used, based on Chapter 8 of our SLDC on the zoning rule designations; there are several different regulations or standards that can be changed with the purchase of TDRs or with the transfer of development rights. It doesn't apply just to density.

MEMBER J.J. GONZALES: I've never heard of that in the past because we've always denied height variances when people want to go to 29 feet or 30 feet they never were given the opportunity to purchase a TDR. We've had several cases where people exceeded the limit and we denied those cases. That is something new to me. But that explains it and if that is allowed and you're the person that knows more than I do, I will go along with that. I would say 48 feet would be very reasonable as the staff recommended.

MS. LUCERO: Mr. Chair, if I may to what Commission member Gonzales is stating. Commission member Gonzales, the TDRs you're only to deviate from the regulations in certain zoning districts. This property is in a Planned Development District and they are able to increase the height based on TDRs but there are other zoning districts where you cannot use TDRs to increase height or lot coverage or density and that sort of thing.

MEMBER J.J. GONZALES: Thank you very much for educating me on TDRs. And I had another question on the stealth tower that was looking like a bell tower. I looked at it and that is up to 70 feet and that is like a seven-story building. The pictures you showed show that it is not so intrusive to the community but still it's 70-feet tall and looks like a pretty massive footprint for what you have. And you mentioned that 48 feet, in the note that I read, 48 feet was adequate for Verizon. For one carrier 48 feet was adequate but you want to co-locate somebody else there.

MS. MACKENZIE: No, it's not adequate. I'm sorry, can I answer the question?

CHAIR GONZALES: Yes, please do.

MS. MACKENZIE: This is Amy again. It's not adequate and it's definitely not doable for any second carrier. I am not certain that if Verizon is only approved at 48 feet, whether or not they would make that investment because we're talking about hundreds of thousands of dollars on a tower that is not going to serve the community that it was designed for. We're talking about less than 50 percent of the coverage that we would need to provide and I can't be certain that my client would agree to do that because they're not going to get the performance that they need. It's not going to do the intended improvement that a wireless tower is designed to do.

CHAIR GONZALES: Thank you. J.J., anything else?

MEMBER J.J. GONZALES: No, thank you.

CHAIR GONZALES: Amy, I have a question. Have you built any of those towers anywhere else in Santa Fe County or in New Mexico at 70 feet?

MS. MACKENZIE: I'm sure we have. We have – I live in Albuquerque Bernalillo County and we have several of the stealth designs down here in Bernalillo County.

CHAIR GONZALES: At 70 feet?

MS. MACKENZIE: Yes.

CHAIR GONZALES: Okay. All right, does anyone else on the Commission have any questions?

MS. MACKENZIE: You guys keep talking and I'll Google one.

CHAIR GONZALES: Frank has a couple of questions.

MEMBER KATZ: Yes, my question is that I understand that to do the smaller cell towers that have shorter range they do have to be connected to fiber optic; is there fiber optic in other places at Las Campanas, like at the club or any other buildings in the Las Campanas area?

MR. KIELY: The answer is, yes, there is fiber optics in certain locations. However, the club because of where the club is located it is totally surrounded by homes. And there's zero interest in even building a shorter tower in that location. I do have about a 25-foot bell tower there that is decorative right now and they absolutely will not build anything else there. And there's really not any space anyway. It's all residential and it would have to come down the golf course or something like that and there's no appetite for that whatsoever.

MEMBER KATZ: Could a tower be put in that bell tower?

MR. KIELY: No, no, it's very decorative. We physically went in to that tower and looked at it and there's absolutely no way it would support these antennae and you'd have to run things out there. The power out there is just not sufficient. It just wouldn't work in that location.

MEMBER KATZ: How can the power not be sufficient when it's enough to do a whole club?

MR. KIELY: Well, it's one thing moving a light bulb and it's another thing moving a whole lot of up and down converters and antennas and things like that. You'd have to have backup generators and no one wants to have a backup generator that goes off next to a residential building. It's really a question of doing the 70-foot tower or not building the tower at all. It's really not a question of wanting an alternate. We looked into. I looked into with AT&T. I looked into with Verizon and looked into with a consultant and I know a lot about it myself and it's just not feasible unfortunately.

MEMBER KATZ: Thank you.

CHAIR GONZALES: Any other questions from the Commission? Okay, I'm going to open this up to the public hearing. I'll give each person two-minutes to speak. And when you get on please state your name and get sworn in. You'll get two minutes and try not to repeat yourself.

[Duly sworn, Robert Busch, testified as follows:]

ROBERT BUSCH: My name is Robert Busch. I have a masters degree in electrical engineering and systems communications. I am also the chairman of the board of the Renewable Energy Transmission Authority in New Mexico. To make this brief, I

would just remind the members of the Commission as they consider this: land lines are gone. They are obsolete. If you talk to anyone under the age of 40 they don't even have land lines anymore. Which means that trying to communicate with people without adequate cell service is virtually impossible.

We've talked about some of the emergencies service issue and I'll give you one simple example. Last week, a good friend got approved for Covid vaccines. As you may know, that means they send you a code which you then input and it allows you to get a reservation. She got that wireless message six days late and as a consequence could not get a Covid vaccine appointment. This is a problem that has to be fixed. This is not longer a nice to do. This is a must do and we would appreciate your support to give us the capability of having cell service that works. Thank you very much.

CHAIR GONZALES: Thank you, Mr. Busch.

[Duly sworn, Jan Watson, testified as follows:]

JAN WATSON: This is Jan Watson and I'd like to speak. I have lived out here for many years now. I've had neighbors who have moved away because the only way that they could get a text message was to leave the community entirety.

I have a 90 year-old mother that I am responsible for and I most of the time, I can't communicate because I have no coverage. On a good day I have one bar for many 75 percent of the day. The rest of the day I have no signal at all. This has got to be fixed. It is just insane that in this day and age that we have these kinds of problems when the development was done over 30 years ago and cell phone coverage was not an issue.

Please, please let us fix this problem.

CHAIR GONZALES: Thank you. Who would like to speak next?

ELIZABETH MAINES: I'd like to speak next, if I might. I've had my hand up for awhile – I don't know if you've seen me.

[Duly sworn Elizabeth Maines, testified as follows:]

DR. MAINES: And my name is Doctor Maines and I work at Los Alamos National Laboratory in occupational medicine. I live in Las Campanas and I am on call very frequently for my job and have an on-call cell phone and it has been ridiculous in terms of getting any cell service in terms of where I live and to be able to respond to emergency situations.

In addition, I want to say that it is not just Las Campanas. If you drive out and you look where the cell tower is, there is a shooting range nearby in which bullets have actually come on Las Campanas property, the BLM land is there and also recreate at Black Mesa. You cannot get cell service out there. If there's an accident or someone gets hurt there is no way they can call 911 out there.

So it's not just a Las Campanas issue. It's an issue within our area in which people need to be able to access emergency services and I support the cell tower. If you drive out there and you look at where it's going to be placed you'll see some really ugly electrical lines that are huge right behind it that are not attractive at all and take away from the views as well. I think the cell tower would probably even be better looking than the high wires and electrical lines that are out there right now.

CHAIR GONZALES: Okay. Mr. Chambers, would you want to speak next?

[Duly sworn, Charles Chambers, testified as follows:]

CHARLES CHAMBERS: My name is Charles Chambers and I live on Sundance Circle in Santa Fe, 87506. I'm one of the people who had a medical emergency last July. While I was doing my walk I had a medical emergency that caused me to lose consciousness and fall on the pavement. Fortunately, another neighbor who happened to be walking by fairly soon after that was able to keep the cars from running over me. But it was difficult to get in touch with my wife for her to call 911 and come get me and it probably took an extra 30 minutes because of that. Fortunately, we got things taken care of. I had a carotid artery stent put in and recovered from that. I also had another medical emergency at home and I've been transported twice in the last six months. The cell phone service is so bad here it can't be depended on.

And that's all I have to say. Thank you.

CHAIR GONZALES: Thank you, Mr. Chambers.

[Duly sworn, Sue Kirkpatrick, testified as follows:]

SUE KIRKPATRICK: I'll say something. I'm Sue Kirkpatrick. I've lived in Las Campanas for about four year, between four and five years now and I live in an area of Las Campanas that is probably of the homes closest to the cell tower although I wouldn't be able to see it from my house. But people in the area who I know probably would be able to see it. They don't care if it's there. They want it there. They want the cell phone service.

In line with what some of the other people were saying about emergency, a couple of years ago my husband had a bike accident and fell along the trail. That was actually quite near the clubhouse and he probably tried to call me about six or seven times and he finally – and he was leaving voice mails each time and I got those the next day. Thankfully, a walker came along the trail and found him and was able to call for medical help. And it's ridiculous. It's right in the main part of Las Campanas. It wasn't like he was off in the wilderness and he couldn't get through.

If we want to call out, we lose our cable quite a bit and when we lose our cable we lose our network extender on our phone which really doesn't go outside of our third of an acre lot. And if we need to get through even to call Comcast to come and fix the cable or get the cable fixed we have to drive half a mile, mile, up to the main entrance of the estate, the mailbox area, to get connection. And, again, I'll just support what other people have said, that in this day and age in 2021 that's just not acceptable.

I support everything everyone else is saying in relation to why we need a 70-foot cell tower.

CHAIR GONZALES: Thank you. Who is next?

SCOTT HOLTZ: Mr. Chair, I'd like to make a comment. This is Scott Holtz.

[Duly sworn, Scott Holtz, testified as follows:]

MR. HOLTZ: I'd like to take a slightly different perspective on the comments that others have made. Like Mr. Chambers, we live five miles, almost perfectly five miles, where the tower will be located to the north east. So I want to point out to the Commission that is 30 homes down here and many of the homes are down in the valley because as was pointed out earlier the topography out here is very hilly. So we have absolutely dismal service over here including Verizon and from AT&T. But the thing I wanted to point and then I'll be quiet after this, is that the Commission should bear in mind this is not only going to benefit Las Campanas. But it clearly going to

benefit all of those to the east and some to the south because a 70-foot tower will probably give about 10 miles of, if you will, radio visibility to the radio signal from that tower which means that in our subdivision here of 30 homes, which is Sundance Estates, as well as Tano Road further to the east and Ridgetop even further to the east, will have benefit of this tower signal. And bear in mind, those are the only subdivisions to the east. We also have Questa del Sol, Aldea and even Agua Fria to our south.

So there will be a lot of people that get benefit from this tower. We've already talked about the safety implications of having service in here and also by making the tower 70-feet high we'll be co-locatable as Ms. MacKenzie pointed out which means we can have two carriers on it which further extends the utility of the tower. So it seems to me that many residents of the County will be benefitted by this and there's absolutely no reason why the County should turn this down. That makes absolutely no sense.

CHAIR GONZALES: Thank you, Mr. Holtz. Mr. Antonez, please get sworn in.

[Duly sworn, Al Antonez, 8 Avenida Herrera, testified as follows:]

AL ANTONEZ: My name is Al Antonez. I am also the general manager of the Club at Las Campanas. We are 220 employees in the summer and 800 members. We have no service at the club and we have no service at our house. My staff cannot reach me when I go home which is two miles as the crow flies from my house to the club. They cannot reach me in the cases of emergency and in this day and age, it really is hard to believe. It's a danger and it's a hazard to County residents and it can only work at 70 feet. Just so people are clear about that. There is really nothing in between that makes any sense at all or would work and be effective.

During the pandemic we have been instructed to stay at home and this is only further highlighted the risk associated with the abysmal coverage out here. It's really necessary for our health and safety. We hope that the Planning Commission will expedite this. It was extremely disappointing to learn, after the Hearing Officer recommended this, that it was not on the agenda for December and instead we waited another month. And during that time there have been emergencies out here where again we have to drive in a car at breakneck speeds to get to a point on the property, generally up where Camino la Tierra meets Las Campanas Drive to make a call to reach emergency services. And it's just – in this day and age – we've had family emergencies where we literally had to get in the car and race all the way down to where the dog park is on Caja del Rio before we could get a signal to let them know we were driving in there.

It really has to be addressed and the fact that the homeowners association has taken this upon themselves to do all of the homework and do this, it quite frankly should have been done by the County years ago. And I hadn't heard anything from the County to address how they were trying to address the safety of their residents. We are residents of Santa Fe County. It really has to get fixed and I'm thankful that the homeowners association has invested all this time and effort and Verizon to make this happen. So I would encourage you to please expedite this and not delay it any further. We have been at risk too long. Thank you very much I appreciate all your time and consideration. If you have any follow up questions, feel free to drive out to see me. Don't bother calling because it probably won't go through. Thank you, sir.

CHAIR GONZALES: Okay, next speaker. Mr. Brian Smith.

[Duly sworn, Brian Smith, testified as follows:]



BRIAN SMITH: I'd like to re-emphasize what was just said. I think the public safety has been established in an overwhelming manner. The only issue that I think this Commission has to consider is is there an alternative. I have been a member of Las Campanas for over 20 years [background disturbance] – the amount of research this organization does before it makes any major commitment [background disturbance] ideally no one wants 70 feet but there is no alternative. On a safety merit this Commission has an absolute legal obligation to approve this 70-foot variance. Thank you.

CHAIR GONZALES: Thank you, sir. Mr. Laudicina.

[Duly sworn, Paul Laudicina, testified as follows;]

PAUL LAUDICINA: My wife and daughter and I have [feedback]

MEMBER KATZ: Charlie, please ask everybody who is not speaking to mute themselves. We are hearing all of their noise.

CHAIR GONZALES: Yes, please everybody mute so we can hear Mr. Laudicina.

MS. LUCERO: Mr. Chair, I'm going to mute everyone so before you speak make sure to unmute yourself.

The audio feedback made Mr. Laudicina's opening testimony unintelligible. He indicated that he works from home and his cell phone is his business lifeline. He mentioned that he dreads coming home because he knows that he is incommunicado by cell phone. That makes it very difficult for him to conduct business especially during the pandemic. He noted there were many, many perspective residents to the County who look very carefully at cell phone coverage before they make a decision of whether or not to relocate in Santa Fe County.

MR. LAUDICINA: In addition to safety and emergency communications I would add that from a business perspective as far as the eye can see, we are going to need to have effective cell phone technology to be able to be gainfully employed. And then my daughter who is doing more of her education now has difficulties from the home on line so I would urge the County to please think about the long term commercial and financial best interest for residents as well as the safety communications needs that have been spoken about already.

CHAIR GONZALES: Thank you very much. Chip Munday, would you like to speak next?

[Duly sworn, Chip Munday, testified as follows:]

CHIP MUNDAY: Thank you very much. I live at 23 Avenida de Mercedes which is in Santa Fe off of Caja del Rio. The subdivision I live in is a combination of different things. It's the old King Brothers' Ranch also known as the Roybal Subdivision and it is closest to the Marty Sanchez Golf Course on Caja del Rio. I am also the general manager of the Las Campanas Master Association.

I can tell you from a couple of different things that apply here. One is certainly my home doesn't have adequate cell service. This tower would certainly help. The other is that it does impact a large number of homes that are outside of Las Campanas. I think a lot of people have a tendency to think that this is only going to help those that have the ability to live in Las Campanas where it actually helps a lot of people who don't have the means to live in Las Campanas especially those that may venture on to the recreational

facilities of the County on Caja del Rio and for those that may use the Marty Sanchez Golf Course. For example, we have situations where and I think it has been mentioned earlier, where people could be on the golf courses around the area and have a medical emergency and their only way to communicate is if one of their fellow golfers has a cell phone. It's also been mentioned that we have a lot of trail access through the BLM area and along area in the National Forest that has no way of communicating with emergency services currently. One of the things from the perspective of the Las Campanas Masters Association is that we have a large number of gated entryways and our communication to those gated entryways relies on phone service with Century Link, a land line service. If there are outages, which there are way too frequently, we have no way of accessing those gates. For example, I'll open them in the case of an emergency. If we had a wildfire emergency for example we would have no way if the land lines got taken out to be able to remotely open those gates and allow people to evacuate. These are circumstances and conditions that the Commission has to take into consideration when thinking about whether or not to limit this tower to 48 feet or up to 70 feet where it can actually save lives.

I urge the Commissioners to approve both the application and the variance.  
Thank you.

CHAIR GONZALES: Thank you, Munday. Who wants to speak next?

[Duly sworn, Howard Alpern, testified as follows:]

HOWARD ALPERN: I first want to just basically say that I agree with everything that everybody has said so far. Service is pathetic. I want to look at the big picture: I want to look at the purpose of government. This Planning Commission is part of our government. The government exists for one purpose, to serve the needs of the people. I remember serving in the government during Vietnam. We won a lot of battles. We killed a lot of people and we lost the war. I feel like this is what's going on with your staff. We won all the battles. I carefully reviewed the staff's report. If you read the report on the variance, all the criteria are met. And then they say that we're not going to do it. You lose the war. You know, we just killed 400,000 people in our country because the government didn't respond. Our Planning Commission needs to respond to our needs. I'm concerned that people are saying, Oh, the requirements – the rules say that you can't have a 70-foot tower and that's the end of it. That's basically what you're saying, after we met all of the requirements, that's what your staff did. They said, Okay, you can have a 48-foot tower knowing full well that that did not serve the needs of the people. It doesn't work.

We went through four years where science didn't matter. Well science matters now. We have science here. We have engineers' reports and Amy can give you the detail on them if you'd like them. The long and the short of it is that the Sustainable Land Development Code doesn't want a whole bunch of towers all over the place. They want, what they call "co-locate" of more than one carrier on a tower. A tower that is less than 70-feet high will not work. Amy has drawings in there and they are one of the exhibits that has been submitted to Commission that shows how little coverage there is with a tower less than 70 feet. You have a provision in the Sustainable Land Development Code that permits variances. And you know it's a good idea because no matter how smart people are, no matter how much detail you go into in a 700-page code, you're not going to get it all right and that's why when government prepares things like this code they say,

you know we may not have thought of everything so let's allow variances under the appropriate conditions. Your staff found that all of the appropriate conditions were met and then they go in and say, Yeah, but put in a 27-foot tower or a 48-foot tower. Well, it's not going to make a difference. It's not going to work. You're doing anything for anybody. You're not solving any of the problems that anybody talked about today. So look at the variance requirements. Our request is not contrary to the public interest. It's been said all over today that the public interest demands this 70-foot tower. Your staff specifically said, the proposed wireless communications facility will be beneficial to residents and businesses located in and around Las Campanas DPP as well as first responders. First responders, people who save people's lives. Then it talks about grant a variance if there are extraordinary exceptional situations. Well, the 27-foot tower doesn't work. We will still have the same miserable cell coverage we have now and nobody is going to spend the money to build it. Same with a 48-foot tower, a 50-foot tower – we need a 70-foot tower or we're not gaining anything. What did the staff say, the height needed for the proposed wireless communications facility to function efficiently is not achievable due to the height limitations set forth in the Santa Fe County SLDC. We know that, and that's why there's a variance provision when it's needed to serve the needs of the people, you have to grant a variance.

CHAIR GONZALES: Okay, Mr. Alpern, are you about done? [Two-minute time had expired]

MR. ALPERN: Well, there's another requirement and the staff said it was met also. I'd be more than happy to talk about it if you'd like. If not, I will stop.

CHAIR GONZALES: That's fine. Thank you for your input. Thank you. Okay, who is next? Mr. Grimm, please.

[Duly sworn, Peter Grimm, testified as follows:]

PETER GRIMM: Thank you. I'm not sure if this is appropriate. It has nothing to do with the cell tower. It has more or less to do with the topic of variances and also specifically the vote on the Cañoncito project as well as –

CHAIR GONZALES: Mr. Grimm, I have to cut you off. Later on in the agenda there is communication from the public and you'll have to wait until then. Sorry about that.

Let's go to Mr. Harrison.

[Duly sworn, Charles Harrison, testified as follows:]

CHARLES HARRISON: I do not live in Las Campanas. I live in an adjacent neighborhood La Tierra Nueva to the north and I have lived in this region since 1952 and I'm very familiar with this land. The place where this tower is proposed is on one of the lowest points in Las Campanas so even though it is 70 feet from the ground it is below sight line from almost every house in this entire area and it cannot be seen from anywhere except from the roads that go past – people in vehicles would see the tower but almost no houses would see it. Almost no businesses and there will be almost no further development anywhere in the region. I will certainly get better cell service in La Tierra Nueva and I'm speaking about that because the challenge with Comcast – are lots are large and we talked to Comcast long ago. They never gave us great service for any internet access. We can only get access to radio or through cell phones. So many, many people who are not in Las Campanas will also be served by this. And many people have talked about the safety and the need for communication here. I am going to make the

point that this will be a very unobtrusive tower given the place where it was chosen to be put and I'm very much in favor of it. Thank you.

CHAIR GONZALES: Thank you, Mr. Harrison. Mr. Weiss.

[Duly sworn, Brian Weiss, testified as follows:]

BRIAN WEISS: In discussion of this sort it is sometimes helpful to take one step back and ask, why does this rule exist? The rule exist, I assume, in a desire to minimize visual blight and encourage non-intrusion on people's visual sight. This tower has been supported by virtually everybody who would be in eye sight of it – line of sight of it. And it will have a minimum impact versus distributing three or four or six towers around the area to accomplish the same thing. The fact before the Commission are this, first of all the vast majority of the residents are in favor on the basis of needing it for communication that protects their health and safety. Second fact, the only way to achieve this is with a tower of 70 feet in height; 48 feet will not cut it, 27 feet will not cut it.

So based on the facts and based on the position and I believe based on the intent the real intent of the rule, that a variance is in order. That's all I have to say.

CHAIR GONZALES: Thank you, Mr. Weiss. Who is speaking next?  
Mr. Flynn.

[Duly sworn, John Flynn, testified as follows]

JOHN FLYNN: I live at #4 West Arrowhead Circle which is in Las Campanas. I currently serve as the president of the HOA. I'll keep it brief but I do want to say that everyone with whom I've spoken about this project over the past year and a half or two years has unanimously been in favor of it – at least 110 percent if not more. There have been many, many valid points made today and I just hope that the Commission takes them all into consideration. Thank you.

CHAIR GONZALES: Thank you, Mr. Flynn. Who wants to speak next?  
Nobody else –

MS. LUCERO: Let me unmute briefly to see if there is anybody else who wants to speak.

CHAIR GONZALES: Paula Galvin.

[Duly sworn, Paula Galvin, testified as follows:]

PAULA GALVIN: I think that some of the things the homeowners – they have touched on everything that I would have said. But I want to also add to that. I live at 6 West Avenida Sebastian. I work from my home and my husband, we both work from home. We're with Sotheby's. But the problem is not only with work, we have no cell service at our house period. We have to go out in the middle of the street on Paseo Aragon if we want to have cell service. But UPS has no cell service. FedEx has not cell service. Comcast service has not cell service out here. I have to tell the Comcast guys who we have no Xfinity service where to go because in order to have cell service so they can talk to their superiors. It's all your workers out here. The people that we employ, the people that are employed out here have no cell service, have extremely inadequate service. You're having to change because of a bar on your phone. So I fail to understand – and I agree with the other gentleman that was talking about it's just not Las Campanas. I have to drive all the way out on Caja del Rio almost to the golf course to have cell service. That would be three miles from my house. So that's where you have to go to get cell service and I understand the lack of understanding for our community when we've been at this for over a year. The research that the committees have gone to at their own

expense, the research that the cell companies have gone to, the gentleman that spoke to where the site is that doesn't affect anyone – so I really fail to understand the lack of understanding for our needs. But I do appreciate you considering our needs. And that's all I have. Thank you.

CHAIR GONZALES: Thank you, Ms. Galvin. Who wants to speak next? Mr. or Mrs. Hartman? Vicki, are all the mics open?

MS. LUCERO: Mr. Chair, everybody has the ability to unmute themselves if they would like to speak.

CHAIR GONZALES: Okay, one more time, does anyone else want to speak before I close the public hearing? Okay, seeing as there is no one else wanting to speak, this public hearing is closed.

Does the Commission have any other questions of staff?

MEMBER KATZ: Yes, I do, Charlie.

CHAIR GONZALES: Mr. Katz, please proceed.

MEMBER KATZ: Why did the staff recommend 45 instead of 70?

MS. LUCERO: mg, Commission member Katz, staff recommended 48 feet because that is what the code allows. It allows in the Planned Development District to go up to 48 feet with the transfer of development rights. So that is what staff did.

MEMBER KATZ: But you recommended that the variance criteria were met; why wouldn't that allow them to go to 70 feet if you feel that the variance condition is met?

MS. LUCERO: Mr. Chair, Commission member Katz, a lot of our responses did agree with the applicant but the fact that they're asking for a stealth tower there were some criteria that for a stealth tower specifically would not qualify. One of those being the compatibility of the proposed facility with surrounding built and natural features. There is nothing within the surrounding area of any structures that are 70 feet in height. So the scale is not compatible with what the requirement of a stealth tower are.

MEMBER KATZ: Thank you.

CHAIR GONZALES: Any other questions?

MS. KIRKPATRICK: It's Sue Kirkpatrick again and I just want to say that you said there was nothing around there that was 70 feet and –

CHAIR GONZALES: Sue, the public hearing is already closed. We're just taking comments and questions from the Commission.

MS. KIRKPATRICK: Oh, I'm sorry.

CHAIR GONZALES: That's all right. Any more questions or comments; J.J.?

MEMBER J.J. GONZALES: Frank Katz asked the question about alternative sites and it seems to me that this is a very expensive area and there seems to me that there's probably some alternative sites that are in that area that haven't been looked at but they're not in Las Campanas proper. Maybe in La Tierra proper or some of those other La Tierra subdivisions. Maybe Amy MacKenzie that or Gabriel Bustos can address that or Vicki. They didn't discuss alternative sites that I am aware of.

CHAIR GONZALES: Vicki.

MS. LUCERO: Mr. Chair, I would defer that question to the applicant or the agent. I don't know all the different alternative sites that they looked at specifically.

CHAIR GONZALES: Amy, could you answer that question?

MS. MACKENZIE: Sure. I may have missed the first part but I believe that the question was what other sites did we evaluate. The only other potential option in that area, in the search ring area, would have been the area on the golf course – in that sort of area. And that was not as effective nor was it desired by Las Campanas. The better alternative was the site that we did look at. And, again, this search area ring that we're looking at is largely residential so there really are slim pickings on what is [dropped connection] – which is the Las Campanas Homeowners Association and then there's a little small area that we could have possibly gone out around the golf course and it wasn't as well suited nor was it well received by Las Campanas. They didn't really prefer that area. And Robert Kiely, my co-applicant, could speak to that a little bit more.

MR. KIELY: Yes, and to that point, I think it was Mr. J.J., prior to our engagement with Verizon we had an independent consultant and we looked at a couple of other locations. In fact, there's that huge water tank and Ms. Lucero said there were no other edifices in that area that are taller than this proposed cell tower, but actually the water tank is higher. It's huge and it's higher. We talked to the people at the Buckman water treatment plant and at first they were very interested in having the tower there because they also have a lot of problems with their cellular service. We looked within their perimeter and they lease that land from the BLM. We looked at that and unfortunately because of their 10-year planning schedule it looks like they're going to put another big water tank in there, there just was not space to accommodate that. And we also had some very preliminary discussions with the BLM that surround that area but we were essentially told that working with them can take literally years and plus the fact what Amy had mentioned, the location is not ideal to hit the highest number of homes. So we decided not to go with that route. And if you ever get a chance to just drive down to this location, I really urge you to do that, because it's really the perfect place for this. The alternate locations just do not have the same coverage. They would cause way, way more sight line issues for residents not only of Las Campanas but adjoining communities. And we've done a ton of research. We've had engineers up there with drones going up and doing videos to check coverage. We've had a radio frequency engineering people. I've looked at it and had consultant look at it and this is the best tower. It's the best height and it's the best location. So I really hope we can look specifically at this application and give it a thumbs up.

CHAIR GONZALES: Okay, thank you, Mr. Kiely. Any other questions?

MEMBER KATZ: I have another question if I might.

CHAIR GONZALES: Sure, Frank.

MEMBER KATZ: How visible is this tower from 599?

MR. KIELY: There would not be any visibility whatsoever from 599. At the north end of Caja del Rio and you'd have to go all the way past the golf course, past the Game & Fish and past the golf course to get to 599. So there would be zero visibility. There would be some radio visibility though. The radio signals would definitely be able to hit some of the vehicles in the 599 area. There would be no visual visibility.

MEMBER KATZ: Okay, thank you.

CHAIR GONZALES: I have a question too. The structure for the tower, is a metal structure? What are the dimensions on it? Is it 6 x 6, 8 x 8 – is it bigger than that? What is it?

MS. MACKENZIE: Give me one second and I can tell you.

MR. KIELY: While she's checking the dimensions, essentially the material will be kind of a stucco material towards the bottom and it will match the building. Verizon has been really good at designing it so it specifically matches the angles, even the faux canales would be matched. Then at the top, it's a material that is exactly the same color as the stucco but it's radio transparent so you can put the antenna behind this material and it'll pass through it but it still has a beautiful affect to it. Amy, did you get a chance to check the base dimensions?

MS. MACKENZIE: Yes, so the tower structure itself is 12 x 12.

MR. KIELY: It will slope in somewhat at the top through. At the top it won't be 12.

MS. MACKENZIE: Yes, the base of the structure, where the tower starts to form, is a 12 x 12. So it tapers up.

CHAIR GONZALES: So then you'd be building a foundation for the building with a 12 x 12 foundation on the bottom.

MS. MACKENZIE: It is bigger than a 12 x 12, but, yes, there would be a foundation at the base and it is a steel-centered structure. Then surrounding it the actual structure will be a stucco, masonry, the same thing that you would build a home with and then as Robert said when you get to the top of the structure where the antennas are behind we have a material that is identical, at least visually identical, to what the stucco looks like but it's RFF approved so that the radio frequencies can get through.

CHAIR GONZALES: All right, thank you.

MS. MACKENZIE: You are very welcome.

CHAIR GONZALES: Frank, did you have anything else?

MEMBER KATZ: No, I don't, thanks.

CHAIR GONZALES: Any of the other Commissioners have questions? What is the pleasure; comments, motion?

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: Yes, J.J.

MEMBER J.J. GONZALES: I would like to make a motion on Las Campanas stealth tower to approve staff recommendation to grant the variance with TDRs to the height of 48 feet.

MEMBER SERNA: I'll second that motion.

CHAIR GONZALES: We have a motion. Can we get a roll call?

MEMBER KATZ: Can we discuss it first?

CHAIR GONZALES: Sure.

MEMBER KATZ: I'm a great fan of cell phones and technology. I don't like the tall towers. I think this is done as best as it can. It's put in a place that is distant. I am a little upset that all of the – I was upset by the comment when I asked whether could something be done at the Club or whatever and all of this emphasis of, Well, the people of Las Campanas definitely want this cell tower and definitely need it but we sure don't want it where we have to look at it. And I am not entirely satisfied that there aren't other ways to do it. That you could do four towers of 30 feet, something like that, 27 feet around the area. It would cost them more money but I've never been led to understand that the people in Las Campanas are poor and if they choose to live out there – and I certainly can understand why they would want to – that it costs a little bit more and that maybe they should pay more for it.

That said, which I think I've just supported what J. J. was saying, I don't think it makes sense to do a tower that can't actually work as well as they want it to. For that reason, I would oppose the 45 foot, 47 foot limit and suggest that I need we to grant the variance and allow them to do 70 foot.

CHAIR GONZALES: Thank you, Frank. Being on what you said there as well, I do have a comment. It seems to me that Las Campanas should be able to give themselves a variance to give themselves a cell tower where it goes, where they need above all as well. So with that being said, can we go on with the motion and second? Let me get a roll call from the motion from J.J. and it was seconded by Rhea, I believe, yes.

**The motion passed by majority [4-2] voice vote with Chair Gonzales and Member Katz voting against.**

MS. LUCERO: Mr. Chair.

CHAIRMAN GONZALES: Yes.

MS. LUCERO: Mr. Chair, I believe that a variance has to have the majority of the members present in order for the vote to pass. Let's look at that briefly before we move on just so that we all have that information.

MEMBER LOPEZ: Oh, Vicki, I vote yes for the motion.

MS. LUCERO: Okay, so I don't know if Roger Prucino, our attorney, wants to jump in. But I think that takes care of it as the vote is four to two. I don't know, Roger, if you've had a chance to look at that section of the code yet.

ROGER PRUCINO: I haven't specifically, Vicki. But I'm not sure why that wouldn't take care of it. If you tell me what section you're talking about, I'll take a quick look.

MS. LUCERO: I'm looking for that section now, Roger. But I believe you're correct and that takes care of it. Do we want to move on or do we want to continue to research it now?

MEMBER KATZ: You have the majority of the people present so you don't need to research it.

MR. PRUCINO: I think that's right. I think we're good.

MS. LUCERO: Okay, so we can go ahead and move on.

CHAIRMAN GONZALES: Thank you all for attending.

#### **4. Petitions from the Floor**

CHAIRMAN GONZALES: Mr. Grimm, yes.

PETER GRIMM: Hello, I've been here for five years now, three years in my present residence here in La Barbaria Road. Since then, obviously, as I'm sure everyone has seen there has been a tremendous amount of growth and construction [poor connection].

CHAIRMAN GONZALES: Mr. Grimm, we lost you.

MR. GRIMM: Well, I don't know where we got cutoff but I want to go record saying that I definitely respect the process and actions of this committee and all of the people that I have spoken to and met with at Growth Management, CID and Legal have been extremely helpful and pleasant. But the specific issue that I would like to



bring up to the committee is that I have two issues. One is dealing with 66 Coyote Mountain Road which I believe a motion was passed at last meeting and I'm not sure if it's appropriate to bring it up. And then the other one had to do with more specifically the Cañoncito water project that you just voted on and I guess I'll start with that.

I guess when I first found out about that – you know, I'm still confused on where the water will come from and [poor connection] of the water line that goes on Old Santa Fe Trail that was done I don't know, but before I moved here, but from my understanding is there was another project that reminds me of this where they attempted to put in a water line to give fire hydrants along Santa Fe Trail. That infrastructure was put in and never materialized. There was never any water to that. So I'm just not clear about that and wanted to go on record that [poor connection] and in my specific instance, I'm in an area in District 4 and this water project is not going to service me and nobody has looked at or done a study on what the needs are in my specific community.

But let me go on subject of variances: I guess overall I am concerned that there's not a document procedure to, you know, that's applicable that allows the County to ensure that the variances are being, you know, followed – from what the variance that you issue.

CHAIRMAN GONZALES: Mr. Grimm, you are breaking up on us or we're unable to hear you. You are breaking up on us and we couldn't hear your last few sentences.

MR. GRIMM: So in one specific case that I can think of, you know, a variance wasn't relayed to CID and construction happened and, you know, again, I think there's, you know, I caution the committee and I'm concerned about, you know, not having procedures and staff to follow or enforce these variances. In my instance where I'm at in La Barbara, every new construction is required a variance and, you know, I just know for me, it's, you know, a lot of it is just not understanding the rules and regulations and codes and processes but some of it I feel is legitimate to the point where I think, you know, some community planning [poor connection] – and I would like from a community planning standpoint to help out with this and not be a hindrance and put a lot of these concerns at ease.

CHAIR GONZALES: So what actual question do you have of us? Do you have a project that went through CID and you couldn't get water or something?

MR. GRIMM: No, no, it's not CID. I guess I have a couple, I mean, I guess, you guys just voted on the Cañoncito project; right? And, again, I'm concerned that you guys voted on a project where nobody can tell us where the water is coming from, who it will service and it reminds me of another water project that happened here where people built a water main off of Old Santa Fe Trail to give access for fire fighting, for fire hydrants. They put the water main, they put the stubs in for the hydrants but they never delivered the water.

CHAIR GONZALES: Have you tried speaking with anybody from the Santa Fe County Water Company?

MR. GRIMM: I'm not sure. I don't know the specifics about it. But, again, in the case of the Cañoncito water project that you voted, I think there's a lot of questions still about – you know [poor connection].

MEMBER KATZ: Charlie, this isn't something that we can deal with. He should be talking to staff.

CHAIR GONZALES: Mr. Grimm, you keep breaking up on us. I think you need to speak with Land Use staff and then probably Leroy Alvarado with the water utilities and also Ryan in Public Works. But I definitely think you need to talk to those guys as well.

MR. GRIMM: I guess I'm asking you guys if you voted on that project where is that water coming from and who will it serve?

MEMBER KATZ: We just approve or not approve. We don't follow up. We are not the administrators; we don't do that. So if you're complaining about something we did, we should hear about it. And that's fine. But you're not complaining about something we did. You're complaining about it didn't get done, what we approved, and that's not our job.

MR. GRIMM: Well, you just approved it, right? This is what you just voted on earlier today.

MEMBER KATZ: We approve things but we don't do them. We are just the Board that decides that it's approved. It's the rest of the County that does it. So talking to us doesn't help. We did what you wanted.

CHAIR GONZALES: It sounds like you need to talk to the water guys, the Santa Fe County Water.

MR. GRIMM: Okay. And regarding the staff and procedures [poor connection] that are fouled up on – you know, I don't know, are you guys responsible to ensure that after you guys issue those variances they get –

MEMBER KATZ: No, we are not.

MR. GRIMM: Okay, all right, thank you.

CHAIR GONZALES: Thank you. Anything else?

MR. GRIMM: No, I'm good. Thank you.

## **5. Communications from the Commission**

CHAIR GONZALES: I think I told you at the last meeting that Vicki and I have been speaking with Erle Wright from GIS and we're going to try and get him to come do a presentation in front of the Commission to explain to us how the topo that the County provides to the public, how close it is to the real stuff in the field. So we'll continue to work on that.

## **6. Communications from the Attorney**

None were offered.

## **7. Matters from Land Use Staff**

None were presented.

## **8. Next Planning Commission Meeting: February 18, 2021**

9. **Adjournment**

Chair Gonzales thanked the Commission for re-electing him Chair and upon motion by Member Martin and second by Member Lopez, this meeting adjourned at approximately 6:00 p.m.


Approved by:

 2-26-21  
Charlie Gonzales, Chair  
Planning Commission

ATTEST TO:

  
KATHARINE E. CLARK  
SANTA FE COUNTY CLERK


Submitted by:

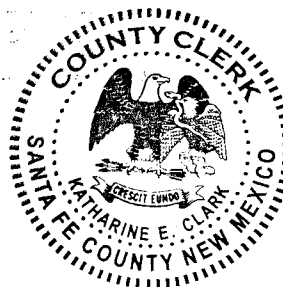
  
Karen Farrell, Wordswork

COUNTY OF SANTA FE )  
STATE OF NEW MEXICO ) ss

PLANNING COMMISSION MI  
PAGES: 27

I Hereby Certify That This Instrument Was Filed for  
Record On The 26TH Day Of February, 2021 at 04:09:14 PM  
And Was Duly Recorded as Instrument # 1945019  
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office  
Katharine E. Clark  
County Clerk, Santa Fe, NM



SFC CLERK RECORDED 02/26/2021