

Re-Record to include
Exhibits

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

Santa Fe, New Mexico

April 20, 2022

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

The meeting was held in a hybrid format incorporating both in-person and remote participation.

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

Staff Present:

Vicki Lucero, Building & Development Services Manager
Paul Kavanaugh, Building & Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Roger Prucino, Assistant County Attorney

2. **Approval of Agenda**

HEARING OFFICER VIRTUE: Good afternoon. This is the monthly meeting of the Sustainable Land Development Code Hearing Officer. My name is Richard Virtue. I'm the Hearing Officer. We have three items on our published agenda today. Are there any changes to that?

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

HEARING OFFICER VIRTUE: Okay. Thank you.

3. **New Business**

A. **Case # 22-5030 High Desert Relief Conditional Use Permit (CUP). High Desert Relief, Applicant, Jeff Robb, Owner, request approval of a CUP to allow a 2,880 square feet Commercial Greenhouse for the purpose of producing cannabis. Ordinance 2021-03, Section 10.22.3.3 defines a cannabis producer or cannabis producer microbusiness that cultivates cannabis plants indoors shall be treated the same as the following use: Commercial Greenhouse. The property is within the Residential Estate (RES-E) Zoning District. Appendix B of the SLDC**

SFC CLERK RECORDED 05/08/2022

illustrates a Commercial Greenhouse as a Conditional Use (CUP) within RES-E zoning. The site is located at 33 (10.18-acres), 40 (10.18-acres), 50 (10.19-acres), & 51 (10.20-acres) Persia Ct. SDA-2, within Section 1, Township 10 North, Range 8 East, (Commission District 3).

[Hearing Officer Virtue read the case caption.]

JOSE LARRAÑAGA (Case Manager): Thank you, Hearing Officer Virtue. The Applicant requests approval of a CUP, conditional use permit, to allow a 2,880 square foot commercial greenhouse for the purpose of producing cannabis. The facility will be located on a ten-acre parcel allowing the greenhouse to be set back over 70 feet from the property lines in all four directions. The facility is centrally located within 40 acres which the Applicant owns. The closest neighboring structure is approximately 2,000 feet away. The Applicant is required to abide by very strenuous New Mexico Regulation & Licensing Department regulations pertaining to the facility security systems and monitoring. The Applicant has been producing medical cannabis for the State of New Mexico for over ten years.

The Applicant states, "We understand that a primary concern with any cannabis production facility would be nuisance odor. To control this concern, we will employ commercial air scrubber/carbon filtration units within the facility to prevent this from ever being an issue. Air scrubber/carbon filtration units used for air filtration are consistent with industry standards. For obvious security concerns, this is as important for us as operators to control this issue so that we are not broadcasting our activities to anyone, regardless of the isolated nature of this property and the placement of our facility within the 40-acre property."

The Applicant has addressed the CUP criteria and staff has responded to the Applicant's comments. The Applicant addressed and staff reviewed the following applicable design standards: access, fire protection, fences and walls, lighting, signs, parking and loading, road design standards, utilities, water supply, water conservation, energy efficiency, terrain management, solid waste and air quality.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a conditional use permit to allow a 2,880 square foot commercial greenhouse for the purpose of producing cannabis: the use is compatible with the current development within the affected districts; the use will not impact adjacent land uses; and the Application satisfies the submittal requirements set forth in the SLDC inclusive of the conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from the State Historic Preservation Office and County staff have established findings that this Application to allow a 2,880 square foot commercial greenhouse for the purpose of producing cannabis is in compliance with State requirements and design standards set forth in the SLDC.

Staff recommends approval of a conditional use permit to allow a 2,880 square foot commercial greenhouse for the purpose of producing cannabis, subject to the following conditions. Hearing Officer Virtue, may I enter these conditions into the record?

HEARING OFFICER VIRTUE: You may.

The conditions are as follows:

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the Applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. Water restrictions shall be recorded with the CUP.
3. The approval of the CUP allows for one 2, 880 square foot commercial green house.
4. The Applicant shall obtain a Santa Fe County Business License.

MR. LARRAÑAGA: Thank you, sir. This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on June 16, 2022. And I stand for any questions.

HEARING OFFICER VIRTUE: Thank you. I don't have any questions at this time. We'll turn to the Applicant's presentation and I would ask that anyone wishing to speak on behalf of the Applicant please identify themselves by name and address and we will have you sworn in.

DREW STUART: We're here, Jeff Robb and Drew Stuart.

HEARING OFFICER VIRTUE: Okay. Now I see two gentlemen. One was Jeff Robb, and the other gentleman –

MR. STUART: Drew Stuart.

HEARING OFFICER VIRTUE: Drew Stuart. Okay. Please give us your respective addresses and I'll have the transcriber swear you in before you testify.

MR. STUART: Okay. I'm assuming this is our personal addresses?

HEARING OFFICER VIRTUE: Yes, please.

JEFF ROBB: Jeff Robb, 9710 Avenida del Oso NE, Albuquerque, New Mexico, 87111.

MR. STUART: And Drew Stuart, 14401 Oakwood Place NE, Albuquerque, New Mexico, 87123.

HEARING OFFICER VIRTUE: Okay, you can proceed in whatever order you wish.

[Drew Stuart and Jeff Robb were placed under oath.]

MR. STUART: Well, I suppose that our packet that we've submitted, we've been through the conditional use permitting process. We've submitted in a timely fashion I think all requirements. We have been producers of medical marijuana for the State of New Mexico since 2010. We acquired this property in Stanley for the purposes of helping to improve upon our hopefully robust recreational program as well as the medical cannabis program in New Mexico. We've secured the water rights and we have all that information submitted as well. We really are looking forward to kind of taking this area that seems to have not been used in many moons and turning it into something positive. We've obviously seen and been through all the requirements of the SLDC and the SGMP, and we attest that we will follow all those guidelines, as well as the Cannabis Control Division RLD standards which are also quite strenuous. So if you have any questions we'd love to try to answer them for you but I think most of what we have

submitted I think is mostly our presentation and if there's anything we can help you with feel free to ask.

HEARING OFFICER VIRTUE: Mr. Robb, would you like to make a statement?

MR. ROBB: No. Mr. Stuart is my business partner and what he just stated is accurate and similar to what I would say.

HEARING OFFICER VIRTUE: Okay. Thank you very much for that. I have a question about your state license. The staff report indicates that the license is attached. It expires on September 20th of this year, and it says the Registration and Licensing Board does not have the ability to allow you to apply for an additional premise at this time. Could you explain to me what that means? That's on page NBA-12 and NBA-13 in the staff report that was given to me.

MR. STUART: Oh, yes, that is a question. So when this happened, when we were first seeking this information, we are what you would call a legacy producer. So we have a vertically integrated licensing allowing us to do most activities, primarily production and retail. The online portal, which the RLB rolled out under this portion when we were trying to get a document from them saying that we have the ability to add premises, which we do, as a vertically integrated licensing. It's just another process that we submit through the online portal. At this time, when we were submitting this, which this is going back to October, they did not have the ability, or have, I guess the infrastructure to allow us as a current license holder to add an additional premise at that time.

That has changed. We can add whatever we want but the reason why we have held off on that is because there is only a six-month window from the point where we applied for that license to where we have to get approval, and just because of the longevity of this process, once we get to the point where we're allowed to submit a building permit, that's when we would apply for that. Because we cannot get our official license for this additional premises until we have all adequate documentation including the certificate of occupancy. So there is a time where we are – I guess constructing if you will, and then we will get our inspections and then we submit that final documentation. And once that occurs then that six-month clock begins.

So we have the ability, and we have the ability as well to just submit a license outside of our current license but it was advised to us that since we already have this long-standing vertically integrated license to add an additional premises to that. So that is no longer the case. We're just hoping to get some traction and move this process down the road before we apply for that official license.

HEARING OFFICER VIRTUE: Okay. Thank you for that background. So is your existing licensing in good standing? There are no issues with that or no issues related to approving the additional premises?

MR. STUART: None whatsoever. They are urging us and we've received emails from the RLD just inquiring the status. So I think as you know, and it's been somewhat common knowledge there seems to be a projected shortage and we're hoping to help with that and we're just trying to get the ability to do this on this property at the quickest time that the process allows.

HEARING OFFICER VIRTUE: Okay.

MR. STUART: So with that statement as well was the email from Nicole Bazanno who was the one who wrote from the RLD standard that there was not the capacity of that portal to allow us to add an additional license at that time.

HEARING OFFICER VIRTUE: Okay.

MR. STUART: And that's where that comes from.

HEARING OFFICER VIRTUE: All right. I'm looking at my notes here to see if I have anything else. Okay, I've got a question. I guess this might be better addressed to staff. What's the staff's view of compliance with the RLD regulations and permit? Are they going to be – are you going to monitor for that or is that a totally separate regulatory matter as far as staff's concerned?

MR. LARRAÑAGA: Hearing Officer Virtue, yes, that would be a totally separate matter as far as the state requirements. We would do final inspections and so on to make sure that they met our requirements and if these conditions are approved with the project meeting those conditions also.

HEARING OFFICER VIRTUE: Okay. Thank you for that. I have nothing further. Let's turn to testimony in opposition to the Application. Is there anybody present at the hearing who would wish to testify in opposition to the Application? Hearing none.

MS. LUCERO: Hearing Officer Virtue, I would just want to remind everyone that they would need to unmute themselves in order to speak.

HEARING OFFICER VIRTUE: Okay. We'll give you another chance, please – I'm actually going to back up further and ask for people in support of the Application. If there are people who wish to testify in support of the Application please unmute your microphone and identify yourself. Okay, hearing none, we'll go back to those in opposition. Is there anybody in opposition to the Application who wishes to testify? If so, please unmute yourself. Okay, hearing none, I'll ask staff if they have anything further that they'd like to say in response to the Applicant's Application.

MR. LARRAÑAGA: Hearing Officer Virtue, no, we have nothing further to present.

HEARING OFFICER VIRTUE: Okay. Thank you very much. If there's no further testimony I will close this hearing and issue a written recommendation within 15 business days of today. Thank you all very much.

3. **B. Case # 21-5120 American Tower/AT&T Conditional Use Permit and Variance. American Tower/AT&T, Applicant, Arvin Norouzi, Agent, request approval of a Conditional Use Permit for a Substantial Modification, as per Section 10.17.4.2.1, to replace an existing tower (35' in height) and construct a new 150-foot tower and install new equipment within the leased area. The Applicant also requests a variance of Section 10.17.3.2.3 to allow the fall zone of the proposed 150-foot tower to be less than 300 feet. The site is within the Agricultural/ Ranching (A/R) Zoning District. Table 10-3 allows for a height of 150 feet within the A/R Zoning District. Appendix B, Use Matrix, illustrates that a Substantial Modification within the A/R Zoning District is a Conditional Use (CUP). The site takes access via US Highway 285, 16 miles North of Clines Corners and is located at**

**51 Boomer Road. SDA-3, within Section 32, Township 12 North,
Range 11 East (Commission District 3)**

[Hearing Officer Virtue read the case caption.]

MR. LARRAÑAGA: Thank you, Hearing Officer Virtue. And just to clarify, Kim Allen will be representing the Applicant today.

The Applicant is requesting approval of a conditional use permit to replace an existing 35-foot pole with a new 150-foot pole, installation of the proposed AT&T tower equipment, additional ground equipment and a generator inside of the existing 1,144 square foot wireless telecommunication facility. The Applicant also requests a variance of Section 10.17.3.2.3 to allow the fall zone of the proposed 150-foot tower to be less than 300 feet and outside the boundaries of the property.

The 9,198-acre parcel is zoned Agricultural/Ranching. Appendix B of the Sustainable Land Development Code states that a modification of an existing wireless communication facility with substantial changes within the A/R Zoning District is a conditional use.

The Applicant states, "The proposal is to replace the existing 35-foot tower with a similar tower that is 150 feet. Due to the surrounding area, this is the most consistent tower design given the elevation needs of the carrier. Due to the number of antennas and need for elevation, the current design is the only design capable of meeting carrier's RF needs."

The Applicant requests a variance of Section 10.17.3.2.3, to allow the fall zone of the proposed 150-foot tower to be less than 300 feet, twice the tower height, and also to allow the fall zone outside of the boundaries of the property.

The Applicant has addressed the CUP criteria and staff has responded to the Applicant's comments. The Applicant addressed and staff reviewed the following applicable design standards: access and easements, fire protection, fences and walls, lighting, road design standards and utilities.

The Applicant addressed design standards set forth in Chapter 10, Section 10.17 of the SLDC. The Applicant has addressed the variance criteria as per SLDC Section 4.9.7.4 and staff has responded to the Applicant's comments. The Applicant has also addressed the variance criteria as per SLDC Section 10.17.13 and staff has responded to the Applicant's comments.

Recommendations: Building and Development Services staff has reviewed the request for a variance to allow the proposed 150-foot monopole to fall outside of the boundaries of the property and to allow a setback less than a minimum of twice the tower height. Staff finds the following facts in regards to the request: the purpose and intent of the SLDC Section 10.17.2, is to ensure that the county's health, safety, and public welfare, environmental features of the county, and the nature and character of the communities and neighborhoods are maintained. Staff recommends denial of the request for a variance.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a conditional use permit to construct a monopole 150 feet in height: the facility meets the purpose and intent outlined in Section 10.17.2 of the SLDC with the

SFC CLERK RECORDED 06/08/2022

exception of the fall zone being outside of the boundaries of the property and not meeting the setback of twice the tower height; the use/structure will not impact adjacent land uses; and the Application satisfies the submittal requirements set forth in the SLDC inclusive of the conditional use criteria set forth in Chapter 4, Section 4.9.6.5.

Staff recommends approval of the conditional use permit to construct a monopole 150 feet in height within the 1,144 square foot leased area, located at 51 Boomer Road subject to the following conditions. Hearing Officer Virtue, may I enter these conditions into the record?

HEARING OFFICER VIRTUE: Yes, you may.

The conditions are as follows:

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the Applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. The maximum height of the wireless communication facility (monopole) shall not exceed 150 feet in height, inclusive of antenna array.
3. The Applicant shall obtain an easement agreement from New Mexico State Land Office to allow a fall zone within the State property.
4. A New Mexico Department of Transportation access permit shall be submitted with the Development Permit Application.

MR. LARRAÑAGA: Thank you, sir. This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on June 16, 2022. And Officer Virtue, I stand for any questions.

HEARING OFFICER VIRTUE: Okay, thank you for that. I've got a question about the notice that was given of the neighborhood meeting. Chapter 10, Section 10.17.3.31 requires letters of coordination, is what they're called, be sent to any carriers that operate towers I think within two miles of the facility. And I didn't see in the description of the notice that was given. It only covered landowners; it didn't cover other operators. Can you clarify for me if notice was given to the other operators, or any other operators if there are any? This might be something – it should be in the record.

ARVIN NOROUZI: Hearing Officer, was that directed to the Applicant?

HEARING OFFICER VIRTUE: You can address this.

Mr. NOURIZI: Yes, this is Arvin Norouzi with the Derna Group.

HEARING OFFICER VIRTUE: We're going to have to swear you in. Let's see if Mr. Larrañaga wants to address it first and then we'll go to you. He's looking for something so I'll let him finish looking.

MR. LARRAÑAGA: Hearing Officer Virtue, just to clarify, you're asking if it met the 2,000-foot – what was the distance again from another site? Was that what your question is?

HEARING OFFICER VIRTUE: Actually, it doesn't say – looking at the section. The section I'm referring to says, "Please inform the County Administrator if you intend to own and operate any other wireless communication facilities within two miles of the proposed facility or if you have knowledge of an existing building or antenna or supporting structure that might accommodate the antenna with the proposed facility."

That's actually the section I'm asking about, if there was any information provided about that.

ROGER PRUCINO (Assistant County Attorney): Hearing Officer Virtue, can you identify the section you're --

HEARING OFFICER VIRTUE: Yes. As I stated when I first asked the question, it's Section 10.17.3.11.2, and it's fourth subparagraph. I may have slightly misstated the provisions of the section. The section actually requires notice to be given all other providers of cell phone service. The Administrator is required to keep a list. I think I said two miles. I'm not seeing the two-mile requirement.

MR. LARRAÑAGA: Hearing Officer Virtue, where this site is located, I don't believe there is another provider within two miles, but I'll let the Applicant address that also. That's why they weren't notices, but this is a pretty remote area and there are no other sites close by, anyway.

HEARING OFFICER VIRTUE: Okay. Understood about the location. It's just we've got this section that requires it be confirmed in the record one way or the other. Did you have anything else to add, Mr. Larrañaga, to that?

MR. LARRAÑAGA: No, sir.

HEARING OFFICER VIRTUE: Okay. Thank you. Then we'll turn to the Applicant and the Applicant's presentation and ask the Applicant to address the question I asked. So at this time I would ask the Applicant and any representatives of the Applicant who wish to identify please identify yourselves by name and address, and we'll have you sworn in.

ARVIN NOROUZI: This is Arvin Norouzi with the Derna Group. Address: 22431 Antonio Parkway, Suite B-160-234 in Rancho Santa Margarita, California, 92688.

KIMBERLY ALLEN: And I'm Kimberly Allen. I'm with Wireless Policy Group. My address is 1420 West Gilman Boulevard, Number 9030, Issaquah, Washington, 98027, and I'm here on behalf of AT&T. And I can answer your question.

HEARING OFFICER VIRTUE: I'm sorry, ma'am. I didn't get your name.

MS. ALLEN: Kim Allen.

HEARING OFFICER VIRTUE: Okay. Got it.

MS. ALLEN: Allen. A-L-L-E-N.

HEARING OFFICER VIRTUE: I'm sorry. I'm getting a little reverberation here. My apologies.

MS. ALLEN: No, I apologize.

HEARING OFFICER VIRTUE: Okay, so I'll let the Applicant's representatives proceed as they wish. We can do the presentation and then get to my question, or you can respond to my question.

[Arvin Norouzi and Kimberly Allen were placed under oath.]

MR. NOURIZI: As mentioned previously, we are here to propose a drop and swap of an existing cell site facility to replace an existing 35-foot tower with a 150-foot tower to allow co-location of AT&T equipment for this area. The proposed ground equipment will be able to fit inside of the existing facility compound and it will consist of ground equipment as well as a backup emergency generator for instances of power outages.

In addition to the ground equipment, the proposed tower will be a 150-foot tower, monopole, and per AT&T RF requirements, the 150-foot tower height is required. We are requesting a variance due to the fact that the height of the tower will be outside of the fall zone with respect to the property only to the west of the facility, which is state-owned land used for the main purpose of grazing.

One item to note on the staff report, which is the 300-foot setback requirement, our understanding is that the 300-foot setback requirement applies to abutting properties that have a residential use, and it is our understanding that twice the tower height requirement setback, which in this case would be 300 feet should not apply to this instance as mentioned previously since the adjacent property to the west is a stated-owned land in an A/R zone.

HEARING OFFICER VIRTUE: Okay. Does that conclude your presentation?

MR. NOURIZI: That concludes my presentation.

HEARING OFFICER VIRTUE: Okay. We'll go to Ms. Allen.

MS. ALLEN: Thank you, Hearing Officer Virtue. I do have an additional presentation.

HEARING OFFICER VIRTUE: We're going to stick with the current witness here and see if anybody has any questions for him. Okay, hearing none, we'll go to Ms. Allen.

MS. ALLEN: Thank you, Hearing Officer Virtue. I'd like to address your question first. Section 10.17.3.11 sub 2 requires that the carrier or the proposed Applicant reach out to carriers within two miles of the proposed facility in the event that they're proposing a new facility. And in fact the language of the letter that's required states that they're unable to obtain a lease from an existing facility within two miles. That doesn't apply here because we're replacing an existing tower. American Tower has a tower there already. AT&T will be co-locating on the new tower, and as I understand it, there's also space for additional carriers there too. So that particular section, Section sub 2 of 11 would not apply here because it's a replacement tower and not a new tower proposed.

HEARING OFFICER VIRTUE: Okay. Thank you for that.

MS. ALLEN: And then with respect to the proposed facility, we'd like the examiner to understand that this particular facility is being proposed not only to add commercial service for the AT&T network but also to fulfill AT&T's commitment to First Net. All 50 states have opted in to First Net nationwide public safety broadcast network. The First Net responder network authority, through a public-private partnership with AT&T which will provide the nation's first high speed nationwide wireless broadband network that's dedicated to federal, state and local first responders.

Various public safety agencies, including rural fire districts will be able to communicate on the First Net network allowing greater coordination and faster response times. The benefits include a dedicated broadband network including deployable satellite based mobile units, increased wireless coverage for emergencies, more sophisticated broadband capabilities for rural and tribal enforcement, wildland firefighters and rural emergency management support personnel.

AT&T will provide widespread coverage and meet the communication needs of first responders over a long-term period. This is a 25-year contract and AT&T has committed to the states to build various facilities by March 31, 2023 and have them on

air. This particular facility is one of those First Net facilities that will be part of that emergency network, so time is of the essence here and that will become important when we discuss the variance in a bit.

I'd like to echo the representative from American Tower discussing 10.17.3.2, the setback provision. Just the plain language of the setback provision indicates that all new antenna supporting structures shall be set back from the property line a distance equal to its potential fall radius, as certified by an engineer and in this case – and then the ordinance goes on to say that except for an antenna supporting structure sited in a residential zone, the potential fall radius shall, at a minimum, be at least the height of the tower and in the event of its fall cannot fall outside of the boundaries of the property on which it is site.

And then there's an additional section later that says in addition to any minimum setback requirements described in paragraph 1, which I just described to you, an antenna supporting structure with a tower height of at least 20 feet sited adjacent to residential property shall be set back a minimum of 100 feet or a distance equal to twice the tower height, whichever is greater.

So clearly the language of the ordinance breaks out residential properties as having the more robust setback and leaves the rest of the properties that are zoned otherwise to a tower height setback.

So the adjacent parcel to the west of this is owned by the State of New Mexico and is outside the zoning jurisdiction of Santa Fe County. Per the code, for towers not adjacent to residential structures the tower setback is the height of the tower, which is in this case is 150 feet. The distance from the tower to the western property line is 74 feet. So the variance sought would be 76 feet of the height of the 150-foot tower. And as I indicated before, AT&T must have this tower on there by March 31, 2023 to satisfy its First Net commitment. So staff has proposed obtaining an easement from the state on the adjacent property. There simply is insufficient time to go through an easement process or a boundary line adjustment process, even assuming that the state would be willing to agree to that.

Moreover, nor is there a valid safety reason why the tower height setback should be required in all cases. Speaking to the variance, modern towers are engineered with technology that in the event of extreme stress exceeding the required loading capacity of the tower, there's an engineered breakpoint about a third of the way down from the top of the tower that will allow the top portion of the tower, the heavy portion with the antennas, to fold over on itself and drop to the ground, thereby relieving the load and preventing the tower from falling its full length.

So as a result, AT&T is proposing that technology here and is requesting that the record be held open so that revised drawings and an engineering analysis demonstrating the inclusion of such a breakpoint in this tower can be added to the record which would support a finding either of that the setback is met, because it is greater than the only part of the tower engineered to fall in the event of extreme stress, or that a variance should be granted because the breakpoint engineering provides the same protection as a hundred-foot tower setback, and because it meets the criteria of 10.17.3.13.

With respect to the variances, the wireless facility section of the code you'll note has its own variance section that's specific to the siting difficulties which arise in this specialized context. This section is more specific than the traditional variance criteria

found in section 4.9.7.4 and we submit that that should be the sole criterion for a wireless variance. the more specific criteria found in the wireless code section. The traditional variance criteria are based on very different considerations, mainly dealing with the uniqueness and specificity of any one given lot with respect to its neighbors and that typically is not the reason why a variance is sought in a wireless facility siting.

With respect to those specific criteria, there are five criteria listed, only one of which needs to be demonstrated in order to justify a variance. In 10.17.13 sub 1 “the failure to grant the variance would prohibit or have the effect of prohibiting the provision of personal wireless services in violation of a license issued by the FCC or federal law.” In this case, due to the time constraints the First Net project has on this particular site, the failure to grant a variance would prohibit the effective deployment of service at this location and for this area of Santa Fe County.

The second criterion deals with the failure to grant the variance would unreasonably discriminate among providers of functionally equivalent personal wireless services. Here AT&T seeks to have a presence here with the same type of service as other providers and failure to grant the variance would result in unreasonable discrimination between providers. I believe that Verizon has a facility on this tower already. AT&T would be unable to have theirs.

In Section 10.17.13 sub 3, that criterion is that the variance will obviate the need for additional antenna support structures. We would submit that it’s already doing that because the 150-foot tower is replacing the 35-foot tower that exists there today and will add AT&T to that facility and obviate the need for a separate tower for AT&T. It also will have additional space for other providers to co-locate on that 150-foot tower. So it does satisfy that criterion.

The next criterion is that the variance is necessary to ensure adequate public safety in emergency management communications. And this is squarely on point with the First Net purpose of this tower. Certainly we do meet this variance to be able to deploy on this site, on time, and get that network up and running as we’ve committed to the federal government.

And then the last criterion is prefaced by an “or” so it means only one of these criteria need to be met to justify a variance. The last criterion is that the variance is the minimum necessary in order for the Applicant to provide broadcast services pursuant to an FCC construction development approval. And as the representative for American Tower spoke to in his testimony, AT&T has submitted propagation maps that were appended to the Application that showed the extent of the coverage gap that would be filled with the 150-foot tower versus if AT&T were to site at the top of the existing structure as it is today.

So because we have met all of the criteria, although only needing to meeting one, we are requesting that the examiner recommend to the Planning Commission that the variance be granted and that the conditional use permit be granted without the condition that AT&T must seek additional land or a land use entitlement from the State of New Mexico on the adjacent property, based on the fact that a tower engineered with breakpoint technology simply is not going to come close to that property line and that the additional distance over the property line onto the State of New Mexico’s property is unnecessary here to meet the goals and policy of the setback requirements, which are public safety.

So based on that, we request that those recommendations from the Hearing Office and would stand for any questions. Thank you.

HEARING OFFICER VIRTUE: Okay. Thank you. Just so I understand, your position is that the Section 10 variance criteria are exclusive and effectively supersede the variance criteria in our Land Development Code. Is that what you're –

MS. ALLEN: Yes.

HEARING OFFICER VIRTUE: Is that what you're arguing?

MS. ALLEN: Yes, sir.

HEARING OFFICER VIRTUE: And only one of the five standards has to be met to qualify.

MS. ALLEN: Yes, because the fourth standard is followed by an "or" rather than an "and".

HEARING OFFICER VIRTUE: Okay. Thank you for that. With respect to the design of the tower, you were requesting that the hearing record be kept open so this study – so the engineer's report of study about the structure of the tower can be submitted? Is that the request?

MS. ALLEN: Yes, sir. It is.

HEARING OFFICER VIRTUE: And how soon could you get that report to the County for purposes of including it in the record?

MS. ALLEN: I believe that we could have it to the County no later than between three and four weeks. We'd have to have the drawings redone and the study.

HEARING OFFICER VIRTUE: Okay, well, under the procedures we follow, I have to make a written recommendation in 15 days. So I guess I'm going to deny it at least for now until I have a chance to review this and see if it's something that I think would be a major factor if you will, in my recommendation. So for now, I'm going to basically take it under advisement and go ahead and proceed with my recommendation once I've looked at the complete record to date.

MS. ALLEN: Hearing Officer Virtue, one more thing. As the Applicant we would waive any objections to you exceeding your 15 days to accommodate the additional documentation that AT&T would like to submit.

HEARING OFFICER VIRTUE: What's the staff's view of that? We're looking at three to four weeks.

MS. LUCERO: Mr. Virtue, in light of the situation, staff would possibly recommend that the case be tabled until the next Hearing Officer meeting when that additional information would be available and could be made part of the public record.

HEARING OFFICER VIRTUE: I think that's an appropriate way to proceed under the circumstances. So if you can get that to the County within three or four weeks, and we'll schedule this matter for the next Hearing Officer meeting after we receive the study. I appreciate that recommendation because it gives everybody a chance to review it and we have some public comment on it before we determine – we'll wait to get it. So with that, let's go ahead and proceed to see if we have any other comment and conclude the hearing except with respect to this one item. So we'll have a full record on everything except with respect to that.

I only had one other question and that relates to the sections you were citing with respect to setbacks or subsections of the setback provision, I just didn't get – did the transcriber get all the numbers that the witness was mentioning? You think you've got

them? Okay. Then I'll withdraw my question and I'll have the transcriber give me the proper citations because I'm not sure I heard them when you were running through them.

Okay, with that, do we have any other questions of this witness? Okay. We'll turn to testimony from the public at this point. Do we have anyone present who wishes to testify in favor of this Application? If you want to testify please unmute and state your name. Hearing none, we'll go to members of the public in opposition to this Application, these are members of the public who wish to testify in opposition to the Application. So please unmute your mic and identify yourself. Okay. With that I'll ask the staff if it has anything it would like to add at this point in response to my questions or the Applicant's answers.

MS. LUCERO: Hearing Officer Virtue, we don't have anything further to add.

HEARING OFFICER VIRTUE: Thank you. So with that, I'm going to consider that we've had a full hearing on this matter except for the question of the engineering study on the structure of the cell tower. So I'm going to table the matter until we have received that report, that the County has received that report and then the matter will be rescheduled for the next Hearing Officer's meeting for the purpose of considering the contents of that engineering report. With that I'll declare this hearing closed and we'll move to the next item.

3. C. **CASE # 21-5140 Esencia Subdivision Conceptual Plan and Variance.**
Esencia Holdings, LLC, Applicant, JenkinsGavin, Agent, for
Conceptual Plan approval for a 710 lot residential subdivision to be
completed in 5 Phases on a total of 277 acres \pm . The Applicant is also
requesting a variance of Chapter 8.10.3.12.1 of the SLDC in order to
allow only single-family homes rather than a mix of housing types as
required by Code. The property is located within the Community
College District, East of NM14, at the end of Camino Vista Grande
and at the end of Vista Del Monte (south of the intersection of
Avenida del Sur and A Van Nu Po), within Section 30, Township 16
North, Range 9 East (Commission District 5) [Staff Exhibit 1: Three
letters of opposition; Applicant's Exhibit 1: NMDOT letter, 4/8/22]

[Hearing Officer Virtue read the case caption.]

HEARING OFFICER VIRTUE: With that we'll hear the staff report.

MS. LUCERO: Thank you, Hearing Officer Virtue. Esencia Holdings, LLC, is requesting conceptual plan approval for a 710-lot residential subdivision to be completed in five phases on a total of 277 acres, more or less. The Applicant is also requesting a variance of Chapter 8.10.3.12.1 of the SLDC in order to allow only single-family homes rather than a mix of housing types as required by code. The conceptual plan contemplates a minimum of 608 single-family lots to be developed in five phases. The minimum proposed overall net density is 4.5 dwellings per acre as shown, and the maximum proposed net density is 5.25 dwellings per acre or 710 units.

The final lot and dwelling count will be established at the subdivision platting stage for each phase. However, the minimum number of lots for each phase is as follows: Phase 1, 173 lots; Phase 2, 79 lots; Phase 3, 112 lots; Phase 4, 84 lots; Phase 5, 160 lots.

The project is situated predominantly in a village zone, interspersed with an arroyo corridor and fringe zones. The Applicant is proposing to redefine the village zone to a village neighborhood subdistrict through the conceptual plan Application. A village neighborhood subdistrict is appropriate for flatlands/pinon-juniper land types, and shall be located within a village subdistrict. The minimum net density in the village neighborhood subdistrict is 3.5 dwelling units per acre, and minimum net density in the subdistrict is one dwelling unit per acre, which can be clustered such that there are no more than four dwelling units per acre. A village zone neighborhood does not require a non-residential component.

The Applicant has addressed the conceptual plan approval criteria, per SLDC Section 8.10.3.5 as stated in the staff report, and staff has also provided written responses to the criteria.

Chapter 8.10.3.12.1.b of the SLDC states: "A mix of housing types is required, including single-family and multi-family, within a village neighborhood subdistrict." The Applicant is requesting a variance to provide only detached single-family housing within the proposed Esencia Community. The Applicant states, "Although the project will consist of single-family homes only, a variety of lot sizes are proposed, which will serve a range of homebuyers and housing needs. According to the Santa Fe Association of Realtor's State of Housing Report for 2020, there is record low inventory of for-sale single-family housing, and market pressure continues to drive up home prices in the Santa Fe area, including Santa Fe County. The proposed range of lot sizes will increase supply to serve this critical housing need across a range of price points. Furthermore, when viewed in the context of the Community College District as a whole, a mix of housing types is being achieved throughout the various developments that have been constructed, are under development, or have been approved. Of particular note are many existing townhomes, the forthcoming 200-unit Elevation apartment community in Rancho Viejo, and the live-work and attached housing in Oshara Village. Lastly, demand for multi-family housing is being addressed by significant development activity in the city. As of April 2021, 1,216 units were under construction and another 1,747 units were approved, for a total of almost 3,000 new apartment units. Best practices encourage multi-family development near employment, services, and public transportation."

Staff response to the variance: The intent of the CCD Plan is to provide a wide variety of affordable housing types including single-family, attached, multi-family, rental, and live-work that provide choice and meet the diverse needs of the residents. The 200-unit apartment complex that the developer is referring to is a few miles away from the proposed Esencia development. It was approved years ago and is still not under construction. The SLDC requires a mix of housing types for all developments in the Community College District.

The Applicant has addressed the variance review criteria as stated below, and staff has also responded to the criteria.

The following studies, reports, and assessments were submitted for the Application: an environmental impact report, an adequate public facilities and services assessment, water service availability report, a traffic impact analysis and a fiscal impact analysis. The Application was reviewed for the following design standards: access, fire

protection, landscaping and buffering, lighting, signs, road design, access in traffic, utilities, water supply, wastewater, water conservation, open space, protection of historic and archaeological resources, terrain management, flood management, solid waste, operation and maintenance of common improvements and affordable housing.

Building and Development Services staff has reviewed the Application for conceptual plan approval and a variance request for compliance with pertinent Sustainable Land Development Code requirements.

In regards to the variance, staff finds the variance to have only one housing type, does not meet the spirit and intent of the SLDC and the Applicant has not demonstrated that there are extraordinary and exceptional situations or conditions of the property. Granting of the variance would set a precedent for future developments. Therefore, staff recommends denial of the variance request and recommends that the Applicant revise their conceptual plan Application to reflect and identify the mix of housing types and the maximum number of dwellings proposed per phase.

In regards to the conceptual plan, if the decision of the Hearing Officer is to recommend approval of the conceptual plan, staff finds that all other facts presented support the request for conceptual plan approval: review agency comments conditionally support the request for conceptual plan approval; and the Application meets the submittal requirements and the design standards illustrated in the SLDC.

Therefore, staff would recommend approval of the conceptual plan Application subject to the following conditions as listed in the staff report. Hearing Officer Virtue, may I enter the conditions into the record, with an amended condition #4, and that condition shall read, and I will put that up on the screen so that everyone can see it.

4. The entire portion of Vista del Monte (the western boundary of the project to SR14) must be built to CCD standards for a Village Connector road matching the cross section intended for this project per Public Works, to be built out with Phase 3 improvements.

[The conditions are as follows:]

1. The Applicant will be responsible for building out Avenida del Sur beginning with the Roundabout at A Van Nu Po to the western boundary of the Esencia property as part of the Phase I improvements. The road must be built to CCD standards, as approved by Public Works and shall match the cross section intended for the connection to Vista Del Monte/SR14.
2. The driving surface of Avenida del Sur/Vista Del Monte from Esencia's western property boundary, west to the County maintained portion shall meet a width of 22' with a basecourse surface as part of the Phase I improvements.
3. Connection to A Van Nu Po on east side of property must be made in Phase 2.
4. The entire portion of Vista del Monte (the western boundary of the project to SR14) must be built to CCD standards for a Village Connector road matching the cross section intended for this project per Public Works, to be built out with Phase 3 improvements ~~prior to Application for Preliminary and Final Plat approval for Phase 3.~~
5. The design and construction of Avenida Del Sur, A Van Nu Po and Vista Del Monte connections shall be coordinated with Public works and may

- involve an agreement for the Applicant and the County to work together to ensure the connections are made and easements are obtained.
6. A Traffic Impact Analysis will be required for subsequent phases to ensure signal optimization is obtained and defined.
7. The main access point into this subdivision from Avenida Del Sur shall be through a roundabout constructed in phase 1.
8. The Affordable Housing Plan shall be updated with the Application for Subdivision Plat for each phase, reflecting the final lot count and affordable unit distribution for that phase.
9. An Affordable Housing Agreement must be submitted and approved by the BCC at the time of Final Plat approval for Phase 1. Affordable units in all phases shall be integrated throughout the development and not clustered into one area.
10. The Applicant shall comply with all Santa Fe County and State Agency conditions of approval.
11. A Water Service Agreement and a Sewer Connection Agreement must be approved by the BCC prior to Final Plat approval of Phase 1.
12. Applicant shall address all redline comments from Staff.
13. A final grading and drainage plan and report for each phase of the project and the project as a whole, shall be submitted with the preliminary plat Application
14. Roads shall not be gated.
15. A Geotechnical Report will be required with the Preliminary Plat Application covering each phase of the development.
16. Water use will be restricted to 0.184 acre feet per year per lot, as stated in the proposed water budget. Water restrictive covenants shall be recorded with each Final Plat.
17. All on site drainage structures/ponds shall require bi-annual inspections by a New Mexico Professional Engineer. A bi-annual report on the findings shall be submitted to Santa Fe County to insure adequate storage of storm water.
18. The Applicant shall submit a revised and minimized lighting plan with each Phase which demonstrates compliance with Section 7.8 of the SLDC.
19. A separate sign will not be allowed for each phase or portion of the subdivision. Only 1 sign is allowed per entrance to the Esencia Subdivision. A revised signage plan meeting SLDC requirements will be required with each phase of the development.

MS. LUCERO: This report and the exhibits listed below are hereby submitted as part of the hearing record. Staff requests the Hearing Officer memorialize findings of fact and conclusions of law in a written order. The Santa Fe County Planning Commission may be holding a public hearing on this matter on June 16, 2022. Hearing Officer Virtue, I would just want to state for the record that we did receive some letters of opposition and concern over the last couple of days. We were able to upload two of those letters to our webpage to the packet material. The third one came in a little bit late but it's been distributed for your review. And with that I stand for any questions.

HEARING OFFICER VIRTUE: Okay, the conditions, the staff recommended conditions will be included in the transcript with condition #4 amended as Ms. Lucero read into the record. And with that, just for the record, I actually received

Santa Fe County

SLDC Hearing Officer Transcript: April 20, 2020

three letters of opposition, or actually emails in opposition. One from Patty Montes-Burks, dated April 19th, one from Tim Beckmon dated April 15th, and one from Linda Parker dated April 20th. So I have received those three written statements in opposition just for the record.

I don't have any questions of the staff at this point, so we will turn to the Applicant's presentation and I would ask the Applicant and any representatives of the Applicants to please identify yourselves by name and address and we will swear you in and you can present your testimony.

JENNIFER JENKINS: Thank you, Hearing Officer Virtue. I am Jennifer Jenkins here on behalf of the Applicant and I would just ask a couple of members of my team if they could unmute themselves and turn their cameras on to be sworn in. If I could have Garret and Carl and Debbie please to be sworn in that would be great.

GARRET PRICE: Good afternoon, Mr. Hearing Officer Virtue. My name is Garret Price. I am the president of Price Land Development Group and the managing member of Esencia Land Holdings, the owner of the property. I reside at 1422 Stanford Drive NE, Albuquerque, New Mexico, 87106.

HEARING OFFICER VIRTUE: Okay, thank you. Next person.

DEBORA RAMIREZ: Good afternoon, Hearing Officer Virtue. My name is Debora Ramirez. I am an attorney with the Rodey Law Firm. My address is 119 East Marcy Street, #200, Santa Fe, New Mexico, 87501.

HEARING OFFICER VIRTUE: Okay, next person.

CARL VERMILLION: My video doesn't work. My name is Carl Vermillion. I'm with Bohannon Huston, a traffic engineer on the project. My address is 10554 Coyote Canyon Place NW in Albuquerque, New Mexico, 87114.

MS. JENKINS: Thank you. And Hearing Officer, my address is 130 Grant Avenue, Suite 101 in Santa Fe.

[Ms. Jenkins, Mr. Price, Ms. Ramirez and Mr. Vermillion were placed under oath.]

MS. JENKINS: Thank you. So if I may, Hearing Officer Virtue, I have a presentation, so if I may share my screen. I'm assuming you can see my screen, sir.

HEARING OFFICER VIRTUE: Yes, I can see it.

MS. JENKINS: Okay. Wonderful. Thank you. So here, as I said, I'm here this afternoon on behalf of Esencia Holding, LLC, in request for conceptual plan approval for the proposed Esencia Subdivision. Our project team who you met most of here, just momentarily ago, here on behalf of Price Land Development group, the property owner. JenkinsGavin are the owner's representative. Land Planning provided by SEC Planning and engineering provided by Bohannon Huston.

So Esencia is an approximately 277-acre property. It is located within the Community College District. This is the subject parcel here. So what you see here to the right is the existing Rancho Viejo community, so we are just southwest of Rancho Viejo and off to the left you see New Mexico Highway 14, and then existing county neighborhood here immediately to our west accessed Camino Vista Grande and Vista del Monte.

So this is the Community College District land use zoning map and you can see Esencia here within a designated village zone. The Community College District is the County's primary growth area. It is established as Sustainable Development Area-1 as adopted in 2015, so that is the orange color that you see here in terms of the area the

County designated primarily for expansion of growth based on the availability of infrastructure in this area. So you can see the Esencia project right there kind of at the heart of it.

So zooming in, the site is currently vacant and undeveloped. It has fairly gentle terrain. There are a couple of arroyo corridors across the property. There's a little more significant terrain down here in the southeast corner that will remain undisturbed and dedicated as open space. The surrounding roadway network includes Avenida del Sur that terminates here at A Van Nu Po, at this intersection, and then to the west, we have Vista del Monte, that goes out to Highway 14, and then we have Camino Vista Grande also to the west that leads out to Highway 14.

And then the property to the south is state land that is also vacant. And the property to the north and to the northeast and the east is part of the Rancho Viejo master planned community.

So as I said, the property is 277 acres. We are in a village zone of the Community College District and we are establishing a village neighborhood zone as part of this Application. We're proposing 608 single-family homes with a maximum permissible density of 710 homes. In accordance with the Community College District requirements, 15 percent of the homes will be set aside for affordable housing, and also in accordance with CCD requirements, over 50 percent of the project will be dedicated as open space, comprising over 142 acres of open space. That will be comprised of four neighborhood parks, a 6.9-acre community park, and then undisturbed open space and an associated trail network. The trail network internal will also connect to the existing district trail system within the Community College District.

And as Ms. Lucero referenced in her presentation we are requesting a variance regarding the requirement for a mix of housing types in order to permit all single-family residential development.

So this is the proposed, basically zoning map that shows the village neighborhood sub-districts and with of course the existing arroyo corridor and the associated fringe zones that remain unchanged with this Application.

So this is our conceptual plan. So the project is proposed to be developed in five phases. The first phase is here, kind of at the central and kind of western-northwestern portion of the property. Then Phase 2 moves over to the northeast corner. And then we jump across to the southwest for Phase 3 and then Phase 4 and then finally Phase 5.

Our primary access for Phase 1 is going to be from a new roundabout that we will construct at the existing intersection of Avenida del Sur and A Van Nu Po, and we will construct Avenida del Sur all the way to our west property boundary in Phase 1, in addition to a roundabout here accessing our primary north-south roadway in the project. So our Phase 1 improvements include both roundabouts and Avenida del Sur as well as some basecourse improvements in Vista del Monte.

As you can see, the gray areas here are the open space, and we have our larger community park. We have smaller neighborhood parks that you can see here in each phase, and then we also have a couple of public trailheads, as well as you can see the pretty robust trail network moving through the project.

So this is a conceptual lot layout. This, again, is conceptual at this point and will be finalized with each subdivision plat Application that is submitted to the County for each phase. We are proposing a diversity of lot sizes, ranging from a 45-foot wide lot up

to a 65-foot wide lot, and you can see the roadway networks, there's a lot of interconnectivity among the phases. I don't think we have any -- I think we have one dead-end street in the entire neighborhood. So that really creates a lot of sense for creating community within a neighborhood. Every neighborhood has great access to the open space and the trail network and to the park areas.

And in this location here, one of our very significant public infrastructure improvements includes a new sewer line extension from this point on the west edge of the property that will be aligned with Camino Vista Grande, out to the Valle Vista wastewater treatment plant, the lift station there. And so this is over a mile and a half of sewer line, which is a really critical improvement for the County's wastewater treatment system serving the Community College District and serving this primary growth area. So this is -- so that will all be constructed within Phase 1.

So these are some concepts for the parks that will serve the community. This is our community park concept, which is almost a seven-acre park that includes passive as well as active recreational opportunities. It includes a parking area and connectivity to the trail network as well as the sidewalk network. And then on the right, you can see kind of our smaller neighborhood pocket parks that are primarily passive in nature but really creating a gathering space for community interaction as people are out walking their dog or just want to enjoy the out of doors, have a picnic. So it's a little more of a passive recreational space.

So this is a plan of that sewer line extension that I referenced, starting at the west terminus of our last cul-de-sac here in the community, running down existing right-of-way within Camino Vista Grande, out to Highway 14, and then it crosses Highway 14 and then heads out to the existing Valle Vista lift station, and that effluent does flow to the County's Quill wastewater treatment plant.

So this is the Community College District circulation map, and what this did back in 2000 was lay out what the kind of overall transportation plan was for the Community College District around connectivity of roadways internal to the district, as well as how those roadways would connect to the exterior existing transportation network. And down here in the zoom in you can see the Esencia project that shows that north-south roadway that we are proposing and the connectivity to Avenida del Sur as well as a future connection to A Van Nu Po to the east.

And this is the Santa Fe County transportation plan which came later, that does mirror pretty consistently the Community College District plan. You can see the north-south roadway here connecting to Avenida del Sur which we aligning with this very closely, and then of course the connection out to the east to A Van Nu Po, and then the connection and the continuation of Avenida del Sur out to Highway 14.

So a traffic impact analysis was prepared for the project. There were six existing intersections that were analyzed that are identified here, starting with Highway 14 and 599 and the Vista del Monte intersection, and then up to Highway 14 and Rancho Viejo Boulevard, and then over to the Avenida del Sur and Richards. Then we have Avenida del Sur and Rancho Viejo Boulevard, Avenida del Sur and A Van Nu Po, and then our proposed access point connection to Avenida del Sur here.

So the traffic counts were conducted on February 9th and obviously that was during COVID conditions. So in accordance with NMDOT policy, and their approved methodology, the background traffic was modified in order to reflect pre-COVID

conditions. This is consistent with how traffic studies have been prepared over the last couple years, based on NMDOT guidelines. And as I'm sure you're probably aware, Hearing Officer, when we do traffic studies we look at intersections and that capacity analysis, because those are the choke points of any transportation network, and it's based upon levels of service, so there's somewhat of a grading system if you will that goes from level of service A, which is a minimal delay at any intersection, all the way down to a level of service F, which is considered a failing intersection.

So our traffic study results, as you can see here, that we have the existing conditions, and then we go through phases 1, 2, 3, and then full build-out, that we maintain acceptable levels of service in the build condition, all the way through the horizon year. And so the assumptions that were used, based upon the transportation connections, in Phase 1 we assumed the connection to Avenida del Sur to the north. Phase 2 also assumed just an Avenida del Sur connection to the north, and then Phase 3 we assumed the connection, in addition to our north connection, the connection out to the west to Highway 14, and then in the full build-out we assumed the connection through Avenida del Sur to the north as well as to the west.

And just in order to be as conservative as possible with respect to the analysis, none of the assumptions included the connection up to A Van Nu Po to the east, and I'm going to talk about why that is. So this just graphically represents the proposed roadway improvements, so as I mentioned in Phase 1 we will be constructing a new roundabout at the existing Avenida del Sur/A Van Nu Po intersection. We'll be constructing a new roundabout at our primary access point into the community, and this roadway will terminate at our west boundary to connect the existing Vista del Monte, and we will also be doing basecourse improvements in Vista del Monte to ensure a 22-foot wide basecourse drivable surface all the way out to the point where the pavement begins and County maintenance begins out to the west.

And then we are also dedicating right-of-way for a future roadway connection to the south to the state land for when that land potentially develops, and we're also dedicating right-of-way for a future connection to the east to A Van Nu Po.

So with respect to A Van Nu Po, condition #3 in your staff report states that the connection to A Van Nu Po on the east side of the property must be made in Phase 2. Under normal circumstances that would be fine. However, we do not have easement across the Rancho Viejo property to our east, so we have no frontage on A Van Nu Po. So just going back here there is a gap, right here. So we have no frontage. So in order to facilitate this required connection, and we are aware that this is reflected on the Community College District transportation plan as well as the County's transportation plan, we would need to acquire right-of-way here. We spent five months in a good faith, concerted effort, to procure right-of-way or easement in that location in order to construct this access point.

In the beginning, we really wanted A Van Nu Po to be our front door, if you will. We liked that entry better for a lot of reasons, and so we worked really hard to make arrangements with Rancho Viejo as well as – this is the Santa Maria El Mirador facility here; it is a local non-profit serving the developmentally disabled, and we also worked with this organization and we were unable to secure the requisite right-of-way. So to be bound to build a road across real estate we don't own, based on an arbitrary deadline of Phase 2 is really infeasible for this Applicant to invest millions and millions of dollars in

Phase 1 with the possibility they may not be able to build Phase 2, because they have to build a road across real estate they don't own is an untenable condition.

We discussed this at length with Santa Fe County and County staff discussed this among themselves with the County Attorney's Office and the Public Works Department, and what was conveyed to us was that the County was willing to pursue condemnation. As a private entity, we do not have condemnation rights, and so we would rely on Santa Fe County to condemn the requisite right-of-way in accordance with the County's transportation plans and in so doing that would enable us to construct the roadway. So we respectfully propose a modified condition number three that reads as follows: "The Applicant will be responsible for constructing a roadway connection for the east project boundary to A Van Nu Po at such time as the intervening property owner dedicates the requisite right-of-way or easement, provided that the Esencia project is still under construction at the time of dedication."

So with respect to Avenida del Sur, the Avenida del Sur extension project is a County project. It is part of the County's infrastructure improvement plans for their primary growth area, and in the 2020 bond issue, a million dollars was allocated to design the roadway and acquire any requisite easements. So this is reflected here on the right. You can see the list of roads projects that were funded in the 2020 bond issue. We've been working closely with Public Works around the schedule and timing for the improvements. Of course this project – we're building a pretty good chunk of the Avenida del Sur extension project from A Van Nu Po to our west boundary and the County is working on the design RFP right now, is our understanding, and it's also our understanding that in the 2022 bond issue that they will be pursuing construction funds for construction of the roadway.

And so this is the amended condition #4 that Ms. Lucero referenced in her presentation. So we understand and are in agreement that when we are ready to construct the infrastructure for Phase 3, if the County has not yet built their project then we will have to make those improvements from our west boundary out to Highway 14 and we may be entering into a development agreement with Santa Fe County to execute that. So we are in agreement with the amended condition as presented by Ms. Lucero.

So as you may have noticed in the staff report, Hearing Officer, we had identified, with respect to our overall signage plan for the project, that we would be proposing an individual monument sign for the kind of distinct internal subdivisions inside the Esencia master planned area. This is a significant project. It's over 600 lots, potentially 700 dwelling units. And this is not necessarily one builder. This is not necessarily one master community. We will have individual subdivisions here that will have their own brand; they will have their own builder. And from the standpoint of wayfinding and branding, we would respectfully request the opportunity to have very modest monument signage, but where we can have it distinct for each of these small projects.

This is not uncommon in large master planned communities in Santa Fe County, whether it's Rancho Viejo or Las Campanas – you drive through Las Campanas, Las Campanas is one master plan but there are multiple subdivision within Las Campanas. They have their own signs. They have their own entries. So this is not atypical in any way, especially for a project this large that is going to be built over quite a few years. And so we would ask that we be permitted to – that each individual, distinct subdivision

project within this master planned area would be entitled to appropriate signage for wayfinding purposes.

And lastly, we are requesting a variance to SLDC 8.10.3.12.1.b, with respect to the mix of housing types requirement in the village zone. And with respect to the variance approval criteria, as you saw in the staff report, the Community College District does have a good diversity of housing types represented. And I think that a mandate that was established 22 years ago could no way anticipate market conditions today. And we're seeing a lot of multi-family construction within the City of Santa Fe as well as there is a project that we're just about to record the development plan and obtain a development permit for a 200-unit apartment community north of the Community College. That project is going to be underway here very soon. And so we need to think about where are our greatest housing needs, and our greatest housing needs right now are within single-family residential. And we are providing a lot of diversity internally within the project.

And one of the comments staff made was about wanting to support workforce housing. We are very much about supporting workforce housing, but we want our workforce housing to be having a yard and having your home on a lot. That is what is more desirable. We should be encouraging home ownership. There are plenty of entities in our community who are providing much needed multi-family housing and rental housing but what there's not enough of right now is quality single-family homes at a variety of price points and a variety of sizes.

And so with that I would like to invite Garret Price, the Applicant, to speak to this particular item because he understands this better than anybody.

MR. PRICE: Thank you, Jennifer, Mr. Hearing Officer Virtue, I appreciate the opportunity to talk about this topic. As a backstory, I think it's pertinent to this discussion is prior to forming Price Land Development Group five years ago, I spent 20 years in public home building. The first five with Syntex Homes where I met Ms. Jenkins on the very initial phases of Tierra Contenta in the City of Santa Fe, and then after that, 16 years as vice president of land operations for Pulte Homes. I also spent several years as the president of the HBA of Central New Mexico Home Builders Association. So I do have a breadth of experience in all types of residential housing, both rental and fee-simple.

As Jennifer eloquently mentioned, we embrace workforce housing and I was proud to be part of the Las Soleras project. Before I left Pulte I put that together and currently we're doing the Colibri project nearby Esencia, which is 232 homes and I'm proud to say as Pulte Homes are buying lots from us and we are already seeing a lot of people buying homes out there that were teachers, members of the police force, and so we design our communities with that in mind. So one thing I think that gets lost in this Application is that although the product is single-family detached, it has a variety of lot sizes which then serve a variety of consumer groups.

Over the last 20 years I've been part of significant sized master plans where we targeted multiple consumer groups and demographics that could all live within one master plan, and so we have 35-foot wide product on 45-foot wide lots that's targeting not just in the affordable, meeting those requirements under this County affordable housing program, but that's also market rate housing. And that housing, as Jennifer mentioned, allows for four walls and a backyard, and that will be the same price as you see some of the attached products in the City of Santa Fe. And it's been my experience –

and I think most people would argue that if they are given the opportunity at a similar price point they would prefer to have a traditional single-family unless they're in an urban core or a very dense city.

So between the lot sizes of 45s, 55s and 65s, our builder-partner is proposing to have 17 different plans in three different series, and that's different square footage ranging from 1,300 to 3,300. And so it's different bedroom counts, single story, two story – so you can imagine. And then they have three elevations each within those series of plans. So do the math. It equates to 51 different combinations that you will see. I think that's even more robust and more diverse than a lot of the other communities that are following this without the variance.

And so we are humbly asking for you to see that. Although it's single-family detached and not an element of multi-family and the reason why we're not going multi-family is I took the largest multi-family developer in Santa Fe and toured on this site when I first purchased it and he said, no, we wouldn't do anything here because it's not close to an urban core or employment corridors. So we quickly [inaudible] district plan and looked at ways to provide diverse product and that's both between lot size and also elevations of homes and series of homes. And so I would ask that both you and staff recognize that we are attempting, and I think it will look good. You can look at some of the other communities I've been a part of that add streetscape and that diversity both in the product and the architecture will be present. So with that said I'd stand for any questions.

MS. LUCERO: Hearing Officer Virtue, it appears that Ms. Jenkins was speaking.

MS. JENKINS: I'm sorry. I was muted. So yes, thank you, Hearing Officer. That does conclude our presentation and we'd be happy to stand for questions.

HEARING OFFICER VIRTUE: Okay. Thank you for that. I guess my questions go to the variance piece at this point, and I address this to Mr. Price at this point or Ms. Jenkins. What is the *hardship* – that's the word that's used in the code. What is the hardship created by not providing for some multi-family housing in the project?

MR. PRICE: If I may answer that, Jennifer. Mr. Hearing Officer Virtue, so as I mentioned in my commentary, we brought a well respected developer of multi-family to the site, toured him for several hours throughout the property, went through the project, the zoning regulations, and they clearly passed. And we've asked time and time again and they cited that it doesn't mean the requirements or the regulations necessary for a successful multi-family project, those being closer into urban cores and key employment corridors and easy access to roads. If you were to visit the site you'll see that it is somewhat rural that lends itself to this outdoor experience and miles and miles of trails and this park.

And so to answer your question more specifically, if we were to have to designate a section that would be multi-family within this project and recognize that we're contributing 50 percent of the project as open space, it would severely hurt the pro forma because we wouldn't have a buyer for that multi-family of that scale, or we'd have to discount it. It's incongruent with its location and also I would say, as Jennifer mentioned, this small language was placed in this document over 20 years ago. Demographics and real estate trends have changed dramatically. There's a place for multi-family, but I do believe, and we've done this before, that through single-family detached we can still

provide that diversity in housing product and price points serving a diverse group of people that you will have an entry level home, not just the affordables, but entry level serving workforce housing needs and also move-up and luxury, all in the same community using the same amenities through what we're proposing. But if we were to designate a specific section with multi-family it would severely hurt our pro forma and our investment strategy.

MS. JENKINS: And also, if I may add, Hearing Officer, there's also the hardship for those potential future residents of multi-family development in terms of their transportation. There's no public transit accessible to this site, so their access to services just to go grocery shopping, go to work, all of that increases the cost of living. So what is unique about the other multi-family project that is going to be kicking off here, it's directly adjacent to the Community College, directly adjacent to a city bus route. It's a very different setting than this setting that we are in here.

HEARING OFFICER VIRTUE: Have you done any studies that show that this particular location is outside the parameters of a good location for multi-family? In other words, does it have to be with transit to meet standards? How close does it have to be to grocery stores? I'm just trying to get some objective information related to the inappropriateness of this location for multi-family housing.

MR. PRICE: Great question. Mr. Hearing Officer Virtue, we have not prepared a specific study to that effect. I did again engage a very well respected president of a multi-family development company that's done several projects in Santa Fe. He was a counterpart of mine and a good friend and we toured him onsite. I respect him, and to me that was my market study when he said there's absolutely no interest. We asked others in the market and outside the market, so that was our test. We did not, after that discussion, see the need to invest money in a study that would only confirm what the president of this investment company confirmed.

However, again, I would suggest that the 25+ years of experience that I have in that market would also supply I think inherent knowledge about what works and doesn't work. But to answer your question specifically we did not do a study specific to that.

MS. JENKINS: And anecdotally, Hearing Officer, if you just – so why has there not been a multi-family project in the Community College District? The market tells you everything you need to know. There has been rampant multi-family development within the City of Santa Fe. You can get the density that you need in the Community College District. There is no maximum permissible density. Absolutely. There's no maximum. But yet nothing – why has when all of this activity has been going on, you just look at where are the multi-family communities being constructed? That tells you everything you need to know. And the only community that's been entitled and is moving forward in the district is very unique in terms of its location relative to the rest of the district. And it's potentially maybe the only site.

Time will tell. The Community College District by no means is built-out. But I think the fact that there hasn't been one constructed and the amount of activity we've seen in Santa Fe over the last three years, it speaks volumes.

HEARING OFFICER VIRTUE: Okay. Thank you for those answers. I also had a question about the Department of Transportation comments on the traffic impact. I'm not finding my note here but I believe the reference in the submittal, the packet that I got, indicated there's Department of Transportation comments on traffic

impact, and I think this was for the area around Highway 14 had not been received yet. Can you give me an update on the status of that?

MS. JENKINS: I think you might be referring to the – we did receive a comment – we did receive a memo that I forwarded to County staff from the Department of Transportation, who did review and state that they were comfortable with the findings with respect. Because the only facility that is their facility is that we studies is the intersection of 599 and Highway 14, and we did receive – and I could pull up that memo from the DOT if that would be helpful.

HEARING OFFICER VIRTUE: Well, I'd just like to – if it has been issued, I'd just like to get it in the record.

MS. JENKINS: Sure. Absolutely. Give me just a moment.

HEARING OFFICER VIRTUE: I'd like to just look at it and we'll come up with a process for getting it in the record.

MS. LUCERO: Hearing Officer Virtue, if I could just address that briefly. Ms. Jenkins did provide me with a copy of an interdepartmental correspondence memo from DOT. I didn't include that in the packet material because we never actually received anything from DOT directly, so I'm not sure if this is the entirety of their comments of if this was officially the end result of their comments. But we still have not received anything directly from NMDOT.

HEARING OFFICER VIRTUE: Okay. Thank you for that. Ms. Jenkins, do you have any –

MS. JENKINS: Yes, I'm sorry. My apologies. I'm just trying to pull this up and I think I have it right here. So if I may, I will just share it really quickly. So this is from Javier Martinez, and he did forward this to me directly. So he had forwarded his comments – they have kind of a central clearing house office at the DOT who then distributes all the comments to the County, but I did take the liberty of forwarding this and this is the District 5 engineer, assistant district engineer. And it says the New Mexico Department of Transportation has reviewed the traffic study for the Esencia conceptual plan. The proposed development is within the County of Santa Fe, New Mexico. We are in agreement with the Application packet that this development will have minimal impact to the State transportation system for phases 1 through 3, and would like an updated traffic impact study for DOT review when the connection from the Esencia roundabout on Vista del Monte towards Highway 14 is completed. If you have any questions please contact me.

HEARING OFFICER VIRTUE: Okay. Ms. Lucero, is that the same thing that you received?

MS. LUCERO: Hearing Officer Virtue, it does appear that it's the same document that I received from Ms. Jenkins.

HEARING OFFICER VIRTUE: Okay. So let's just mark that as Applicant's Hearing Exhibit #1 and I'll admit that into the record. So the DOT's response, comments on traffic will be admitted into the record. I don't have any further questions at this time. Let's turn to questions from the public of the Applicant, the Applicant's witnesses. Do we have anyone from the public that wishes to ask questions of the Applicant's witnesses?

PATTY BURKS: Hello, yes.

HEARING OFFICER VIRTUE: Yes, ma'am. Please identify yourself by name and address for the record, and then you can ask your questions.

PATTY BURKS: Thank you very much. My name is Patty Burks. I live at 14 Vista del Monte in the Valle Lindo Subdivision. I am serviced by Vista del Monte and it's at 87508.

HEARING OFFICER VIRTUE: Okay.

MS. BURKS: Where do I start? I have so many questions regarding this conceptual plan, and I guess I will start with the land compatibility.

[Patty Burks was placed under oath.]

MS. BURKS: I do live in Valle Lindo Subdivision. It's a traditional village zoned subdivision that's been in existence for about 72 years. We have parcels in this subdivision, maybe 110, I think, and they're 2.5-acre large. There's one dwelling per 2.5 acres in this subdivision that's directly adjacent. It will share the fence line with Esencia and I don't believe that this development is compatible with the neighborhood here. I'm looking out my window right now and I see horse corrals. I see land that is wide open. I'm overlooking – I can look from my second story, I can look out to the plains and the grasslands probably as far as if over the hill there might be Eldorado. It's wide open out here, and that's the beauty of this area.

Santa Fe has its foothills and its mountains that are beautiful and I was born and raised in Santa Fe, but my dad purchased this property back in the '50s from Mr. Thornburg and I acquired it when I got married. So I have an affinity to this. I know the neighbors. They are very concerned that we did not have sufficient notification of this meeting today. I was at the May 20th meeting –

HEARING OFFICER VIRTUE: Ms. Burks, excuse me. You're providing testimony which you are more than welcome to do but we're not at that point in the proceeding. I was asking – perhaps I should have been more specific if you had specific questions of the Applicant about the specific parts of the Application and if you do, go ahead and ask them. If not, you'll have your opportunity to testify later.

MS. BURKS: Okay. I was just kind of setting my history with the area. But I do have questions. Mr. Garret Price mentioned that his study surmised, his study of not using multi-family Applications on the subdivision, on the land. His study was to show for a person that he requires – he has high regard for – to just chauffeur him around on a Range Rover and see some vacant land. Well, I don't believe that his reasonings are accurate because there are institutional campuses directly adjacent to this property. So I'm wondering why he would not have sufficient, adequate study regarding keeping the village zone, which would be more compatible with this area, and not go into a subdistrict and create a neighborhood that is a sprawling kind of shoebox, cookie-cutter homes. It's 710 homes.

So the other question regarding why he didn't include the fact that there's medical, there's educational institution campuses right around the area, and then if you go on 14 there's a wide variety of places that can be used as employment. I don't understand why he said that they are catering to different levels of family types because what I'm reading about this subdivision is that it's going to cater to 55+. And that's pretty much you're almost out of – you're into retirement.

So the other major question I have is regarding the traffic study that Garret Price talked about, that he did or that was done and he did reference that he was on the

SLDC CLERK RECORDED 06/08/2022

planning for the Colibri Subdivision which is just north of us and it's 234 additional homes here. What that has done to the traffic situation on Highway 14 is it has narrowed into a bottleneck there that will provide a brand new intersection at 599 and one of the entrances to Colibri. It will funnel in, choke – the term was used by Ms. Jenkins as traffic choking, well there is going to be traffic choking because the highway was not widened there for any kind of ingress or egress to Colibri. It is – if you go on to the site and have a look at how the traffic is going to have to enter and exit Colibri, it funnels right there into a brand new intersection and I don't understand why the State Highway Department has not taken that into consideration and is only suggesting that they study the impacts of the intersection at Highway 14 and 599. They need to study the new intersection at Colibri and Highway 14, and that is not even on their plans for Esencia.

So that is completely incomplete and there's a lot of work that I believe needs to be done. But I'm just going to end there because I've got a lot of other questions regarding water. Well, let me just say that the water situation here in Santa Fe, we are in a drought. This full-out build, they're asking for 157 acre-feet of water per year. We don't have that kind of water. The two reservoirs in Santa Fe are down. They've diminished. The McClure and the Nichols, they're 13 percent of their capacity. One of them is 13 percent. The other one is 55 percent. I do not understand – I'm going to ask you, have you as the developer and the representative for the developer and the County talked to the City about this 157 acre-feet that you want to use, and in addition to that, are you bringing in water rights? Who's paying for the water? Are we paying for the water? The public? Thank you all in there.

HEARING OFFICER VIRTUE: Okay, I'm not sure who those questions were addressed to but I'll give the Applicant's witnesses an opportunity to respond.

MS. JENKINS: I'll respond to the last question, Hearing Officer. So with respect to the water, there have not been communications with the City of Santa Fe because we are going to be Santa Fe County water customers. And we are hooking up to existing Santa Fe County public water infrastructure. We are going to be – we will either be doing a combination of water rights plus fee-in-lieu. That is yet to be determined, but the County is supportive of both water rights as well as fees that allows the County to also acquire additional water rights. So we have been issued a ready, willing and able service letter from Santa Fe County. So we rely on the Santa Fe County Utility to tell us if there is water available to serve this project, which they have told us that there is.

And with respect to – originally, we were proposing an age-restricted community but the plan changed and so we submitted a revised Application to Santa Fe County in November and we are no longer doing age-restricted. This is a traditional, multi-generational residential community. And on that note, at the request of Santa Fe County staff, we are going to be holding a second neighborhood meeting here pretty soon within the next two to three weeks. Staff has asked us to hold a second neighborhood meeting just because the project has evolved somewhat from – and the thing with these neighborhood meetings, the projects are at a preliminary stage when these neighborhood meetings are held, and they should be at a preliminary stage because you can't really respond meaningfully to any feedback you get from the community if the plans are done and everything is tied up with a bow.

So we were at a preliminary stage and we had our original neighborhood meeting in accordance with the SLDC but County staff realized because the project has evolved

somewhat they said it would be good if you guys could have a second neighborhood meeting. We've already set the date for that. It is coming up. We're doing that meeting on May 10th. We're probably going to be getting the notices out for that meeting on Friday, so well in advance of us appearing before the Planning Commission we are having a follow-up meeting.

And with respect to the traffic study, as the Applicant and as the developer, we don't get to decide which intersections we study. That is told to us by Santa Fe County Public Works, Growth Management, as well as the DOT. So we reach out. We say we need to scope a traffic study, and they tell us what intersections we need to analyze. And for this project, six intersections is a significant study. And so we analyzed the intersections that we were directed to analyze.

I think I caught everything, Hearing Officer. It looks like you might have been taking better notes than I was.

HEARING OFFICER VIRTUE: Well, I got a question it might be useful – maybe Mr. Price would like to address it. She was alluding to the fact that there are some certain public services in the area like educational facilities and healthcare facilities that might attract persons who are interested in multi-family housing. Do you have a response to –

MS. JENKINS: I would actually like to respond to that if I may, Hearing Officer, and then I can let Mr. Price chime in if he would like. I find it curious that Ms. Burks is concerned about a lack of multi-family housing in our single-family community when she also stated she felt like our single-family community was out of character with her neighborhood. So if anything is going to be out of character with her neighborhood it's going to be multi-family housing. So I am a little – I find it a little odd that she seems concerned about that.

HEARING OFFICER VIRTUE: Okay. Thank you for that. I'm going to ask if there are any other questions of the Applicant's witnesses that are specifically addressed through the Application, with the understanding that folks will have an opportunity to testify at a later day. This is any specific questions with respect to the Application. So do we have anyone one who wishes to ask specific questions?

WARREN THOMPSON: Warren Thompson.

HEARING OFFICER VIRTUE: Mr. Thompson, would you identify yourself by – give us your address and I'll have you sworn in.

MR. THOMPSON: Warren Thompson. I am at 55 Canada del Rancho, Santa Fe, 87508. I am involved with the Rancho Viejo project.

[Warren Thompson was placed under oath.]

MR. THOMPSON: So the access to the project on Avenida del Sur is based on a conditional road dedication plat that was recorded in Book 415, page 26 of the Santa Fe County records in June of 1999. And on that plat there are several conditions that are required to be met to utilize this access and I'm asking the Applicant if they have addressed those conditions. One of those conditions being that they consider our future development in their traffic impact and that is not diminishing our capacity. I just want to know if their traffic study considered our future development. I requested this early on in their process.

MS. JENKINS: Thank you, Warren and Hearing Officer. So yes, the traffic impact study did incorporate what was known about potential development and I believe Mr. Thompson provided some data to us early on for inclusion in that study.

MR. THOMPSON: I never received a copy of the study or anything so I don't know what was included in there or not. So it would be helpful to understand that.

With regard to the apartments, the reason they haven't been built, they were approved seven years ago, is because the County required that the Southeast Connector be built in order to build them. And so while you may not want to do multi-family, I don't have an argument with that, but the fact is that it's the County not building the road that held up the apartment project. So I don't know that that speaks to demand in the area, Jennifer. That's my only comment.

HEARING OFFICER VIRTUE: Okay. Thank you very much. Anyone else with specific questions of the Applicant's witnesses?

MARK EWING: Hello.

HEARING OFFICER VIRTUE: Please identify yourself.

MR. EWING: This is Mark Ewing calling. And I live in Valle Lindo Subdivision, 18 Camino Vista Grande.

[Mark. Ewing was placed under oath.]

MR. EWING: My concerns are traffic and water. There's a difference between water on paper and water in your faucet and the recent water studies or publications that are put in the newspaper, Santa Fe is currently using more than it makes. So with the addition of a subdivision of this magnitude, I don't understand where the County and the City are going to get the water to support this. That's one of my major concerns. And is this water well water? Is it surface water? I don't know. And where is it coming from? The Rio Grande is almost dry in Albuquerque, so if you're talking about surface water we're in a world of hurt. Groundwater? Well water? Many people south of us on State Road 14 have gone dry, so what becomes of our wells and our water sources if these are wells that are being used to support this subdivision? That's one of my concerns.

Another concern is the traffic. Cerrillos Road can hardly be traveled any longer as the traffic is way too heavy. It can't even support what we currently have. What is going to happen with 710 houses adding perhaps two cars per house to this mess on Cerrillos Road? And the only other major arterial is St. Francis, which is just as bad. So those are my concerns, and as Patty Burks said, here on State Road 14 by PNM where this new Colibri Subdivision is, that is going to be a nightmare by the time they get their homes built with a single lane, one traffic light, I don't see it.

Now, whoever made that study didn't do a very good job in my opinion because it's bad as it is. If you live here and travel it you will understand how difficult it is and what a nightmare it is. But adding all of this to that is going to compound it tremendously. Those are my major concerns. If anyone could address those issues.

HEARING OFFICER VIRTUE: Could someone from the Applicant, a spokesman, give a response to where the water will come from?

MS. JENKINS: Sure, Hearing Officer, I'd be happy to. So the Santa Fe County water system, and I don't know if someone is participating in the meeting today from County Utilities, so please, I would love for them to chime in if there's anybody on the line today. But the County's Buckman Direct Diversion project, which does divert

surface water, is the source of water that serves the Santa Fe County water utility. So that would be the source of water, which is the source of water for all county communities that are connected to the County water system.

HEARING OFFICER VIRTUE: Okay, does the Applicant care to address comments on traffic?

MR. EWING: Yes, I would be in favor of a hydrology study presented to the –

HEARING OFFICER VIRTUE: Sir, we're on questions now. So I'm asking if the Applicant wants to respond to your questions. She responded to your question on water and I asked her if she wanted to address traffic. You can provide testimony later on the water situation if you still have points you would like to make. I'm seeing we're having an issue here with separating questioning from testimony, so please limit your statements to questions at this point. You'll have an opportunity to testify later.

MR. EWING: Okay.

HEARING OFFICER VIRTUE: So the specific process we're in now is if the Applicant wants to address your question about traffic.

MS. JENKINS: So, yes. Thank you, Hearing Officer. So with respect to traffic, as has been presented, we conducted a thorough traffic study under the direction of Santa Fe County and the Department of Transportation. That traffic study was revised, updated, amended in response to some modifications with respect to the access plan and has been thoroughly reviewed and has been approved by not only the Department of Transportation but Santa Fe County. And so there were no deficiencies indicated in terms of the intersections that were analyzed.

There are new improvements that have recently been completed in Highway 14 with respect to the access to the Colibri Subdivision which is a new traffic signal, new turn lanes. These are improvements to the roadway network that improve how the roadway network functions. And so there's a brand new traffic signal, brand new turn lanes, to create a safe access into Colibri and safe passage of vehicles down Highway 14.

HEARING OFFICER VIRTUE: Okay. So we'll go to the next questioner and I just want to be real clear that I'm going to limit participation at this point to specific questions about specific sections of the Application. And again, you'll have an opportunity to testify later on, but if you have a specific question about a specific section, now's the time to ask it. So are there any questions of that nature?

CHRISTY THOMAS: I have a question.

HEARING OFFICER VIRTUE: Okay. Please identify yourself by name and address.

MS. THOMAS: Yes. My name is Christy Thomas. I'm at 15 Lewis Lane. Our house sits right at the boundary of the project site, right at the end of Vista del Monte.

[Christy Thomas was placed under oath.]

HEARING OFFICER VIRTUE: Okay, please state your question.

MS. THOMAS: Okay, my question is, like I said we sit right at the corner of Vista del Monte and the project site. We have a gate that leads on to the projected site. Every time this site is visited it is usually visited through this gate. This gate in the past has been a thoroughfare to the subdivision back all the way through. We had to close this off as well as the other development did also. My question is what is the reasoning for

SFC CLERK RECORDED 06/08/2022

only putting in a dirt road on Vista del Monte, considering that that would be a very straight shot to go to Albuquerque, to get on to 599 to go – that would literally save ten minutes, and my question is simply what was the reasoning for that?

MS. JENKINS: So I could address that, or I don't know if Ms. Lucero would prefer to address that.

MS. LUCERO: Hearing Officer Virtue, I can address that and then Ms. Jenkins can chime in if she has any additional comments. As far as Vista del Monte, right now – it was part of the Phase 1 development. Staff is recommending that that connection be made to Vista del Monte. The Applicants are actually proposing as part of Phase 1 to extend Avenida del Sur from A Van Nu Po through the development to their western property boundary. So that will be built to County Community College District road standards. However, the remainder of Vista del Monte to Highway 14, there is a condition that staff recommended that the Applicant make sure that that road is improved to a – I believe it's a 22-foot basecourse service to provide secondary access to the subdivision at Phase 1. So there will be some improvements made to that road currently but as part of a later phase that road will be required to be upgraded to Community College District standards in conjunction with the County planned project for further infrastructure and improvements to Vista del Monte. So it will be paved at a later date, and potentially widened if that's the requirement at that point.

MS. THOMAS: Okay, so my other question was did the study on the roads address or say how much traffic would be increased on that road?

MS. JENKINS: Yes, I don't have that information at my fingertips, but yes. There were some assumptions made regarding what we call in the business the trip distribution in terms of the amount of cars that would be moving west down Vista del Monte to Highway 14. And so as I said, I don't have that at my fingertips right now but I can definitely pull up that information and make that available here as we continue with the hearing. And I don't know if Carl – Carl Vermillion is our traffic engineer. Carl, do you have that information at your fingertips for the initial assumptions rather than trip distribution going west on Vista del Monte.

MR. VERMILLION: Yes. Yes, I do. So with this new connection there was analysis on the 2040 roadway model that Santa Fe has and it indicated that there will be lots of trips that will instead take this new Vista del Monte connection. I don't have the numbers in front of me, but I can get those.

MS. THOMAS: And another question I have is was there a study done on the health benefits or the health ramifications of driving on a dirt road like that for the neighborhood, creating so much dust and all of those kind of things creating air quality issues?

MS. JENKINS: No, there was not a study of that nature required or conducted.

MS. THOMAS: Thank you. Those were my questions. Well, I do have one last question that's just off course. Will all of these existing neighborhoods have access to all of the amenities that you have within this new subdivision?

MS. JENKINS: Yes. The open space and trail network, as is consistent with the rest of the Community College District are public improvements. So there will be trails, open space, the trailheads and so yes, there is intended to be connectivity

throughout the Community College District, throughout this area of the trails and open space network.

MS. THOMAS: And then finally, what about barrier walls and that kind of thing? Sometimes around these kinds of new developments they create very obtrusive walls and unattractiveness. So my question is, has that been addressed?

MS. JENKINS: We are not proposing to wall this 277 acres by no means. Between the Valle Lindo neighborhood and the residences along Vista del Monte, we have 50 acres of open space that is potentially a buffer between our existing neighbors to the west and where our first homes begin. The minimum dimension of that is – there's a minimum of 200 feet of open space in terms of providing that buffer and that open space is going to be protected. That vegetation is going to be preserved, and yes, there might be walls or fences around individual yards and individual lots, but we are not proposing to wall in this entire community in any way.

MS. THOMAS: Okay, and the last question is are there going to be multiple builders inside of this community or is it a single builder?

MS. JENKINS: More than likely there will be more than one builder, but we will also definitely be controlling the architectural aesthetic. It's important to us that there be a sense of continuity in the community architecturally, but we also don't want a cookie-cutter community. We want there to be a sense of diversity but that everything does work well together. So, yes. This is a long-term project so that we would expect more than one builder.

MS. THOMAS: Okay. Thank you. Those are all my questions.

MS. JENKINS: Great. Thank you.

HEARING OFFICER VIRTUE: Okay, thank you. Are there any other –

TOM CHURCH: Mr. Chair.

HEARING OFFICER VIRTUE: Yes, sir.

MR. CHURCH: Yes, this is Tom Church. I have a question. I have a property off of Vista del Monte and I seem to not be on the mailing list. And so can I get on that please? And I'd also like to get a copy of the Phase 1 Vista del Monte and any later reports on what your intent is to do on the frontage there.

MS. JENKINS: Sir, if you would like to enter your email address to me in the chat, then I would be happy to – then we can exchange and get your contact information into our mailing list.

MR. CHURCH: Unfortunately, I'm retired and my iPad is an older version than the Webex that you use. So if you could –

MS. JENKINS: I'm going to enter my email address. Can I enter my email address in the chat?

MR. CHURCH: I'm telling you I'm just on a phone. I'm not in the chat. Can you just give me your email address?

MS. JENKINS: Sure. It's really easy. It's Jennifer@jenkingavin.com.

MR. CHURCH: Okay. And you are representing the developer? What about the comments I have with the County – in my family transfer of about 20 years ago? Do I deal with the County on that?

MS. JENKINS: Yes.

MR. CHURCH: Or do you take care of all of those questions and concerns.

MS. JENKINS: I represent the developers, but I'd be happy to – if you let me know what your concern is I can direct you to the proper person at the County who might be able to help you.

MR. CHURCH: I have not seen any information on the development because I am not on your list, but I do front 35 acres under the name Church, Thomas and Ed Church.

MS. JENKINS: Great. No, I really appreciate you bringing that to our attention. So if you email me with your name and address and then we can make sure that you get on the mailing list, because again, we're going to be holding a follow-up neighborhood meeting and then we can make sure that you receive notice of that.

MR. CHURCH: Okay. Thank you.

MS. JENKINS: You're welcome.

MR. CHURCH: Thank you, Chairman.

MS. BURKS: I'd like to ask another question, if I could, unless there's another caller coming in.

HEARING OFFICER VIRTUE: You've got the platform so please ask your question.

MS. BURKS: Okay. Again, my name is Patty Burks and I have been sworn in. I need some clarification regarding the use of Vista del Monte and utilizing, making some improvements to that to service the residents in the new project to get to Highway 14. Because Vista del Monte is a close ended road. It's only – it's a service road just for the people who live on Vista del Monte. Avenida del Sur, which is down the ways, goes right into a four-way intersection with Highway 14 and 599. It's not Vista del Monte.

Vista del Monte was closed with a cul-de-sac and we negotiated really – we really negotiated. It took a lot of negotiation to get Vista del Monte closed at the end towards Allsup's and at the end towards the Browncastle Ranch or the RV campground. You keep using Vista del Monte saying that it's going to be improved to direct traffic to Highway 14. I don't think that's accurate, and if it is, can you clarify? Because I would imagine that you're going to use Avenida del Sur because that's the one that goes directly into the four-way intersection with 599 and 14. So can you please – we've got a – Vista del Monte is just a very local road that services about 12, a handful of driveways and again, it was part of the negotiation with Turquoise Trail Subdivision to get that closed on both ends. So for you guys to come say that you're going to bulldoze and bring traffic in on Vista del Monte, that seems to be wrong to me.

MS. JENKINS: No, I appreciate, Ms. Burks, I really appreciate that opportunity to clarify this. You are correct. As we exit our site on Vista del Monte then we will be diverging up to Avenida del Sur and so we will not be making any modifications or doing anything to that portion of Vista del Monte that kind of runs parallel to Avenida del Sur. So thank you for allowing me to clarify that.

MS. BURKS: Sure. And Avenida del Sur, right here past Allsup's, is only a two way road. It's just a single one way, single the other way. There's no shoulder and it's not going to support the traffic that you think that you can get onto 14 on there, I don't believe, without widening and making some major improvements right there. But you've got some limitations with the new subdivision, Turquoise Trail Subdivision.

The other thing is are you planning on using Richards Avenue to divert traffic onto Richards Avenue. That's another avenue that has not been improved or widened enough to support this kind of traffic.

MS. JENKINS: So, yes. We are connecting to the existing roadway network within Rancho Viejo, primarily Avenida del Sur. And Avenida del Sur does eventually – it's a bit circuitous, but yes. If you wanted to go that way it would eventually connect to Richards Avenue. But the more direct shot, if you will, is up to Rancho Viejo Boulevard, and then potentially out to Highway 14. But yes, there are no dead-ends here, so we are connecting – the County requires roadway connectivity in all respects, but yes, we are connecting into the existing network.

MS. BURKS: I wanted to say one thing about the trail connectivity. We do have a trail that is next to, right side by side with Avenida del Sur, and it is a pedestrian/bicycle asphalt trail. It stops right at – it doesn't go a long distance. But is there plans within your project to try to give a little more connectivity for bikes and pedestrians through your – from this trail to your project?

MS. JENKINS: Ms. Burks, I'm not exactly sure. I'm looking at an aerial right now. I'm not exactly sure which trail you're speaking of but I think what would be great if you wanted to reach out to me and we would love to – our trail system, our layout right now is schematic and conceptual. So if there's an opportunity to connect to some existing rails that are utilized by the community I think that is a great idea. But maybe you could email me and we could communicate and I could understand better about what you're referring to and we can see how that aligns with what we're proposing.

MS. BURKS: Okay. Yes. I suggest you come out here, take a drive down here and you can see Avenida del Sur right off of Highway 14 nears Allsup's, and you can see the pedestrian/bicycle trail there. The other thing I suggest that you do is see how the traffic on Highway 14 will bottleneck right there at Colibri, because that is a potential for big problems. Instead of widening the road they used what was there and dedicated it to exits and entrances into Colibri. So we're not adding more pavement we actually took a lane away from the northbound Highway 14. So I suggest you come out here and take a look. Okay. Thank you.

MS. JENKINS: Thank you, Ms. Burks.

HEARING OFFICER VIRTUE: Looks like we have another call-in user.

ROBERT BUSTAMANTE: We have a question for you.

HEARING OFFICER VIRTUE: Okay, Mr. Bustamante, please give us your address and we'll have your sworn in.

MR. BUSTAMANTE: Yes. My name is Robert Bustamante. I live at 7 West Serena Lane, Santa Fe, New Mexico, 87508.

[Robert Bustamante was placed under oath.]

MR. BUSTAMANTE: So, Jennifer, this question is for you. The concern that I have is the easement issue for Vista del Monte. The subdivision that I live in is Valle Serena and it extends from the almost entrance to the subdivision that you're going to be creating, almost to the middle of the RV park out there. I have been in contact with the County in regards to this roadway acquisition being developed. Are you going to be working with the County in the development portion of this road during the construction of this development?

MS. JENKINS: Potentially. So as I think you're aware, Mr. Bustamante, the County has been planning the Avenida del Sur extension project for some time. They are about to issue a request for proposals to design the roadway. As part of the Esencia project we are developing kind of the initial segment of it from A Van Nu Po to our west boundary. And we will be developing that in coordination with the County because based upon the design that they end up wanting there in terms of what is the desired roadway section? What is the desired design for that roadway?

So we're building kind of the initial piece of it, which is great because it means the taxpayer had to pay for building less of it, and depending on the County's timing, it is our expectation based on our communications with that is that the balance of the road will be completed prior to us moving forward with Phase 3, which is quite a few years away. But in the event that it isn't completed prior to us moving forward with Phase 3, then we have an obligation to finish those improvements out to Highway 14, in accordance with the County's design. And then we would be collaborating with them as sort of a public-private collaboration to see that the balance of the improvements are constructed.

MR. BUSTAMANTE: Okay. So just as a follow-up question to Patty and her concern, the concern that I have is in the development of this roadway, it seems like widening of this existing roadway is going to need to take place. If you're going with New Mexico or DOT standards in regards to the width of the road that is currently out here, right now, I believe if I'm not mistaken, it's not wide enough and it's going to need to get widened and the easements are going to be affected that are currently out here. Have you made any concerted efforts in regards to talking to an attorney in regards to that?

MS. JENKINS: Yes. So as part of the design process, Mr. Bustamante, that the County is going to be engaging in, with respect to the monies that were allocated out of the 2020 bond issue, those monies are to handle two things. One is the engineering design of the roadway itself, and for the County to acquire any additional easement or right-of-way that is deemed necessary. So once they get the design far enough along they can determine if the existing easement and right-of-way adequate to accommodate the design or are they going to need to reach out to individual property owners and request for acquiring some additional easement.

So I think it's a question mark right now, whether or not that will be – the County is going to endeavor to design a road that fits within the existing rights-of-way. But if that isn't possible they would reach out and pursue acquisition of any additional easement that was necessary.

MR. BUSTAMANTE: Okay, so you made a comment in regards to your presentation that you would be assisting the County in maintaining the roadway during the time of development. Does that mean that you're going to be maintaining the road as you're giving the acceptability to start building this development and during that portion? If the road has not been developed yet, then you will maintain it during that timeframe.

MS. JENKINS: Honestly, Mr. Bustamante, we have not gotten to that point yet in terms of – as I said, we're still at the conceptual stages, but I think that's a valid question. And so what I would ask and invite if you're able to attend the upcoming kind of follow-up neighborhood meeting, we can circle back with our client and the County to understand that and we can be prepared to address that with you.

SFC CLERK RECORDED 05/18/2022
SFC CLERK RECORDED 06/08/2022

MR. BUSTAMANTE: Yes, I will be there, because I've been in pretty tight contact with Mr. Moreno's office, so I will be attending that meeting as well.

MS. JENKINS: Excellent. Wonderful. I look forward to it.

MR. BUSTAMANTE: That's all I have.

MS. BURKS: I would like to comment and ask a question. The access that you anticipate using for your project that is on the northwest, which is – is it the Avenida del Sur connection? It goes through your property; is that correct?

MS. JENKINS: That's correct.

MS. BURKS: So the project will be footing the bill for that construction, not the public; is that correct?

MS. JENKINS: That is correct.

MS. BURKS: That segment there?

MS. JENKINS: Yes.

MS. BURKS: Through your property.

MS. JENKINS: And out to A Van Nu Po where Avenida del Sur currently terminates. So there's that eastern segment that's offsite that we will construct as well as the onsite portion.

MS. BURKS: Well, okay. So if you're taxing – if you're going to tax the Avenida del Sur connection to the intersection for purposes of servicing the vehicles that come out of your project, wouldn't it – it just seems to me that the impacts are from the proposed project and that the project add in some value to your plan and give some of that money, even though you're saying that the bond issue of 2020 will pay for that. Well, the bond issue of 2020 can pay for additional other needs in the County if you can add value to your project by footing the bill, is what I'm trying to say. Paying for the segment to improve, to get on to Highway 14, to get your traffic onto Highway 14 on Avenida del Sur. Just a suggestion.

MS. JENKINS: Thank you.

HEARING OFFICER VIRTUE: Any other specific questions related to the Application?

MS. BURKS: I have one more regarding wastewater, the wastewater treatment plan and what capacity is happening there at Quill, and how do you – just to say that you did get an approval to utilize the wastewater treatment plant over there. Do you know what condition it's in?

MS. JENKINS: If I may, Hearing Officer, I'd be happy to respond to that.

HEARING OFFICER VIRTUE: Please.

MS. JENKINS: Yes, so the County has recently – I don't know if all the improvements are 100 percent complete but they are close to being complete, of a significant upgrade to the Quill plant to the tune of millions of dollars of improvements. So based on all the communications we have had with Santa Fe County there is more than adequate capacity at the Quill plant to accommodate the flows from Esencia.

HEARING OFFICER VIRTUE: I see another caller. Is there another caller that would like to ask a specific question? I think we have a call-in user #13 who's on the line. Would you identify yourself please?

MS. LUCERO: Hearing Officer Virtue, I don't believe that the call-in users know specifically which number they are, since they're not able to see the screen.

HEARING OFFICER VIRTUE: If there's any call-in user that wants to ask a specific question please identify yourself. Okay, are there any other specific questions for the Applicant's witnesses?

MS. BURKS: This is Patty Burks. Can you address the energy conservation requirements of the buildings of the proposed project?

MS. JENKINS: Thank you, Ms. Burks. I'm going to actually let Garret. He's in a better position to respond to that than I am in terms of the requisite energy conservation codes that will be applicable.

MR. PRICE: Thank you, Mr. Hearing Officer Virtue. At this time it is conceptual. This is more of a land use discussion. We do not have visibility at this point for measures associated with vertical construction. That will be later in the project.

[Ms. Burks' speaker was inadvertently left on. Mr. Larrañaga solicited input from Spanish speakers.]

HEARING OFFICER VIRTUE: Okay, so did you have another question in addition to the energy conservation question?

MS. BURKS: I missed it because I did get distracted over here, so if I can get the answer to that question again I would really appreciate it.

MR. PRICE: The answer is right now it's preliminary. We do not have visibility to any type of energy conservation measures as they're related to vertical housing. We're at a concept stage right now. It's really focused on land use, so we'll know more in the future as we move forward.

MS. BURKS: Thank you.

HEARING OFFICER VIRTUE: Okay, so are there any other specific questions of the Applicant's witnesses? Okay, hearing none, we will at this point conclude or I will conclude the Applicant's presentation unless the Applicant has anything it wishes to add at this point.

MS. JENKINS: Nothing to add at this point, Hearing Officer. Thank you.

HEARING OFFICER VIRTUE: Okay, then we will turn to testimony in favor of the Application. That is testimony of the public in favor of the Application. Are there any persons present who would wish to testify in favor? If so, please identify yourself by name and address. Okay, hearing none, we will go to testimony in opposition to the Application. Anyone who wishes to testify in opposition, please identify your name and address and we will swear you in.

MR. CHURCH: Director Virtue, this is Tom Church. I did not get sworn in earlier. My name is Tom Church. My address is 63 Browncastle Ranch, Santa Fe, New Mexico, 87508.

[Tom Church was placed under oath.]

HEARING OFFICER VIRTUE: Mr. Church, go ahead and make your testimony.

MR. CHURCH: Okay. I was not on the list and I'm not sure if they gather names from the tax rolls or what, so I'm unprepared for this. I had heard a year or so ago that this was going to be more of a retirement-type community, 55 and older, and I'm unclear as to the change. I was on the perceived market. I don't know what retirement communities there are in Santa Fe and so I just don't know the reasoning for that. I just

want that on the record. I don't need an answer now. I sent a note to Jennifer about the road study. And then also just some kind of an understanding of why the shift in that. That's my comment.

HEARING OFFICER VIRTUE: Okay. Thank you. There will be an opportunity for future discussion down the line. You may have heard there's going to be another neighborhood meeting in a couple weeks and there'll be other – this is just the beginning of this process. So you'll have the opportunity to ask those questions as the process moves along.

MR. CHURCH: Thank you. I just don't have the information, so thank you for your time.

HEARING OFFICER VIRTUE: Okay. Thank you.

MS. BURKS: I'd like to register – my name is Patty Burks. At this time, with the information that I have been able to study about the project today, I tend – I'm in opposition. I am in opposition to this project as it has been presented right now, the concept is totally out of line with what we have out here, what we appreciate out here, what we value, with various criteria. The densities are way too much for the area. The infrastructure cannot support at this time such a significant increase in population. It sounds like once this gets in, if this gets in, we're going to have tract homes in here, as far as the eye can see, and I really don't think that we're ready for that.

With regards to water, traffic, environment – there is wildlife species out here in that are specifically that I don't know if they know about, and there are some protections out there for a lot of them. There's antelope that run out there on the grasslands. There's a prairie chicken that is an endangered species. We haven't addressed that. Just the real – the character of this area cannot – it just seems so out of line. We are already – we already have been impacted by the Turquoise Trail Subdivision of 510 homes and 210 at the beginning and now with Colibri there'll be another 230 homes and some of them – they generate – they don't have garages so they generate vehicles and the vehicles park on the streets. And so you have car-lined streets.

And is that what the County wants? I really don't think we're thinking about this right. There's plenty of land there to do a very nice subdivision out there that can fit in nicely with what we have here. I'm not totally against development of that property. I just don't think that what you're wanting can fly right now at this time, as far as water, as far as traffic, as far as environment, as far as lighting, as far as many different things.

Wastewater, water – I mean water usage. I still don't know if the County is talking to the City with regard to the amount of water this project wants to use. And that's what I meant when I said that earlier, Jennifer, is that I understand. I've been part of the EBTAG – the Española Basin Task Force Group that studies the aquifer, and also the Santa Fe Area Basin Water Users Association. So I know that there's some wheeling. There's some water wheeling and there's some budgets the City has and the County has and is your project – I don't know if this project is taking a chunk of the County water rights. I still want a little more clarification.

But as far as this concept right now, it's not the right concept for this area. Thank you very much for your time.

HEARING OFFICER VIRTUE: Okay, thank you. Any questions of Ms. Burks? Okay. Shall we go to the next person?

MR. EWING: Hello.

HEARING OFFICER VIRTUE: Yes.

MR. EWING: This is Mark Ewing again, and I'm in opposition unless I can get some affirmative answers to the water and the traffic. Because I really feel that the traffic and the water are not going to be satisfied well, and that's why I'm in opposition until I have some answers to a hydrology study as far as where the water's coming from and something needs to be done with the Colibri entrance. Well, there's two of them. One of them's right in the middle of a curve that's an entrance that seems excellent for an accident. And then we have the light where it bottlenecks into one lane. That's going to be a problem. It's going to slow the commute into town for everyone. So those are my concerns and that's why I'm in opposition at this point.

HEARING OFFICER VIRTUE: Okay. Thank you. Any questions of this witness? Okay, next person who wishes to testify may proceed.

TIM BECKMON: Hi, my name is Tim Beckmon, 70 Camino Vista Grande.

[Tom Beckmon was placed under oath.]

MR. BECKMON: All I need to say is I concur with everything Patty and Mark Ewing said about being in opposition, only because the density is much too great for this area. I understand the water is going to be on the County water system so I don't know that that's a huge issue but the density and the traffic are certainly huge issues.

HEARING OFFICER VIRTUE: Okay. Any questions of Mr. Beckmon?

MS. JENKINS: No, sir.

HEARING OFFICER VIRTUE: Okay, is there anyone else participating in the meeting that wishes to testify in opposition?

MS. THOMAS: This is Christy Thomas. I've already been sworn in. I just want to say I'm in opposition. I want to say that I'm also in opposition just because of the density of the project and the increase of traffic that it's going to impose on the surrounding communities. So I'm in opposition to each of those concerns. Thank you.

HEARING OFFICER VIRTUE: Okay. Thank you. Any questions of Ms. Thomas?

MS. JENKINS: No, sir.

HEARING OFFICER VIRTUE: Okay. Next person. Do we have anyone else who wishes to testify? Do we have anyone else who wishes to testify at this point? I have a call-in user. It says eight on my screen. I'm assuming that person does not wish to testify. Okay, I'm going to give one last call for testimony, either in opposition or just general commentary on the Application.

MS. JENKINS: I had a few closing comments but I can wait until the public hearing is closed.

HEARING OFFICER VIRTUE: Okay. Thank you for that. Does the staff wish to respond to anything at this point?

MS. LUCERO: Hearing Officer Virtue, I just wanted to respond to, I believe it was Ms. Burks' comments regarding trails and improvements to Vista del Monte and Avenida del Sur. The County-planned improvements to that roadway will include at least one trail and bike lanes. I know that was a question that came up. So that the CCD road design standards do require trail connections and bike lanes.

HEARING OFFICER VIRTUE: Okay, anything further from staff?

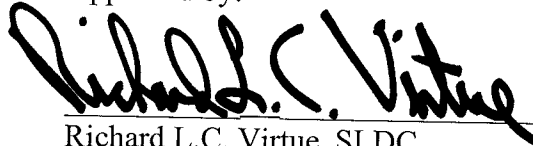
MS. LUCERO: Nothing further from staff, Mr. Virtue.

HEARING OFFICER VIRTUE: Okay, hearing none, I'm going to close the public hearing and I will issue a written recommended decision with regard to the Application within 15 business days of today. Thank you all for attending and participating.

4. Adjournment

Hearing Officer Virtue adjourned the hearing at approximately 5:57 p.m.

Approved by:

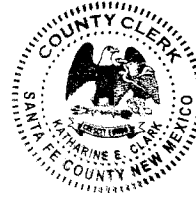


Richard L.C. Virtue, SLDC
Hearing Officer Santa Fe County

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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PAGES: 40

I Hereby Certify That This Instrument Was Filed for
Record On The 18TH Day Of May, 2022 at 04:28:48 PM
And Was Duly Recorded as Instrument # **1988920**
Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Destiny Romero County Clerk, Santa Fe, NM

SFC CLERK RECORDED 06/08/2022



New Mexico DEPARTMENT OF
TRANSPORTATION

Intra-Departmental Correspondence

Date: April 8, 2022

TO: Randi Estrada
Property Management Agent

From: Javier Martinez JAM
District 5 Assistant District Engineer

Subject: Esencia Conceptual Plan and Variance Application

The New Mexico Department of Transportation (NMDOT) District 5 Traffic Section has reviewed the TIA for the Esencia Conceptual Plan. The proposed development is within the County of Santa Fe, New Mexico.

We are in agreement with the application packet that this development will have minimal impact to the State transportation system for Phases I-3 and would like an updated Traffic Impact Study for NMDOT review when the connection from the Esencia roundabout on Vista del Monte towards NM 14 is completed. If you have any questions please contact me at 505-500-2360.

Cc: File

SFC CLERK RECORDED 06/08/2022

Vicki Lucero

From: Patty Montes-Burks <artalacart@gmail.com>
Sent: Tuesday, April 19, 2022 4:32 PM
To: Vicki Lucero
Subject: Esencia development

WARNING:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Lucero,

This is to register my disapproval of this project based on its submittal requesting density that will turn this area into a mini city. I reside in Valle Lindo Subdivision which is a existing traditional community with 1 fam dwelling / 2.5 acres. Currently this area is experiencing a high rate of additional new homes with no significant improvemt of basic infrastructure to absorb the changes.

The Esencia project is a concern for many reasons but primarily water. It is not in accord with the community college District plan for development. Since last meeting- They have increased their homes by 120 to 710 which is going to impact negatively on all infrastructure, quality of life and county service demands —way beyond Sonterra would ever have.

Sent from my iPhone

SFC CLERK RECORDED 06/08/2022

From: Tim Beckmon [mailto:tbeckmon@skiesrblue.com]
Sent: Friday, April 15, 2022 10:22 AM
To: Vicki Lucero <vlopez@santafecountynm.gov>
Subject: Permit 21-5140

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Ms. Lucero,

Hi. I have a couple of questions about the proposed development east

of Hwy. 14 and Camino Vista Grande. I live on Camino Vista Grande.

How can I view a plat map of the project? Is it possible to see it online?

Also, what is the source of water for this project.

Thanks,

Tim Beckmon

505-470-6345

All,

I have enjoyed studying the maps and reading the plans for the Esencia subdivision.

It is mostly well thought out and planned. It seems, however, that the developer is trying to maximize

profits by increasing the density. 710 units on 277 acres is extreme and not consistent with the Community College District Plan.

Thanks,

Tim Beckmon

70 Camino Vista Grande

SFC CLERK RECORDED 06/08/2022

From: LINDA PARKER [mailto:linda_parker@comcast.net]
Sent: Wednesday, April 20, 2022 12:53 AM
To: Sara Smith <ssmith@santafecountynm.gov>
Subject: Fwd: Case #21-5140 Esencia Holdings

Warning:

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

----- Original Message -----

From: LINDA PARKER <linda_parker@comcast.net>
To: "hhughes@santafecountynm.gov" <hhughes@santafecountynm.gov>
Date: 04/20/2022 12:42 AM
Subject: Case #21-5140 Esencia Holdings

Dear Commissioner Anna Hansen,

My name is Linda Parker, I live at 74 Camino Vista Grande, with my husband, Steven Parker of 50 years. We want to voice our concerns about the Conceptual Plan approval for 710 lot residential subdivision that is being proposed. Case #21-5140

First is the water situation in Santa Fe and New Mexico, there is not an abundance of this precious commodity. The water issue has not improved in the last 20 years, since the last developers tried to over build on the land, where is the water coming from?

Second is the traffic. WE now have a quiet neighborhood where many of the property owners walk or run each morning. Our children can ride their bikes or if our dogs gets in the road the worry about speeding vehicles is small. This would all be lost with the approval of this plan. We love seeing horses and cows on the mesa behind us and an occasional coyote crossing our lots. We have lived here for over 40 years because we did not want the city life that is being pushed on us now.

Thirdly, the crime in this area would go up, no way around it when 710 more families are squeezed on to about a third acre of land each.. Where are all these new families going to work to afford to live in these houses in Santa Fe? I know money plays a HUGE part in this approval. We would like you to really think about the impact approving this project would have on the people who live and work here now! This not one of the high class showy areas of Santa Fe, but we like it rural atmosphere.

Thank you from a very concerned constituent,
Linda Parker

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SLDC HEARING OFFICER M
PAGES: 44

I Hereby Certify That This Instrument Was Filed for
Record On The 8TH Day Of June, 2022 at 08:12:13 AM
And Was Duly Recorded as Instrument # 1990461
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Katharine E. Clark

Deputy Destiny Romero County Clerk, Santa Fe, NM



SFC CLERK RECORDED 06/08/2022