

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

Santa Fe, New Mexico

June 16, 2022

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

The meeting was conducted as a hybrid, in person and on a virtual platform via Webex.

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

Members Present:

Charlie Gonzales, Chair
Frank Katz, Vice Chair
J. J. Gonzales
Steve Krenz
Leroy Lopez
Wendy Pierard
Rhea Serna

Member(s) Excused:

None

Staff Present:

Vicki Lucero, Building & Development Services Manager
Roger Prucino, Assistant County Attorney
Paul Kavanaugh, Building & Development Supervisor
Gabriel Bustos, Case Manager
Paul Olafson, Community Development Department
Jose Larrañaga, Case Manager
Penny Ellis-Green, Land Use Administrator
Lucy Foma, Community Planner
Nathaniel Crail, Community Planner



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
PLANNING COMMISSION MI
PAGES: 149

I Hereby Certify That This Instrument Was Filed for
Record On The 22ND Day Of July, 2022 at 01:38:10 PM
And Was Duly Recorded as Instrument # 1993554
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Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy *Dorothy Romero* County Clerk, Santa Fe, NM

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2. Approval of Agenda

There were no changes to the agenda and Member Katz moved to approve. Member Krenz seconded. The agenda was unanimously approved.

3. Approval of Minutes: May 19, 2022

Member Katz moved to approve the minutes and Member Lopez seconded. The motion passed by unanimous voice vote.

4. New Business

- A. Case #22-5030 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 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 Court, in the Stanley area. SDA-2, within Section 1, Township 10 North, Range 8 East, (Commission District 3).**

[Jose Larrañaga read the case caption as shown above.]

JOSE LARRAÑAGA (Case Manager): The Applicant requests approval of a CUP to allow a 2,880 square foot commercial greenhouse for the purpose of producing cannabis. The facility will be located on a 10-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 10 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 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 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 protections, fences and walls, lighting, parking and loading, road design standards, utilities, water supply and water conservation energy efficiency, terrain management, and solid waste and air quality.

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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 Zoning Districts; the use will not impact adjacent land uses; 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.

On April 20, 2022, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented recommended approval of the request to allow a 2,880 square foot. Commercial Greenhouse for the purpose of producing cannabis with the conditions recommended by staff.

The recommendation of the Hearing Officer and staff's recommendation is for 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. Mr. Chair, may I enter these conditions into the record?

CHAIR GONZALES: Yes you may.

Conditions:

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. Water for the facility will be restricted to 1.25 AFY.
3. The approval of the CUP allows for one 2, 880 sq. ft. commercial green house.
4. The Applicant shall obtain a Santa Fe County Business License.

MR. LARRAÑAGA: Thank you, Mr. Chair. This report and the exhibits listed below are hereby submitted as part of the hearing record. Mr. Chair, I stand for any questions.

CHAIR GONZALES: Thank you, Jose. Does the Commission have any questions of staff? No, okay, not yet. Is the applicant here?

[Duly sworn, Jeff Robb and Drew Stuart, Applicants testified as follows:]

DREW STUART (via Webex): Drew Stuart, S-t-u-a-r-t, 14401 Oakwood Place, NE, Albuquerque, New Mexico 87123.

JEFF ROBB (via Webex): Jeff Robb, R-o-b-b, 9710 Aveida del Oso, NE, Albuquerque, New Mexico 87111.

[There were connectivity and interruption issues]

MR. ROBB: Thank you for spending this time with us today. We are pleased to provide the proposed conditional use permit for the use of producing cannabis at the 33 Persia Court in Stanley, New Mexico, 87056.

CHAIR GONZALES: Please speak up, sir, so we can hear you.

MR. ROBB: We feel as though we have addressed all concerns within the SLDC and the Santa Fe County process for the conditional use permit. We own the land. We have sufficient water rights and we have basically the infrastructure and we are just seeking your approval so we can continue and move forward with this project of the 2,800 square-foot greenhouse on this property.

Do you have any questions or concerns that we can address?

CHAIR GONZALES: Does the Commission have any questions?

MEMBER J.J. GONZALES: I do, Mr. Chair.

CHAIR GONZALES: Yes, J.J.

MEMBER J.J. GONZALES: Mr. Robb, have long have you owned this property?

MR. ROBB: We purchased it in June of 2021.

MEMBER J.J. GONZALES: Approximately one year ago.

MR. ROBB: Yes.

MEMBER J.J. GONZALES: Did you purchase 40 acres?

MR. ROBB: Yes.

MEMBER J.J. GONZALES: Was that a farm of some sort?

MR. ROBB: At some point but I don't think it had been used for several years.

MEMBER J.J. GONZALES: And are there current water rights on the property that are active?

MR. ROBB: Yes.

MEMBER J.J. GONZALES: And where do you produce cannabis now? You said you have been cannabis producers for the last five or ten years.

MR. ROBB: Yes, we've had a license since 2010 for medical cannabis. We have a license for recreational as well now. We have three dispensaries in New Mexico, two in Albuquerque and one in Santa Fe. Our current facility is in Albuquerque, it's an indoor facility.

MEMBER J.J. GONZALES: Where is your production facility now?

MR. ROBB: In Albuquerque, New Mexico.

MEMBER J.J. GONZALES: In the city or just –

MR. ROBB: In the city in a commercial warehouse; a 30,000 square-foot warehouse.

MEMBER J.J. GONZALES: Thank you, that's all I have for right now.

CHAIR GONZALES: Thank you, J.J. Does the Commission have any other questions of the Applicant? I have a couple of questions of staff. Jose, when I was reviewing the packet I didn't see a terrain management plan prepared yet; is that going to be required later on?

MR. LARRAÑAGA: I believe that is going to be required but the surrounding properties is three more 10-acre lots that will be used for irrigation so the only thing that is really going to be water coming off is the greenhouse and maybe their parking area – their access points. So, yes, we would address that before we record the CUP.

CHAIR GONZALES: Another question I have is that I noticed included is a note that the project is going to comply with the County's vegetation management plan; does that include new landscaping as well?

MR. LARRAÑAGA: Mr. Chair, this would have some landscaping and of course any disturbed areas would have to reveg.

CHAIR GONZALES: So a landscaping plan would be required at that time as well.

MR. LARRAÑAGA: Yes, Mr. Chair.

CHAIR GONZALES: Okay, thank you. Another question, same thing on rainwater harvesting; is that the same issue?

MR. LARRAÑAGA: Mr. Chair, yes, we're going to try and get some kind of rainwater harvesting. It's going to be a little tough off of a greenhouse, but, yes, they're going to have to.

CHAIR GONZALES: Yeah. A cistern will be required for this, right?

MR. LARRAÑAGA: Yes, Mr. Chair, that's correct. Any commercial, non-residential structure requires a cistern.

CHAIR GONZALES: Okay. Being that it is inside, is there any kind of changes that happen because of the winter – water usage or anything like that?

MR. LARRAÑAGA: Mr. Chair, I don't have an answer to that. Maybe the applicant would.

CHAIR GONZALES: I'll have the applicant then. Also, in the plan it says something about all weather road surface; is that base course or asphalt?

MR. LARRAÑAGA: Mr. Chair, that's going to be a base course road.

CHAIR GONZALES: I also noticed that a sprinkler system was not required is that because it is of metal construction?

MR. LARRAÑAGA: Mr. Chair, yes. The structure that it is, the Fire Marshal didn't have really any concerns with a sprinkler system.

CHAIR GONZALES: The last question I had is, I was looking at the criteria on security fencing. It looks like on NBA-12, and maybe it's me, but it sounds like that notice is confusing. It looks like it's a conflict in it talks about a 12-foot high fence and an 8 foot-high fence.

MR. STUART: I think that was referenced that it can't go above 8 feet and I was just mentioning that our fence is 6 feet in height and falls beneath the height requirement of 8 feet and in compliance by 2 feet.

CHAIR GONZALES: I couldn't hear all of that.

MR. LARRAÑAGA: Mr. Chair, what page are you talking about?

CHAIR GONZALES: It's NBA-12. And basically under commercial cannabis establishments, the heading says security fences and walls should not exceed 8 feet in height and then if you read the rest of the paragraph it says, High Desert Relief current existing fence around the construction area for a commercial greenhouse is 6 feet in height. The fence is constructed out of steel posts and a 12.58 steel fencing material covered with opaque wind screen to limit visibility outside of the area. This fence nor any future fencing shall exceed 8 feet in height.

MR. LARRAÑAGA: Mr. Chair, I don't know if that was a typo on the applicant's part but we would allow an 8-foot fence as far as the permitting. Anything exceeding 8 feet would have to go through another process.

CHAIR GONZALES: So is it a 6-foot high or 8-foot high fence?

MR. STUART: Six, six foot.

CHAIR GONZALES: Okay, thank you. Steve has a question.

MEMBER KRENZ: This is for the applicant. This is a metal frame building with a membrane covering or a metal frame with a metal covering? What is this?

MR. ROBB: Polycarbonate panels. It's a steel structure with polycarbonate opaque panels that come in sheets. They'll be fairly rigid. I think it's maybe 8.5 millimeters thick paneling.

MEMBER KRENZ: Thank you.

CHAIR GONZALES: Any of the Commissioners have additional questions?

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

CHAIR GONZALES: Sure go ahead.

MEMBER SERNA: I have a question for the applicants. Is the commercial greenhouse building that you have in Albuquerque, does that have the same specs as the one that you're going to be constructing – this new one?

MR. STUART: We don't have that erected. We are in a 32,000 square-foot brick and mortar building, if you will, but we purchased the greenhouse which is under tarps currently on this lot. So we have not erected this building yet nor have we grown under a greenhouse previously.

MEMBER SERNA: And also I had seen the comment that the Fire Marshal said that you didn't need a fire suppression system, is that also going to be the case once you apply for a building permit – a sprinkler system?

MR. STUART: Are you asking us?

MEMBER SERNA: Yes.

MR. STUART: I think for square footage and I will have to read-up on the code, but I think per Albuquerque if it's under 8,500 or maybe 5,500 it's not required a sprinkler system. But I guess I don't have the answer for that but I will find out as soon we can and obviously it will be addressed if we are allowed to proceed to the building permit process.

MEMBER SERNA: For the new commercial greenhouse.

MR. STUART: Yes, yes.

MEMBER SERNA: If you do have to get a fire suppression system is that going to be adequate for your existing water budget?

MR. ROBB: Yes, our budget is quite extensive. We had to submit this to RLB, Cannabis Control Division as well. We are budgeting our annual usage at 407,500 gallons, 182,000 of that will be for the actual watering of the plants. The addition 225,000 will be our estimated usage for the wet wall, it's basically a swap cooler on the end of that and our water rights is 34.375 diversion acres, so that comes out to 11 million acres – gallons, excuse me -- which we will fall under and not even reach that. We will definitely have more water allocated should that be required.

MEMBER SERNA: Thank you.

CHAIR GONZALES: Anything else, Rhea? Okay. Does the Commission have any other questions of staff or the applicant?

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: J.J.

MEMBER J.J. GONZALES: I've got a couple of questions for the applicant. How many people are going to be employed at this facility?

MR. ROBB: Approximately six people. We have in our organization right around 60 but because of the size and the efficiency of what we produce we will probably have five full-time personnel and then we will obviously expand that at harvesting time which will use some of our existing employees already. We did actually happen the other day, one of the neighbors of our property who had seen our signs posted stopped by one of our stores and

wanted to get a job with us and ask if we were hiring and we will definitely look into that. So there are a couple people that we will have to bring on and we're hoping to find some that are local and obviously in close proximity to this location.

MEMBER J.J. GONZALES: The other question I had is how many people are going to be there 24 hours a day? I'm sure you have security 24 hours a day.

MR. ROBB: We have stringent security requirements by the CCD but most of that is cameras. I mean even in our facilities here (Albuquerque) we don't staff 24 hours a day. Also submitted with our RLD application we have our working hours from 7:30 a.m. to 7:30 p.m. and then we have security systems that have intrusion alarms so if we set areas and there's any motion within that time during the on period we're notified via text message, via email and, again, we're kind of isolated in the nature as where this location resides so as long as – as we mentioned in our nuisance order as long as we're not broadcasting what we're doing, we're hoping to stay a little bit under the radar of with that.

MEMBER J.J. GONZALES: The other question I had is how long does it take for you to respond an intrusion?

MR. ROBB: My house is 34 minutes from this location. So that's 34 minutes but we've already gotten Moriarty Sheriff – I mean we have to notify the local law enforcement, Moriarty being the closest and it's actively monitored. So our alarm system is –

MEMBER J.J. GONZALES: The other question I have are you confident you can handle an intruder to your property?

MR. ROBB: Yes, we are. But I mean it's one of those things where it's not worth life and limb. I think that's one of the big misconceptions. If somebody gets the jump on us, per se, we are not going to necessarily risk our lives for this. This is one of those things where it can be replaced, regrown and hopefully it doesn't occur. We will have security as dialed in as we can. And if it requires, if we are having some nuisance or some issues, that requires 24-hour monitoring on-site, that will be done. We want to protect our assets and we've been doing this again for 12 years and we've had attempts and we just dealt with them. Fortunately, we've had little product [inaudible] and I'll knock on wood that that doesn't happen again. But we've been very conscientious of the security and the level of security that we need to provide but at the same time it is not worth getting into an armed confrontation for this.

MEMBER J.J. GONZALES: I'm glad to hear that you're not going to risk life and limb to protect this commodity. I am glad to hear that.

MR. ROBB: I mean it's a three-month life cycle so if they do get anything we're prepared to move forward. It's a marathon not a sprint.

MEMBER J.J. GONZALES: You answered the questions good with your security. I'm glad to hear you have cameras, motion sensors and the other things you might have to protect this greenhouse. You did a good job on this application, also. Thank you.

MR. ROBB: Thank you, we worked hard.

MR. STUART: Thank you very much.

CHAIR GONZALES: Thank you, J.J. Any other questions.

Chair Gonzales invited public input either for or against the proposal. Ms. Lucero indicated everyone on Webex has been unmuted and anyone on the phone can hit *6 to unmute. The Chair again invited public comment and none were received.

CHAIR GONZALES: I'm going to close the public hearing. And what is the pleasure of the Commission?

MEMBER KRENZ: Mr. Chairman.

CHAIR GONZALES: Steve.

MEMBER KRENZ: I move that we accept the proposal as presented by County staff.

CHAIR GONZALES: With staff conditions?

MEMBER KRENZ: Yes, with staff conditions.

MEMBER KATZ: I would second the motion.

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

B. Recommendation on Ordinance No. 2022- . An Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, to add a Definition of Community Solar, to add a New Section 10.25 to Address Standards for Community Solar Facilities and to Add a New Clause to Section 8.11.3.5.2 to Prohibit a Community Overlay District from Restricting the Location and Procedures for Installing Community Solar Facilities [Exhibit 1: Draft Ordinance]

Chair Gonzales read the case caption as shown above.

PAUL OLAFSON (Community Development Department): Mr. Chair, Commissioners, my name is Paul Olafson and I'm with the Community Development Department. With me today is Penny Ellis-Green our Growth Management Director, Nate Crail who is with our Planning Division and Lucy Foma with our Planning Division. And I'm just doing the introduction for this community solar ordinance. Nat will be giving our presentation and we have some other staff on line as well if we have questions or they can provide support. So with that I would like to turn it over to Nate.

CHAIR GONZALES: Please proceed whenever you are ready.

NATE CRAIL (Planner): I am just waiting on the slides coming up. Excuse for the delay.

What is community solar? Essentially it is a virtual subscription that goes directly through the electrical distribution lines to consumers and it provides bill savings to individual consumers. What makes it different from commercial solar is that community solar allows for access to solar energy for low-income customers both renters and owners who might not be able to install panels. The Community Solar Act was passed by the State of New Mexico legislature in 2021 and currently this year, the Public Regulation Commission created community solar rules and they are still tweaking the rules for the Community Solar in this two year experiment as a pilot phase.

Why community solar: it has cost saving benefits for customers. It allows equal access to all residents so if you haven't been able to purchase panels yourselves you have a way to access solar energy. The state act included a 30 percent low income carve-out. Community solar has economic stimulus through not only clean energy jobs but other business opportunities in the County. And in addition to that the Community Solar allows for electric resiliency through solar energy. It meets our County SGMP goal 23: to support energy efficiency and renewable energy,

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to reduce greenhouse gas emissions and dependence on non-renewable energies. In addition, Community Solar supports SGMP goal 24, to support the development and use of sustainable renewable energy production and distribution infrastructure and reduce dependence on non-renewable energy use. Community Solar supports Resolution 2017-68 which is a commitment to support the Paris Agreement goal to reach net zero greenhouse gas emissions by 2050. The County's Sustainability Office has completed an emissions inventory and identified reduction strategies including transitioning to solar energy to achieve this goal.

And finally, it meets the County's pledge of race to zero which is the pledge to reduce emissions from operational building to 60 percent by 2025 through renewable energy and efficiency upgrades and to achieve the same goals for all buildings throughout the county by 2030.

Why now: so it is the Public Regulation Commission in July solicit RFPs and they estimate by October 1st that they will evaluate and rank these bids. However, they are still tweaking these rules and the exact scope might be changed but regardless time is of the essence. But for this pilot phase there is a statewide cap of 200 megawatts that is divided up among the electrical utilities. For our area in the PNM area, PNM has a statewide cap of about 125 megawatts and we share that with Albuquerque and a couple of other regions. So in order to get Community Solar in, Santa Fe County has to act quickly. The amendment is updating the SLDC to accommodate and facilitate the community solar projects.

The proposed amendment to the SLDC involves three sections. The first is to add a definition of community solar to the SLDC. The next is to add a new Section 10.25 to address the standards for community solar facilities. And the last section is to add a clause to Section 8.11.3.5.2, to prohibit a community overlay district from restricting the location and procedure of approving and installing a community solar facility.

So the community solar definition is a facility governed by the 2021 NM Community Solar Act as may be amended, that generates and restores electricity by means of a solar photovoltaic device [inaudible] receive a bill credit for the electricity generated in proportion to the subscriber's share of the facility's kilowatt output. In addition to that new definition we are also amending the definition of commercial solar energy production facility to include the clause, "and may store."

For Section 10.5, in the supplemental zoning standard section we are creating a community solar section. It's in order to facilitate and accommodate the needs for community solar as well as minimize adverse impacts on neighboring properties. Applicability: community solar projects are considered a permitted use in all zoning districts and are subject to the following standards. A caveat to the standards – you can find the specific language of these standards in the proposed ordinance but here is a summary. The first is that buffering and screening are not required for ground-mounted facilities. The next is an external access roads and onsite driveways to accommodate fire code regulations. Next is native plant reseeding in the disturbed area a facility as well as reducing fire risks by properly managing weed and plant material. The utility lines shall comply with Section 7.12 of the SLDC. There will be a five-foot setback on all sides of the community solar facility that is under 20-feet in height or less. And a community solar facilities over 20 feet in height shall meet the setback requirements of the zoning district. And the rooftop facility. And that state approval shall be submitted prior to development permit issuance. The community solar facility shall be set back 300 feet from rivers, dunes, wetlands and all riparian areas. And the final standard are about decommissioning a community solar facility that will happen within 12 months after the end of useful life of the

facility or after 12 consecutive months of not generating electricity. Some of this language is being tweaked by Penny and Roger but overall this is the language for these standards.

Fro Section 8.11.3.5.2, we are adding a subparagraph L, that a community overlay district shall not restrict the following location of and procedures for approving and installing a community solar facilities.

I stand for any questions or comments about the proposed ordinance. Thank you.

CHAIR GONZALES: I think Penny is going to speak.

PENNY ELLIS-GREEN (Land Use Administrator): Thank you, Mr. Chair, Commissioners. Paul is going to hand out a slight change to the ordinance [*Exhibit 1*]. Staff was reviewing this and we're recommending two changes for clarification. The first one is on page 2, and I'll let Paul continue handing that out first. It is underlined in red on page two of the ordinance and this is where we talk about utility lines and this would be to make clear that the connection between the actual community solar facility and the electric utility infrastructure that is there would be considered a local distribution facility. The code is not really clear on what a transmission line and what a distribution line is. But they are treated differently in the use table. Transmission line would require a conditional use permit and as you've seen with this we are treating the community solar project as permitted uses. So a distribution line is also considered a permitted use. We don't expect to see these located very far from an existing utility facility just because otherwise is really would be cost prohibitive if it was too far away.

The second change and clarification that we wanted to make is on page 3, on the top, under 7, stating that the rooftops that can be 8 foot where a solar can go 8 foot higher is non-residential/multi-family. There is already a section in the height standard for residential that allows solar panels to be 3 foot taller than a residence. So this would allow a non-residential buildings and multi-family building the solar panels to be 8 foot higher. In general, you're going to see a non-residential or multi-family building being a much larger mass than a single family residential. So we just wanted to make those two clarification and we stand for questions.

CHAIR GONZALES: Thank you, Penny. Does the Commission have any questions? I have a couple of questions. Penny, is this going to cause any easement problems? Do you foresee any easement problems for any of this in the future or anything like that at all?

MS. ELLIS-GREEN: Mr. Chair, these properties will definitely have to have access easements granted and so we would make sure that they have legal access to get to the property before they come in for development.

CHAIR GONZALES: I don't know whether this makes any sense but I was reading on there somewhere that it says, an SMW array can support 1,250 homes. I'm just curious, how small can you go? Is there such thing as a 1 SMW?

LUCY FOMA (Planner): Mr. Chair, I don't know what the minimum size is but the definition for Community Solar for the state purpose is up to 5 megawatts. I think it would be a matter of what they deemed commercially viable in terms of the infrastructure costs and then how much they could make from that.

CHAIR GONZALES: Thank you. Also, I think I saw something that this could be put anywhere; is this going to include no build areas in our code? Like 30 percent slopes, rock outcroppings, flood plains, etc.

MS. ELLIS-GREEN: Mr. Chair, no. You would have to be in a buildable area. But they are allowed in any zoning district as a permitted use. But the other sections of the code like terrain management would still need to be complied with as would archaeological inspections and things like that.

CHAIR GONZALES: Okay, thank you. Does anybody else on the Commission have questions?

MEMBER KRENZ: I would just like to follow up on the question that the Chairman raised about the minimum size of these. Basically, it says here that subscribers to the facility, et cetera et cetera – what would happen if somebody wanted to come and say, I'm building a solar array. I'm a single subscriber and I want to be able to do it under this guideline. In other words, what's the difference between an individual putting in a solar array today for their house or something and an individual putting in a solar array under this Community Solar Array ordinance?

MS. FOMA: Mr. Chair, Commissioners, if I may address that. So what we're proposing with this ordinance is to create a third category of solar permitting within Santa Fe County. Currently, we have residential solar permitting and then we have commercial solar permitting and this is a third category which is in between those two.

For residential solar we have a permit checklist. We get those permits already and it's not a super arduous permit to obtain. This would add another level because they would have to go through a site development plan. I don't anticipate that someone would opt to come in as a single subscriber to go through a site development plan, the state requirements and a harder checklist than to just do a single residential solar.

MEMBER KRENZ: You're saying that for a community plan it is a more difficult check list than for an individual solar.

MS. FOMA: Yes. They also have to comply with the State Act and the state compliance. The other part is that community solar ties into existing infrastructure so they have to have a connection agreement with PNM to do this. It's not that they're tying directly into their own residence. It's another level – it's like a couple of other levels of complication. It has to go through state compliance and it also has to have had an agreement with PNM to connect with their distribution lines.

CHAIR GONZALES: Okay and –

MS. FOMA: Sorry, this has been a very collaborative group and I should mention that there has also been Sustainability, Economic Development, Community Development, Planning, Building and Development Services – we have all been working very collaboratively on this. But there is another part that Paul mentioned and Nate mentioned the low-income carve-out. So they also have to have a 30 percent carve-out for low to moderate income families to subscribe to an array.

CHAIR GONZALES: I have another follow up question on that. Who would be the responsible for maintenance on these community solar areas?

MS. FOMA: The developer.

CHAIR GONZALES: Okay, thank you. I think Wendy has a question.

MEMBER PIERARD: Is there any difference between the commercial – the commercial can sell the credit and the community accredits the subscribers back?

MS. FOMA: I think that there are a couple of differences. One is the size of commercial solar which likely would be substantially larger. They would also possibly have their own infrastructure from what I understand. I could be wrong about that. But community solar ties into an existing utility and it is subscriber based so people buy, kind of, shares of that garden and then get those credits on their utility bill.

MEMBER PIERARD: Okay, thanks.

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

CHAIR GONZALES: Rhea, please do.

MEMBER SERNA: There is a lot of talk about residential subscribers but let's say within a planned development there is also commercial subscribers, would they be eligible?

MS. FOMA: Mr. Chair, Commissioners, I believe so. I believe that is fine, as well as government.

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

At this point, the Chair opened the public hearing and Ms. Lucero instructed the public how to unmute and be recognized.

[Duly sworn, Janet McVickar, testified as follows:]

JANET MCVICKAR (via Webex): Janet McVickar, 17 Vista Alonza. It may be that I don't understand all that the proposed ordinance covers but I have a few short questions. It is unclear in the language that was read in this meeting whether the community solar would include all or just low-income customers. The language was stated two times differently on that. The second question is what would the range be of service from a facility and the third is what location would the facility be or is that just up to the developer.

MS. FOMA: Mr. Chair, Commissioners, if I could address that. The first question, it is not limited to low-income subscribers. It could be any subscriber but there is a portion that is dedicated to try and serve low-income subscribers and that's the 30 percent carve-out.

The second question, the service area, if it were a community solar array within PNM's service area, any PNM subscriber could buy into that system. There is also community solar opportunities for co-ops. So it is not limited to PNM service area. It can also be in our other electric co-ops.

And then the third question was where they would be located, and that would be dependent on the developer what they were proposing when they applied for their community solar permit to site that facility.

MS. MCVICKAR: Thank you very much.

CHAIR GONZALES: Thank you, Lucy. Anybody else how there have any questions?

[Duly sworn, Miles Conway, testified as follows:]

MILES CONWAY (via Webex): Miles Conway, 495 New Mexico 592, 87506. I don't necessarily have any questions. I just want to speak in support of the changes in this Sustainable Land Use Code that will allow and facilitate development of community solar facilities. Both on behalf of the association we are a 400 member builders association in northern New Mexico. We are certainly looking at new developments for both affordable and market rate housing. There has been a lot of excitement about the potential of hooking up future developments to community solar arrays. So thank you staff for bringing this forward.

And on a personal note, as someone who earns a very good living but owns a very old house, the cost involved even with all the tax credits and rebates that are available for putting rooftop solar on your home, when you have an older house and you have to upgrade so much in order to put your own rooftop solar on, it becomes really cost prohibitive not only for lower income people but for middle income people. So I officially am waiting for a community solar array that I can subscribe to. Again, I encourage the Planning Commission to approve this change and send it out to the BCC.

The echo is hideous and can you please get us back into the County Chambers soon. Thank you.

CHAIR GONZALES: Thank you for coming forward. Anybody else out there that wants to ask questions or make comments?

[Duly sworn, Jonathan Moore, testified as follows:]

JONATHAN MOORE (via Webex): My name is Jonathan Moore. I work for AES Clean Energy so I do work for a solar energy development company. 5740 Prospect Road, Longmont, Colorado, 80503.

Just two comments. First to applaud staff in making these changes because we as an energy developer try to build these community solar projects have been working in a lot of counties in your state and under prior regulations Santa Fe County was going to be quite difficult. So we really appreciate you guys looking at appropriate ways to perhaps allow this to move forward in Santa Fe County.

A specific question is simply, I came on a little late, I thought I heard something about requiring state approvals in advance of development approval. It was one of the early slides that I caught the end of and I was just curious if that could be clarified. I assume what it means is that you need to be approved through the process, through the state process, again administered by PRC and third parties and assuming that goes through you would then have the rights to move forward based upon the SLDC.

MS. FOMA: Mr. Chair, Commissioners, if I may address that. Yes, what it says is that state approvals are required for the issuance of the permit. We are working on how to start reviewing applications without that state approval so that it is ready to go once the state approves the developer's application.

MR. MOORE: Okay. Just one point of clarification. Is getting back to the state's anticipated RFP process for example where we will submit projects and they will go through a review and ranking process and so are you guys suggesting that that has to be done in advance of coming in front of you guys with a site development plan?

MS. FOMA: Mr. Chair, Commissioners, we anticipate that developers could do that simultaneously be going through a state approval process and a County approval process. But we want to make sure that we know what the state has approved before we record it. So we want to see what the state has actually approved before we issue the permit for development.

MR. MOORE: One more question/clarification. And, again, apologies, I have not followed the act of late as much in terms of changes but at least early on in that process they were ranking potential projects and part of the ranking does look at your permits in hand. Either you needed to have a permitting plan which makes clear your path to permitting and my understanding is that the ones that quote had their permits in hand would potentially score a higher ranking which is important to winning a project obviously specific to Santa Fe County or others.

So if I may, I might suggest perhaps, please check that even if you simply condition the project and that the project is not approved until they have state final verbals on it. And just make it condition number one on approval or something. I don't know if that's possible but I just don't want to get caught in a gray area if that makes sense. Thank you guys.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, if I could just add to that. The process for getting a permit for any non-residential use is a site development plan and an actual permit application. So we would accept a site development plan upfront before they've got a state approval and we can do our process to approve that if – the development order and as soon

as they've got their state approval they can submit for their actual permit. But they would definitely get a development order in advance.

MR. MOORE: Thank you for that clarification. That is exactly what I was hoping and my apologies if I wasn't tracking that. That's perfect, I appreciate it. That makes good sense.

MS. FOMA: Mr. Chair, Commissioners, if I may add as well, we will be coming forward with a resolution at the next Board meeting in addition that compliments this ordinance saying that we as staff are able to write a letter of support for developers who are wanting to get the ranking as you mentioned. That resolution outlines how staff can write a letter of support that identifies the ranking criteria and how that meets our criteria.

CHAIR GONZALES: Okay, any other questions? Is that it, sir?

MR. MOORE: Sorry, I was trying to give a thumbs up on that comment. I appreciate what you just said. Thank you all. I appreciate what you're doing.

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

CHAIR GONZALES: Rhea, sure.

MEMBER SERNA: Just a question of clarification for the state approval process; which state agency is it?

MS. FOMA: PRC is doing the regulations per the process. And I wanted to mention that staff are following closely the PRC process. We attended about a five-hour webinar on Monday. It's a moving target as well. They are still modifying their dates and criteria a little bit so they asked that localities be a little flexible. So keeping that in mind.

CHAIR GONZALES: Okay, thank you. Anyone else?

[Duly sworn, Valerie Nye, testified as follows:]

VALERIE NYE (via Webex): My name is Valerie Nye. My address is 71 San Marcos Loop. I have a question about the setbacks that are in the change in the ordinance. There is a setback between community districts and I'm wondering if this change in ordinance would change the setbacks or interfere with the setbacks in any way.

MS. FOMA: Mr. Chair, Commissioners, each zoning district has defined zoning setbacks in the SLDC as you know, this is a separate category for setbacks pertaining to community solar. It doesn't change the zoning districts though.

MS. NYE: Thank you.

CHAIR GONZALES: Any other questions, ma'am? Any other questions out there? Steve, did you have something?

MEMBER KRENZ: Yes, Mr. Chair. What is the definition of community in this act? In other words, I think I heard you say earlier that for example this area is served by PNM and anyone connected to PNM can participate but I'm a little confused. Let's say that for example Cerrillos decides to build a community solar project. They're on PNM. I'm on PNM but I don't live anywhere that close to Cerrillos. Would I be allowed to try to participate in that project?

MS. FOMA: Yes, Mr. Chair, Commissioners, you would be because the community solar facility feeds into PNM's network so the infrastructure goes throughout the County and even into Albuquerque so even if you weren't directly next to that community solar facility since you serviced by PNM you'd have the opportunity to build into that from the developer.

MEMBER KRENZ: Now I assume that there's some organization that is putting together this community solar project. What are the rules that they are going to run by that will say that we'll allow this person here but we don't want to allow that person there?

MS. FOMA: Mr. Chair, Commissioners, I don't know the specific of how they solicit subscribers but my assumption is that they would want as many subscribers as they could get to fill their capacity. I don't think that they would be – they also said the PRC would regulate that.

MEMBER KRENZ: The PRC would regulate that?

MS. FOMA: Whether a developer could deny a person who wanted to subscribe.

MEMBER KRENZ: There is nothing in this ordinance that even would require the applicant some sort of mechanism definition on who could apply for that this?

MS. FOMA: Mr. Chair, Commissioners, I believe that those criteria are left up to the state if they wanted to have those criteria.

CHAIR GONZALES: Okay, Frank?

MEMBER KATZ: Yeah, I am a little puzzled that any of these projects is going to produce a limited amount of energy, I assume.

MS. FOMA: I'm sorry, did you say limited or unlimited?

MEMBER KATZ: Limited. And what happens if thousands and thousands of people want to subscribe?

MS. FOMA: Mr. Chair, Commissioners, this is as Nate mentioned a pilot program to see how this works throughout the state. In two years they would hopefully revisit this and increase the cap but at this point it is capped at 200 megawatts. Hopefully, if there was significant demand that would be good rationale for increasing the cap in two years.

MEMBER KATZ: Thank you.

CHAIR GONZALES: Any other questions.

MEMBER KRENZ: That's not really the question. The question was, let's suppose somebody proposes a 10 megawatt system, well a 10 megawatt system is only going to serve X number of people. And again it's back to what I asked, who gets to come in and who doesn't?

MS. FOMA: Mr. Chair, Commissioners, so Community Solar by New Mexico definition is up to 5 megawatts. So if it were 10 megawatts it would come under a commercial solar. So I guess it will be first come first serve. Yes, I anticipated that there will be more people who want to subscribe than there will be available facilities but, again, that would be the PRC who would have to change the cap at the state level.

MEMBER KRENZ: Thank you, Mr. Chair.

CHAIR GONZALES: Thank you, Steve. Any more questions? Anybody else out there that wants to speak? I am going to close the public hearing. Do we have anymore discussion or a motion?

MEMBER KRENZ: Mr. Chair, I would only like to say that I think this is a wonderful idea but I really wish that the County would put together some sort of understanding or require some sort of submittal by the applicant that will essentially define who or what area is covered to participate in this plan. That's only a suggestion.

CHAIR GONZALES: Thank you. Frank.

MEMBER KATZ: Did I misunderstand what you were talking about that basically somebody wants to build a plant in Cerrillos and basically anybody in the County that is served by PNM could subscribe. It is not limited to any particular location.

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

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

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

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

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

MEMBER PIERARD: I have one more question.

CHAIR GONZALES: Yes, Wendy.

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

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

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

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

MEMBER LOPEZ: Second.

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

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

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

CHAIR GONZALES: Sure.

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

CHAIR GONZALES: Thank you all.

4. C. **Case # 22-3036 Hacienda Doña Andrea Site Development Max & Britt Contreras, Applicants, James W. Siebert & Associates, Agent, request approval of a Site Development Plan to allow an Event Use (weddings) within an existing Bed & Breakfast site. The use would allow Hacienda Doña Andrea to be utilized as a large event wedding venue, in addition to the existing Bed & Breakfast for the 2022, season running through November 2022, only. After the 2022 season the property will revert back to solely a Bed & Breakfast. The 63.78-acre site is zoned Agricultural/Ranching (A/R). The site is located at 78 Vista Del Oro, via Goldmine Road in Cerrillos, NM, within Section 13, Township 13 North, and Range 7 East (Commission District 3)**

[Exhibit 2: Letters from Ken Perlow, 6/8/22; Thomas Tammann, 6/12/22; photos from Betsy Siwula-Brandt, 6/12/22; photo of decibel reading; Exhibit 3: aerial map of Hacienda Property; Exhibit 4: HDA Timeline of Neighborhood Events; Exhibit 5: Appendix 2, HDA Special Event Center Evidence; Exhibit 6: Sound Pressure Level Measurements and Analysis, 35 pages; Exhibit 7: Webex 3-page Chat conversation]

CHAIRMAN GONZALES: Gabriel, please proceed when you're ready.

GABRIEL BUSTOS (Case Manager): Max and Britt Contreras, Applicants, James W. Siebert & Associates, agent, request approval of a Site Development Plan to allow an Event Use (weddings) within an existing Bed & Breakfast site. The use would allow Hacienda Doña Andrea to be utilized as a large event/wedding venue, in addition to the existing Bed & Breakfast for the 2022, season running through November 2022, only. After the 2022 season the property will revert back to solely a Bed and Breakfast. The 63.78-acre site is zoned Agricultural/Ranching. The site is located at 78 Vista del Oro, via Goldmine Road in Cerrillos, New Mexico, within Section 13, Township 13 North, and Range 7 East.

Hacienda Doña Andrea is an existing 11,000 square-foot residence that was granted approval from the Board of County County Commissioners under development permit 98-5780 to operate as a bed and breakfast prior to the adoption of the SLDC. This previous approval had conditions requiring a water meter and meter readings to be sent into the County and a maximum limit of 18 persons. It was found that the applicant had not installed a water meter or submitted readings and had exceeded the maximum person limit by holding weddings and large-scale events/retreats on the property without the required zoning approval.

A complaint was received related to the size of the events and the noise generated. It was determined these types of events would be a permitted use and would fall under both a retreat and a bed and breakfast in the SLDC, Appendix B, Use Matrix. The Applicants an application for a site development plan to allow the events as a permitted use.

Staff allowed Hacienda Doña Andrea to apply for special use permits to allow the already scheduled weddings to take place while the site development plan was being reviewed. This was done to let weddings proceed but would not be a way to circumvent obtaining proper zoning approvals for this type of use. The special use permits were conditioned to prohibit outside music after 9 p.m., require water meter readings and require a noise study. It was never intended that the special use permits be issued in lieu of obtaining the correct zoning and development approvals on this property.

As the wedding events proceeded, neighbors became concerned, with noise being one of the main issues. A noise study was conducted on the property and was included in the site development plan submittal. It was determined that the decibel levels were within the levels allowed by Table 7-21: Noise Limits.

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

With continuing tension between neighboring properties and the Hacienda property, the owners amended their site development plan application for the events to only continue for the remainder of 2022 to complete all existing wedding contracts that have been signed for this year. After the last event in November 2022, the property will revert back to only a bed and breakfast.

Due to the conflicting statements by the applicant and the neighbors, the administrator, under section 4.4.9, then chose to defer this case to a public hearing forum. Major concerns by neighbors include the hours, noise, risk of fire through smoking or outside fires, overuse of water, and access roads being blocked. Emails from neighbors are attached.

The applicant has addressed the design standards in Chapter 7. Staff has determined that the proposed temporary expansion complies with the SLDC and recommends that the site development plan be approved for the 2022 wedding season, subject to the following conditions. Mr. Chair, may I enter the following conditions into the record?

CHAIRMAN GONZALES: Yes, you may.

[The conditions are as follows:]

1. Site Development Plan for wedding use would only be valid through 2022 for the events listed in Exhibit 6. After that time this property shall revert to the previous approval of a nine-bedroom Bed and Breakfast and small group meetings with a maximum of 18 people at any time subject to the previous conditions approved by the BCC and the relevant conditions listed in this approval.
2. Every wedding shall be managed by a staff member who shall ensure that all conditions of approval are complied with.
3. Temporary tents or structures are prohibited.
4. Water use is restricted to 0.6AF per year, quarterly meter readings shall be required for one year, then these will be required yearly.
5. All of the scheduled events must end by 9:00 pm and guests not registered to stay at the Hacienda Doña Andrea B&B will need to leave the venue promptly at 9:00 P.M.
6. All events shall clearly be marked as no smoking events, no outside open flames will be allowed, including, but not limited to barbecues and fire pits.
7. Event must comply with all Santa Fe County Fire Prevention approval conditions.
9. Event must comply with all Santa Fe County Public Works approval conditions.
10. A maximum of 57 cars are permitted to be parked only in the designated parking areas. No vehicles may be parked on the driveway to the side of the house (where 5 spaces are shown) to ensure width for 2-way traffic, no parking may be located on the roadway or driveway, including the 2-way driveway leading to the parking.

11. No additional grading or development work shall occur on this property without the required permits.
12. The kitchen facilities are not to be utilized by any guests or for any events unless the water budget is amended and proof of adequate water is provided, this shall be noted on the web page and on the site development plan.
13. Failure to comply with the conditions of approval may result in cancellation of the remaining events.
14. All previously disturbed areas on the property shall be revegetated as per Chapter 7, Section 7.17.7 (Restoration of Disturbed Areas).

MR. BUSTOS: Thank you. I now stand for any questions.

CHAIRMAN GONZALES: Thank you. Does the Commission have any questions of staff? Wendy.

MEMBER PIERARD: Do you know how many – you have the condition that they would hold wedding events until November 2022. Do we know how many weddings they have booked?

MR. BUSTOS: Mr. Chair, Commissioner, I believe – I don't have the exact amount right off but that was an exhibit in the packet material, just a list of weddings schedule for this year.

MEMBER KRENZ: It's Exhibit 6.

VICKI LUCERO: Mr. Chair, Commission members, I believe there was a total of about 41 weddings that were booked for this year.

MEMBER PIERARD: But we don't know how many are weekdays. Do they say just the dates? I guess we could look.

NATHAN MANZANARES (via Webex): Mr. Chair, this is Nathan Manzanares with Jim Siebert and Associates Office. I will go into greater detail on the schedule for the 2022 wedding season during our presentation.

CHAIRMAN GONZALES: Hold on a second. Okay. Did you get your question answered?

MEMBER PIERARD: I'm good.

CHAIRMAN GONZALES: Good? Okay. Any other questions?

MEMBER KRENZ: Yes, I have questions of staff.

CHAIRMAN GONZALES: Steve, go ahead.

MEMBER KRENZ: Okay, let's talk about this water monitoring. If I get this right, the original application for the bed & breakfast said that they need to have a meter. But they didn't install a meter. Then there was – then they moved to doing these weddings, which increased the water usage. The community came up with complaints about this to the County. The County at some point said they have to install the meter and we want you to report to us pre- and post- each event with meter readings. Is that correct?

MS. LUCERO: Mr. Chair, Commission Member Krenz, so when the application came in for a bed & breakfast they were limited to .6 acre-feet per year. So the water meter readings that we've been requesting after each event are to make sure – to assure that they don't exceed that .6 acre-feet that they had previously been granted. So the water use hasn't necessarily increased beyond that. That's the reason for us requesting those water meter readings.

MEMBER KRENZ: Okay. I understand. I shouldn't have said whether it's increased or not. But that's my next question. What are the meter readings showing?

MS. LUCERO: Mr. Chair, Commission Member Krenz, the meter readings are showing that right now they are within that .6 acre-feet. At this point it doesn't appear that they are going to exceed that but we will continue to monitor that and require those meter readings with each event.

MEMBER KRENZ: Okay. Let us just suppose – just a question – that we passed this and the events continue and it's discovered that they are indeed using more than that amount of water. What powers does the County have to stop that from happening?

MS. LUCERO: Mr. Chair, Commission Member Krenz, that would be considered a violation of their previous approvals, and therefore we would have our Code Enforcement officers issue a notice of violation to remedy that situation.

MEMBER KRENZ: And they'd have to remedy the situation. Would you be able to shut down their wedding events?

MS. LUCERO: Mr. Chair, Commission Member Krenz, injunctive relief is one of the remedies that would be available, so we could actually not continue to issue these special use permits in the event that they exceeded their water allocation.

MEMBER KRENZ: They're presently operating under these special conditions, but this before us is to basically allow them to continue without applying for special usage each time, from now until the end of November. So under this guidance, what would happen if they overused the water that's allotted?

MS. LUCERO: Mr. Chair, Commission Member Krenz, it would be the same remedy that would be available. It would still be considered a violation of a condition of approval and therefore we could seek – issue a notice of violation and proceed with court action if necessary.

MEMBER KRENZ: Okay, thank you. I want to talk about the noise. Now we have in here a report about the noise, and a couple things about this noise report. According to the noise report, I guess they're saying that – the report summary says that they were taken from the property line for approximately 33 minutes, and how they took it. And then they said the decibel amount increased – da da da da da – for a 30-minute window. And so basically they conclude that it didn't exceed the ordinance maximum. However, when we actually look at the graph that's supplied to us from 20:15 till the end of the metering session, there's several points where it's exceeding the 55 decibel level.

MR. MANZANARES: Mr. Chair, may I please be sworn in to answer some of these questions? It's the normal course that the applicant gets to do a presentation before we get into this level of detail on questions. I think that would be appropriate.

CHAIRMAN GONZALES: We're still asking questions of staff from the first presentation, so you'll have your chance.

MR. MANZANARES: Okay, Mr. Chair, but I feel like if I could be provided some of these questions and if I was given the opportunity to be sworn in and participate that would be great.

CHAIRMAN GONZALES: You'll have your chance. Please continue, staff.

MEMBER KRENZ: Okay. And then we have here that was just handed out to us some information by one of the neighbors which basically shows a decibel reading much above 55 decibels. And I don't know exactly when this was taken. I don't know how good the meter was or whatever, but it seems to disagree with this study that was done. Furthermore, reading

through the complaints from the neighbors they really talk about the loud music after 9:00, like 9:00, 9:30, something like that. But yet this noise level study – what does this go up to? 20:20? Of p.m. So it's a very short reading. It doesn't go into the time period that's being complained about, and the reading itself indicates that they're exceeding the noise level.

UNIDENTIFIED SPEAKER: Commissioner, I will use my time to go into detail into how the time study was produced by the neighborhood as you saw correctly, and I'd be happy to address any –

CHAIRMAN GONZALES: Hold on. Hold on. We're still – Penny, please proceed.

PENNY ELLIS-GREEN (Land Use Administrator): We would expect to get different noise meter readings from different locations. The noise meter readings that the applicant did was on their property line, but in that area there is a mountainous area, so if the property line, for example, is at a lower elevation than where the music is being produced you're likely to get a different reading than if you're at the neighboring property at the same elevation as the house. So we would expect that. The code requirements actually are over, I believe, a 12-hour period -- just having Vicki check on that. So it's not a spike. It would have to be a continual level exceeding.

And so that's part of the issue here. It's part of the complaints from the neighbors and part of the concern from staff. Every one of these special use permits now have a condition on it saying it needs to stop at 9:00 and that has been the case for numerous special events that have taken place recently. Yet still on Sunday morning I received emails complaining that it was more like 10:00. So again, even though the applicant knows, even though the agent knows, even though the manager on the property, we have been told, is understanding that it's a 9:00 limit, that limit has not been met, and that is a real concern from staff and it's a concern from neighbors.

That is why there is a condition in there saying that if there is another time that seemed to go after 9:00, that that's the end of all the events there. We gave that time as a reasonable time to finish in a very rural, very quiet, very serene area, which was part of the reason why this was started as a bed and breakfast. I was actually the case planner in 1999 and it was explained about how serene this area is. I think what you're going to hear tonight from the neighbors is that that serenity has been broken during these special events.

The Applicant will say differently, but still, the sheriffs have been called out after 9:00 and there have still been people there. The neighbors have emailed me consistently the following morning to tell me that the hours have been violated, and that is part of wanting this to be done in a public hearing rather than as an administrative process.

So I will put that out to you and I would say, yes, I think the noise on a neighbor's piece of property is going to be very different than the noise meter readings on the property line, just because of topography out there. I don't know if Vicki has anything that she would like to add as well.

MEMBER KRENZ: The report that's in our packet, this short, half-hour or so measurement, is not really representative of the noise that's going on on these events.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I don't think it's representative. It may be representative of the noise that's on the property boundary, but not necessarily representative of the noise that is at each residence that is around there. The only way to get that would be for the full length of the event to actually doing noise meter readings on everyone's adjacent property on their patio at their house.

MEMBER KRENZ: Okay. Thank you.

CHAIRMAN GONZALES: Vicki, do you have anything to add to that?

MS. LUCERO: No, Mr. Chair, I do not.

CHAIRMAN GONZALES: Okay. Steve, go ahead.

MEMBER KRENZ: I have a question for the lawyer. In one of the submittals by some folks they said that if we were to allow this act, whatever, we would be setting a bad precedent. Can you speak to that? Is that true? Is that not true? What do you think about precedent setting if we accept this?

ROGER PRUCINO (Assistant County Attorney): Mr. Chair and Commissioners, I honestly don't want to put words in the mouths of the neighbors in the area. I think generically, I can speak to those concerns.

The fact that the property was initially approved, or approval was given initially for bed & breakfast use and the fact that I think the evidence that they intend to bring before you today suggesting that that use has changed significantly from bed and breakfast to more of a wedding/event property, but again, that's not my take on the situation. I think that's what their take is. I'll allow them to speak more for themselves, but my suspicion is that their concern is that to grant this approval because they have already booked so many events and to feel compelled to do that because you might now want to see people's wedding days upset could set a precedent that you may or may not be comfortable with. It's not so much a legal opinion as my sense for what you're going to be hearing.

MEMBER KRENZ: Thank you. Thank you, Mr. Chairman.

CHAIRMAN GONZALES: Thank you. Frank.

MEMBER KATZ: I'm really puzzled by – I don't know the code well enough and I'm seeking help from staff here. I understand what a bed and breakfast is. I understand what a 100 to 150-person wedding is and they're very different. Is there a provision of code that allows in this area every weekend a wedding of 150 people, of 100 people? Is this within the code? And if so, as what?

I guess if it is allowed in the code then why are we here for like a special permit? What's special and what are the criteria for granting a special?

MS. LUCERO: Mr. Chair, Commission Member Katz, the use is a permitted use within this zoning district, the use for special events. We have been issuing special use permits in the meantime until they come in for these approvals. But they are requesting a site development plan since it is a permitted use. Normally those are handled administratively, but because of the contention and controversy and different information, conflicting information that we're receiving from the applicants and the neighbors, this case was forwarded to the Planning Commission for a final decision.

MEMBER KATZ: So the kind of use they want to make is permitted and they have made an application for a development plan to do it.

MS. LUCERO: Correct. Until the end of the 2022 season.

MEMBER KATZ: I thought – maybe I misunderstood what you said, but I thought you had said that they have applied for a development plan to allow them to do this, I guess, whenever they want to. I'm puzzled by this special development – by the development plan and by the special use permit.

MS. LUCERO: Mr. Chair, Commission Member Katz. The SLDC doesn't have a specific category for these types of events, so we found a category that we thought would best fit with what they are requesting. Under that category it is a permitted use and permitted uses are

required to submit a site development plan for administrative approval, so they're asking to allow these wedding events to continue to occur until the end of the 2022 season. That's what the site development plan application is for. And as I mentioned, these are normally approved administratively. However, because of the controversy and conflicting information, the Land Use Administrator determined that it would be better to forward this to a public hearing forum and allow the Planning Commission to make the decision.

MEMBER KATZ: Thank you.

MS. ELLIS-GREEN: It actually was submitted to allow weddings from here on out. There was a lot of neighborhood concern. The applicants met with the neighborhood, and then probably about six, eight weeks ago we had a letter from them saying they just wanted to commit to the weddings that they've already booked, and then they would cease doing that and they would go back to their old approval that they had from the late nineties, early 2000s, to a nine-bedroom bed and breakfast, up to 18 guests at a time and no more.

So rather than issue special use permits throughout – a special use permit isn't supposed to in some way be used in order to violate the code, and 40-some events would make me think that that's a way around a zoning. So the agreement from the very start is that we would allow them to get the special use permits with these conditions while they came through a site development plan. That changed a little while ago due to neighborhood complaints and I think that the applicant heard the neighborhood and amended their request to just say, let's just get through the 2022 season for the people that have already booked their weddings and have already signed those, and then after that we'll revert back to a bed and breakfast in accordance with their old approval for nine bedrooms. Is that right, Vicki? Okay. Thank you.

CHAIRMAN GONZALES: Frank, anything else? No. I have a question. Were any notice of violations issued?

MS. LUCERO: Mr. Chair, there were no notices of violation issued. The applicants came in to try to remedy the situation before that happened.

CHAIRMAN GONZALES: Thank you.

MEMBER KRENZ: Another question.

CHAIRMAN GONZALES: Steve.

MEMBER KRENZ: Since we passed the SLDC that we're working under right now, has the County ever passed this kind of plan, development plan, that basically is a development plan for some number of months?

MS. LUCERO: Mr. Chair, Commission Member Krenz, I don't recall any situation that was similar to this where they were seeking temporary approval.

MEMBER KRENZ: Yes, essentially a temporary development plan. That's what I meant. So, no, we haven't done that?

MS. LUCERO: That's correct.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, there is a section under the SLDC of temporary uses and this type of uses is not listed under that. So these permits had been issued under the 1992 business license ordinance. This does not actually specifically even talk about a special use permit. We've done that because I think we've had precedent over the years of being able to issue those. We will be looking at amending that ordinance fairly quickly. Hopefully, we'll get that done this calendar year. But in that case we would actually specifically be talking about where and when you can have a special use permit and what the conditions would be.

CHAIRMAN GONZALES: Okay. All right. The applicant, you can get sworn in and proceed to your presentation after you're sworn in.

MR. MANZANARES: Thank you, Mr. Chair. My name is Nathan Manzanares. I'm with James Siebert and Associates. My address is 915 Mercer Street, Santa Fe, New Mexico. I'd also like to have Wayne Dalton, an associate with us as well, be sworn in if that's possible, as well as the applicant Britt Contreras.

[Duly sworn, Nathan Manzanares testified as follows:]

MR. MANZANARES: Mr. Chair, I'd like to request that Britt be able to give an opening statement as the owner of the property, and then after Britt's opening statement I'd like to give a summary of our site development plan and revised application request. Unfortunately that was not included in the packet material and I feel like that will clear up a lot of the questions that have been addressed thus far. So I'm going to start off with giving Britt Contreras an opening statement, and then I will present our case, if that's okay with you, Mr. Chair.

CHAIRMAN GONZALES: That's fine.

MR. MANZANARES: Okay. Thank you, Mr. Chair

[Previously sworn, Britt Contreras testified as follows:]

BRITT CONTRERAS (via Webex): [Poor audio quality] We first learned there was a problem with the Hacienda when we returned from traveling to our [inaudible] in November of last year. Our manager, she received a phone call from Jose Larrañaga at the County about [inaudible] We immediately scheduled an appointment with Jose in his office. We learned how the County wanted us to [inaudible] to their complaints. [inaudible] I want to clarify a couple of misconceptions that I noticed people have had. One is how bookings are done. After meeting with Jose we told our staff to accept no more bookings for weddings or other events until our path forward was figured out. All of these 2022 weddings were booked in 2020 or 2021. No bookings have taken place from 2022 or 2023 until we could figure out the neighborhood problem.

People have waited two years and some longer, to have their weddings. We took as many of them through 2022 as we could to handle all the COVID weddings and all the other weddings that were already booked since we book 18 months in advance. We would never want to have that many again. I hope that we don't. Three weddings have already been cancelled by 2022 brides. This does happen. Engagements get broken. People are also having a very hard time with the 9:00 p.m. curfew.

I want to clarify the easement roadway to the Hacienda, which is the only way to reach the Hacienda. Our neighbor at Wit's End requested that a survey be done and that we share the cost, and we did that. And now the survey shows the property line and that there are no incursions from the Hacienda onto the neighbor's land. A turnaround was required by the Fire Marshall and fortunately that was already in place on Hacienda land and we didn't have to do any more. We had created a firebreak near the building by cutting back mostly male junipers and of course dead trees. But no trees were even cut on anyone else's land. We are concerned over fire and we are doing everything we can to mitigate that. We are concerned that our neighbors do not seem to be acting as stewards of their land. Their dead trees remain near us.

We have not changed our website as we were told not to. After the County decides the plan forward, we plan to remove the wedding site and prepare one for a bed and breakfast. I can tell you that Max and I do not have expansion plans. We are just going through the steps required by the County. We have no plans for expansion or building out or anything like that.

The problems with the three Vista del Oro neighbors has been hard on Max. He's 80 years old. He's proud of having built that beautiful Hacienda and we hope to get this problem settled sooner rather than later. Max has known two of these neighbors for many years and it is distressing for him to have the bad feelings come. We're going to do everything we can. We ask for finishing the wedding season. It would be overwhelming to have to cancel anybody and we hope not to do that. Thank you.

MR. MANZANARES: Thank you, Britt. Mr. Chair, as previously stated, our development request and development report was not included in tonight's packet material. I would like to share my screen and give a brief history and summary of the requests that we're asking for before you tonight. Can I have permission to do that? That way everyone can read along? Can everyone see my screen?

Thank you, Mr. Chair. Mr. Chair, before I give my presentation I would like to thank all County staff in reviewing this proposal before you tonight, as well as the 14 special use wedding permits that have already been approved thus far. These County agencies include Public Works, Fire Prevention, the Sheriff's Office, Land Use and Code Enforcement.

I understand the pressure and stress County staff has had to endure these past few weeks, but I would like to express my appreciation for their professionalism dealing with both the opposition of this proposal as well as the clients involved trying to navigate the complex permitting process required to allow weddings to continue for the next six months to close out the 2022 wedding season. Let's not lose sight that tonight's request is for six months only at this point and keep that in mind.

History of the project: On April 13, 2022, a request for an Administrative Permitted Use Site Development Plan was submitted to the County to expand prior master plan approvals granted in 1998 for the Hacienda Doña Andrea to hold seasonal weddings.

On April 21, 2022, a community meeting was conducted via Zoom. Community meeting minutes from the April 21, 2022, have been provided to the County with our submittal and can be found in your packet under Exhibit 2.

On May 6, 2022, a revised request for the Site Development Plan for the Hacienda Doña Andrea bed and breakfast expansion which was originally submitted on April 15th was presented to County staff. The revision presented on May 6, 2022, proposed that Hacienda Doña Andrea be allowed to finish the 2022 wedding season, and upon completion of the 2022 wedding season, Hacienda Doña Andrea would revert back to operating under the original bed and breakfast approvals granted by the BCC in 1998 under development permit #98-5780.

A letter from the property owners summarizing the revised request for a six-month temporary expansion approval to complete the 2022 wedding season can be found under Exhibit 3 of your Planning Commission packet material. In addition to the revised request, a list of executed contracts/weddings with guest counts and scheduled dates for the 2022 wedding season has been provided under Exhibit 6. Unfortunately, an amendment to Exhibit 6 is required due to weddings being cancelled on July 9th and July 30th, due to brides and grooms not being able to deal with the 9:00 p.m. ending event time. Many brides and grooms have family members traveling from different cities and parts of the country and the brides and grooms found it unfair to send family away at 9:00. Complaints about the 9:00 p.m. noise ordinance not being consistent with the County noise ordinance for 10:00 pm have been called into question by upset brides and grooms that booked their weddings one to two years ago before these conditions were imposed.

As everyone here is aware the subject property has been the center of controversy and conversation over the past few weeks. Both our firm as well as the Contrerases would like to

express our deepest apologies to every one involved for the stress caused over the past few weeks as the County has approved 14 special use wedding permits as the Contreras continue to navigate the County approval process.

To date a little over one-third of the weddings proposed for the 2022 wedding season have been approved by the County and all approval conditions from the special use permits issued by the County have been satisfied. There has not been a single notice of violation issued for this property for any of the weddings held thus far. Weddings at Hacienda Doña Andrea have never been more organized and events are now limited to no more than 120 guests and at no point has the designated parking allowance been violated or has any parking occurred outside of the property lines in the designated parking areas.

It appears that the only disturbances associated with weddings at the Hacienda Doña Andrea have been caused by neighbors overstepping their bounds through the use of self-policing and trespassing on the Hacienda Doña Andrea property and causing disrespectful incursions to Hacienda staff as well as wedding guests and wedding party members. Due to the self-policing from the opposition associated with this project, it has gotten to the point where a judge recently had to rule in favor of approving a lifetime, permanent restraining order to one of the neighbors in opposition to no longer be allowed to pester Mr. and Mrs. Contreras or enter into the Hacienda Doña Andrea property.

In order to lower the temperature of the current situation Max and Britt Contreras have waived their development right to seek a permissible administrative use to allow weddings at Hacienda Doña Andrea to just six months in order to have insurance that contracted weddings for the 2022 wedding season may be finished.

The proposed 2022 weddings held at Hacienda Doña Andrea range from twenty individuals to 120 individuals. Weddings are not common and most weddings during the 2022 season will range between 50 to 70 individuals. Furthermore, Hacienda Doña Andrea staff will be present and has been present for all wedding functions, in order to facilitate an organized and safe environment for guests.

The original application and revised request has been submitted in compliance with the Sustainable Land Development Code and the Sustainable Growth Management Plan. Based on permitted uses of the SLDC, bed and breakfasts are a permitted use within the ag/ranch zoning district and in accordance the design standards referenced in Chapter 7 of the SLDC.

The 2022 water usage has been exaggerated to show that each guest at the largest weddings provided using the restroom at least once per wedding. The average wedding size for the 2022 wedding season is much lower than 120 guests and it is extremely unlikely each guest attending a wedding during the 2022 season would use the restroom at least once while attending a wedding. In addition, portable restrooms have been provided on site for each wedding to further conserve water consumption. Also, onsite caterers have provided bottled water as part of their packages to also limit water consumption.

In conclusion, the average wedding provided during the 2022 wedding season is approximately 75 guests. Therefore, water usage calculated is much higher than anticipated but was done to show that a sufficient water supply is available for the 2022 wedding season even with the number of guests, as well as the 41 wedding proposed held on a seasonal basis. Also this will only be for a six-month time period and is in compliance with the original approvals for .6 acre-feet given during the B&B master plan.

Parking: There is an existing parking area which is utilized by the existing B&B and will also be utilized for wedding functions. A total of 57 parking spaces will be provided. This

includes two ADA spots. There is also parking attendants onsite to ensure individuals are parking within defined spaces and ensuring and maintaining two 20-foot wide fire lanes for emergency access that have been approved by the Fire Department. I will show that later and explain that in greater detail.

Furthermore, there are two 5,000-gallon water tanks for storage and fire protection as well as a draft fire-hydrant system for a total of 10,000 gallons of fire protection. All internal roads meet fire prevention requirements and the applicant has hired a company to design and install an automatic fire-suppression system as well as installation of exit signs, lighting signs, fire extinguishers and a fire alarm per Santa Fe County Fire Prevention inspections.

A noise study was required per staff. Noise meter readings were taken from property lines per the requirements established in the SLDC. This noise study can be found under Exhibit 1 and will be explained in greater detail.

Also, an engineered traffic impact analysis was required per the County and was submitted with the original site development plan and showed the traffic associated with this use is not intense.

Mr. Chair, I apologize for this lengthy intro, but it is okay with the Commission I would like to share some of the plans that were submitted in accordance with both the Site Development Plan as well as the revised request before you tonight for a six-month event use to allow for the remaining weddings contracted for 2022. Thank you Mr. Chair.

Mr. Chair, I'm going to move on to sharing some of the slides that were not provided to you in the packet, if you don't mind.

CHAIRMAN GONZALES: Please do.

MR. MANZANARES: Mr. Chair, can you see my screen?

CHAIRMAN GONZALES: Yes.

MR. MANZANARES: Okay. Thank you, Mr. Chair. Before you is the original proposed Mylar for the permitted use site development plan that shows an aerial of the property which includes parking. This would be recorded as part of the approve of a site development plan. The next page has a little bit more detail. It shows the fire hydrant, the existing well, the cistern and the fire safety tanks. As mentioned before there is a dedicated fire lane that is not obstructed at any point and parking attendants ensure that at no point this is blocked by anyone. In addition, there is also a fire lane here that was inspected and approved by Code Enforcement during an onsite surprise visit.

The next slide shows where the property is located relative to Gold Mine Road, as well as the existing vegetation on the site. Each site within the Vista del Oro Subdivision ranges anywhere from 90 to 50 acres in size, and the approximate distance between neighbors ranges anywhere from 1,000 to 1,500 feet.

Here is a further depiction of the existing foliage and trees on the property that provide a buffer from the surrounding neighbors. This is a copy of the Hacienda courtyard where the weddings take place. Guests are seated here. An altar is placed here which overlooks the mountains and this is where the weddings take place. This is a floor plan of the lower level of the Hacienda, which is a nine-bedroom establishment, and this is the upper level of the Hacienda.

Here's some photos of the three aerials of the property. There's been a lot of questions regarding the noise study conducted. This study was conducted within the parameters of the SLDC under Table 7-21. The above study shows that the average decibel reading for this noise study ranged from 30 to 50 decibels, which is the equivalent of an average residence playing music, soft music playing within an apartment, or a normal conversation amongst people.

Furthermore, the red line shown at 55 decibels on the real time graph depicts spikes in the decibel readings from either heavy wind gusts or from guests leaving the ceremony and driving past the noise meter, therefore distorting the readings to be above average for a short period.

A summary of the noise readings shows that it's in compliance with OSHA and NOIS regulations, and at no point were volumes reached that could impair hearing loss or adverse effects. A conclusion of the study was a recommendation that noise readings be taken periodically during each wedding. That has been done and those noise readings show that the levels are within the parameters of the SLDC.

Here is the graph that was questioned and the reason for these spikes here, Commissioners, is due to people leaving the venue. They were for a very short period of time, ranging from less than 30 seconds on average, and that was from guests leaving the site at 8:12 p.m.

This is a summary of OSHA guideline that show the dB levels that can be harmful and cause hearing loss or adverse implications. At no point do we exceed the threshold of loud.

Here is a summary of the noise readings taken for all weddings thus far. The line above shows the max level and the blue line shows the intermediate decibel readings that were taken periodically during each wedding that's been approved thus far. We will continue taking these readings and providing this data to the County for the remainder of the 2022 wedding season.

This is breakdown of the data. Here's a copy of the traffic report that was done by a certified engineer.

And here is something that we need to do as a housekeeping matter, Mr. Chair. We need to amend Exhibit 6 to remove the July 9th wedding and the July 30th wedding. As previously mentioned, those brides have cancelled due to the uncertainty of the situation and the current approval conditions associated with the special use permits.

This is just a summary provided from the operating manager of Hacienda Doña Andrea explaining those cancellations. Mr. Chair, thank you for allowing myself, as well as the Contrerases an opportunity to present the Hacienda Doña Andrea's six-month expansion request in greater detail.

Mr. Chair, upon completion of the public hearing portion of this meeting I request an opportunity to further discuss some of the approval conditions referenced by staff, as well as be given the opportunity for a closing statement. Thank you, Mr. Chair, and with that I stand for any questions.

CHAIRMAN GONZALES: Thank you. Does the Commission have any questions of the applicant? Rhea?

MEMBER SERNA: Thank you, Mr. Chair. You mentioned that you're going to be creating, I think, or providing 57 parking spaces, two of those being ADA spaces. What is the status of the development of those spaces at this point?

MR. MANZANARES: Mr. Chair, Commissioner Rhea, that has been done. The parking is existing. It's built out. It's functional. It's operational. That was required before any special use permits were allowed and authorized by the County.

MEMBER SERNA: As a follow-up to that, once the Hacienda reverts back to its original use of a bed and breakfast, it would only require then 13 parking spaces, so what's the plan then for the 45 remaining spaces after – in 2023, I guess.

MR. MANZANARES: Mr. Chair, Commissioner Rhea, great question. The parking situation is currently a basecourse parking area and it's defined by a nice rock bumper. So it would be reclaimed, and there hasn't been any major disturbances that would have to be

reclaimed. It still would be functional and would provide the 13 spaces that are required. So no mitigation of the parking area would be required. It would still look natural as it does today.

MEMBER SERNA: Mr. Chair, I have an additional question. You mentioned that there is going to be a fire suppression system installed. Is that already installed to date?

MR. MANZANARES: Mr. Chair, Commissioner Rhea, that has been designed and is waiting to be installed and finalized. The parts required are on backorder at this point but everything has been plugged in. The only thing that's not going on right now is there's no water running through the pipes, but that should be addressed shortly. And that will continue to be used after the six months and provide fire suppression for the bed and breakfast. That was a very costly upgrade and investment to move forward, and the Contrerases did that willing.

MEMBER SERNA: And Mr. Chair, a follow-up question to that, I understand with regard to supply chain issues, but is there an anticipated date for completion on that?

MR. MANZANARES: Mr. Chair, Commissioner Rhea, I would have to speak to our fire engineer, Jerry Watts. As I said, with the current environment of supply chain issues like that happening, we're just waiting on one more part. I can estimate that it would be no later than the end of July.

MEMBER SERNA: Thank you.

MR. MANZANARES: Thank you.

CHAIRMAN GONZALES: Thank you. Any other questions? Wendy.

MEMBER PIERARD: Who is onsite during these events, for the property owners?

MR. MANZANARES: Mr. Chair, I'm sorry, Commissioner, I don't know your last name.

MEMBER PIERARD: Pierard.

MR. MANZANARES: Okay. There is an onsite manager that is on the property 24/7 while guests are staying at the Hacienda. In addition, there's anywhere from three to four Hacienda staff assisting in parking and just overall organization of the wedding.

MEMBER PIERARD: Thank you.

CHAIRMAN GONZALES: Thank you. Any other questions of the applicant? Okay. If there's no other question I'm going to open up the public hearing.

MR. MANZANARES: Thank you, Mr. Chair.

CHAIRMAN GONZALES: Anybody out there have any questions, comments?

BETSY BRANDT (via Webex): Yes, greetings, Commissioners. Thank you for the opportunity to speak.

CHAIRMAN GONZALES: Hold on. Have you been sworn in?

[Duly sworn, Betsy Brandt testified as follows:]

MS. BRANDT: Betsy Brant, 95 Vista del Oro. Thank you, Commission members. I appreciate the opportunity to speak tonight. I am one of the community coordinators. I'm in a unique position to highlight some background on this issue that I think would help you, but I do need more than three minutes. Joanna Martinez, a neighbor from LAC Minerals could not be here tonight due to an emergency. She's offered me her three minutes of extra time. Would that be okay?

CHAIRMAN GONZALES: Yes.

MS. BRANDT: Okay. Great. And also, I would like, after my background info, I would request that our sound expert could go after me because noise is such a huge issue. Would that be okay?

CHAIRMAN GONZALES: I'm sorry. I didn't get that one. What was that?

MS. BRANDT: I'd like our sound engineer to follow after me. Would that be possible?

CHAIRMAN GONZALES: Yes.

MS. BRANDT: Thank you. There's a time line document for you to follow in your packet. It says Hacienda Doña Andrea, HDA for short, timeline of neighborhood events. Do you all have that?

CHAIRMAN GONZALES: Are you sharing the screen?

MS. BRANDT: No, I'm not sharing I just provided the document to you all.

CHAIRMAN GONZALES: I think so. We'll look around. Okay. It was handed out to us. Please proceed.

MS. BRANDT: Okay. Thank you very much. The story starts back in 1998 when the owner contacted neighbors for endorsement of this B&B to include small, quiet meetings in the fields of history and culture, up to six to 18 people with 13 parking spaces. Neighbors agreed to this based on the promise from the owner who stressed quiet and small retreats to us. In 1999, the variance shown in the package was approved for B&B usage. I was one of the neighbors who endorsed this B&B, and for the record, I still support a legitimate B&B with small retreats and education workshops.

I've pleaded with the owner since August of last year to please revert back to what he's been approved to do. All was going pretty well until about 2010 when the Hacienda changed from being a B&B to an outdoor wedding center. The variance criteria was violated, especially in four ways. Number one, the variance stipulated hosting six to 18 people. Hacienda was hosting up to 150 people weddings regularly. Number two, they did not have the parking spaces, only the 13, so they used utility easements, private roads, Prince and Vista del Oro, creating traffic and fire escape danger and additional liability for the neighborhood. And number three, the Hacienda is not in compliance with their water requirements. Their second well, which they use to service all their wedding guests, the OSE confirms the owner never metered his wells for over two decades required by the Board of Commissioners. And number four, they exceeded their maximum allowable occupancy for the B&B. They hosted lodging for 30 people for many years. There's a screen shot from their previous website on page 3, you see under accommodations. It's recently been changed back to 18.

I want to underscore we went to a lot of trouble and expense to build out here because we wanted the peace and quiet and privacy. We wanted the serenity and the super quiet area, which is continuously being violated now. In 2010 the full-time onsite manager left. The owner of the B&B was not living at the Hacienda to manage the events. He was just renting out the space. There was increased traffic, speeding, extreme amplified music until after 10:00 p.m. and no one to call.

And then in late August of last year there was just a tipping point for the neighborhood. The Hacienda hosted an illegal two-day, two-night film production. There was extreme two-way traffic on neighbors' private driveways. I have video and picture links that you can look at later. The overflow traffic was double-parked on Vista and Prince. Our private driveways. Again, there was no one onsite to call. The owner was unwilling to speak to neighbors about our issues. I have made many attempts and I've many emails that are documented to contact him. We received an apology from the County Film Office to neighbors on August 30th. The film shoot was unpermitted with no neighbor notifications or public safety reviews, and that's on page 4.

Now if you jump to February, we did hear from the County that the owner's agent had set up a TAC meeting for a site development plan. We were really shocked that there was no public meeting required for that site development plan because it sets a new precedent for our entire neighborhood and the Turquoise Trail area. That's why the other neighborhoods are here tonight. After many letters there was approval of the pre-app neighborhood meeting by Ms. Ellis-Green.

Early April, the first special permits were granted by the County. The neighborhood – we were shocked to learn that the Hacienda created 57 parking spaces in our residential neighborhood. There are no commercial businesses whatsoever in our area. And it was on to special permits as Nathan said. So now it's a major expansion. We had asked that they could bus people in, keep down the traffic. On April 21st, the pre-app neighborhood meeting was held. There was just outrage on many issues and that's on page 5. There's a screen shot of the minutes of this meeting, and you can see the issues included traffic, noise, water, fire hazard, smoking on the outside decks, driving under the influence, parking, the owner's insurance for his LLC business. Also, there is an undue liability created for us neighbors for this expansion, and last paragraph shows that they were supposed to follow up with us, the agent, to address this liability and unfortunately, that never happened and we requested it several times from the agent.

Another big issue is that Gold Mine Road is the only access road. The Fire Marshal has confirmed it does not meet the 20-foot fire code. This is a one way hazard for any quick evacuation. We've been complaining about it for a decade now. Especially if you're going to have to evacuate 150 more people.

In May the Hacienda revised their application to a "temporary B&B expansion for 2022 season." However, we believe the basis of the application is not valid, because HDA is not a B&B; it's a special events center. We have solid evidence for this through their advertising, and if you turn to Appendix 2, which is the next section – you have a section of appendices, I hope. It says Appendix 2, Hacienda Doña Andrea, special event evidence. Well, it's a 16-page document and I'm not going to go through all of that. I just want to summarize briefly with three points.

It was done by a computer expert. The analysis is from the Way-Back Machine's archive of webpages. It's a legitimate evidence that may be used in litigation for looking back at websites. A computer expert, as I said, did this search. Way-Back shows in 2009 only there was B&B advertising. Then the Hacienda evolved to no B&B advertising from 2011 to 2022. Only weddings, meetings and special events. There is no ability currently to reserve single rooms at the Hacienda. It is all tailored for large events. The only way to book anything from the current website is through "the event link." Accommodations are only for the whole Hacienda with a two-night minimum. Currently, there's no B&B advertising for the HDA anywhere on the internet that our expert could find. Especially Trip Advisor and AirBnB. Well, those are the top two B&B advertisers.

We checked through all the weeks from now until May of next year and there's no presence of the Hacienda. This really worries us. Facebook advertises @weddingmountain, performance and event venue and there's no mention of any B&B business on Zillow either. Just special events and retreats. So here we are, June 16th, and to date there have been 14 special permits for weddings approved by the County. Fourteen weddings and only one noise study conducted so far? It's not acceptable to us, nor does it follow the special permit. Look at page 6, look at the condition #8. A noise study conducted by a certified noise engineer must be conducted at this event, and that is on each permit that was granted to the Hacienda.

So, yes, they provided some additional noise readings by the staff, and those are on page 7. The neighborhood contests these self-reported noise data and the next speaker, our sound expert, will address that.

On page 8, there's a wedding schedule and I really want you to look at that because if you just look at it can be deceiving. There have been 41 scheduled weddings. There was also one on March 3rd, so there's actually been 42 so far in 2022. And you can see. Look at the numbers. They're large wedding sizes. But this is only part of the story. Each wedding is a minimum of a two-day event, so double that schedule to 84 days. There are eight weddings in June alone, including one tonight, which we already have heard.

The pre-parties start the night before and they are often noisy like they were last night. The Hacienda sits up on a hill. The noise carries down to the point we can hear actual conversations of the wedding members. It's an oppressive schedule for the neighborhood to endure. And those are the guest numbers. They don't include onsite staff, service providers, caterers, and the other contract people that are hired to make the weddings happen.

So in closing, our entire area is zoned residential. I look at the zoning code and there's nine usages listed on page 10, from assisted living, nursing homes, B&B – these are all quiet usages. I don't see special event centers listed as ag-ranch permitted usage. So we are really confused about this. It's understandable. They're way too noisy and they carry a big liability. So the B&B charade is a scary precedent for our whole area, and to make matters worse, the County does not have a Code Enforcement officer for noise. Our only choice is to call the Sheriff's Office for an official noise measurement at a noisy event, which we've done. And they really do want to help. God bless them. But on Saturday nights they've been quite busy making arrests and helping firefighters put out brush fires. It's just not fair to call them or to make them the only noise experts in the County.

We all have chosen our rural lifestyles and the extremely low ambient noise levels that we hold sacred. We want to hear the wildlife and the bird songs on our properties, and for us, the sound engineer will talk about what ambient is, and the code is not just 55, it's five above ambient, or 55 dBA, whichever is less. So this really – the ambient really must be addressed. There must be a baseline for the ambient noise. We never gave Hacienda permission to use our private subdivision roads for extreme commercial use. These are steep, rugged roads. They weren't designed for this.

And so we have three recommendations for you. Number one, the owners must seek a noise variance for these weddings if they continue to be hosted outside. Number two, we recommend the Commission not approve this temporary development permit because it does not meet noise code, and our sound expert will show that next. And because the basis of the application, we don't think is valid. Please continue to require the Hacienda to apply for a special permit for each wedding, making the necessary adjustments to meet code. We ask you, how objective is it for them to take their own noise measurements? And please stop the weddings at 9:00 pm as the special permit calls for, not 10:00 pm like last Saturday. That created total havoc out here.

Number three, please County, consider hiring a noise code enforcement officer. It's just not fair to the Sheriff to have to come out here on a Saturday night when they're dealing with life and death matters. This permit would set a clear precedent for our area. We are quite concerned about Hacienda not starting weddings up again next year and starting all over again. This is our heaven. It's our haven. We never wanted this conflict; we never asked for it. We've been very patient for over a decade now, and we do thank you, Planning members for your time tonight,

and especially Penny Ellis-Green who's been very patient and for also bringing this forward. Thank you.

CHAIRMAN GONZALES: Thank you. Okay, anything else?

TOM TAMMANN (via Webex): Yes, please, if I may go next. I'm Tom Tammann, 88 Vista del Oro.

[Duly sworn, Tom Tammann testified as follows:]

MR. TAMMANN: Good afternoon, Commissioners. I am Tom Tammann of 88 Vista del Oro, adjacent to the Hacienda Doña Andrea. We get the brunt of noise pollution and this is up to a thousand times a month. I'm tired and fed up, but I am an engineer. Yes, I am a senior architect at IBM. I am a computer science and mechanical engineer. My entire career has been entering and analyzing data. I spent the last two weeks doing extensive research, which is the foundation of what I'm going to tell you.

Do you see the blue divider that you have also after the blue divider, that's the relevant part of what I'm talking to. You have 35 pages of information of the sound emission the Hacienda produces. Please note there is even more information in drop box for you. There is a link for drop box and I hope you have in front of you the sound pressure level analysis and analysis.

The sound data submitted by the Hacienda for the site development plan is very rudimentary and lacks essential information to be credible. What you see on page 1 and on the last page, 34, is all what they produce as raw data. Other reasons why I would deem their study as questionable are: a) details about equipment and procedures – where, what and how – are entirely missing; b) the results are not presented according to standards supported by the CDC and OSHA. They mention CDC and OSHA but their results are not meeting their standards; c) no ambient noise readings or baselines are provided whatsoever.

Let me talk you through how this neighborhood came together to do the most accurate and thorough sound analysis that we could. First, we consulted with several professionals in the industry to educate and inform ourselves. Two, we spent over \$1,000 on certified and accredited measuring and calibration equipment; nothing like what the Hacienda had. I have a 14-page report detailing all this equipment available to you in drop box.

On June 11 alone, [inaudible] had six microphones roaming at various spots on the neighboring properties. Before I conclude with our results there is one key point I would like to quickly highlight and Betsy did this already. Our neighborhood is not quiet; our neighborhood is silent. That translate in an ambient reading of our neighborhood of 30 to 38 decibels. You find extensive data to our baseline measurement on page 23 following. However, let's have a look at page 8 to have a look at our results.

OSHA and the CDC use one metric for these kinds of measurements and it's called LAeq. It presents an equivalent sound level over a prolonged measurement time, similar to an average. We measured over 60 decibel LAeq for the event on June 11 and you see this report on page 8. Other measurements on the next pages for this and previous events confirm a clear breach of the ambient level limit. The code states five decibel above ambient. The Hacienda is routinely exceeding this by ten decibel and more. The extreme what we measured is 20 decibel above ambient.

If I had more time I would love to elaborate but in closing, we have a large body of substantive evidence made with calibrated equipment which meets official standards. The Hacienda does not. We presented very strong evidence that the Hacienda operates outside the sound levels required by the code. I ask therefore that the Hacienda not receive permission to

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conduct the rest of the season without individual event scrutiny, but rather prove that they can meet code requirements at every event as indicated in the special permits. I thank you for your time.

CHAIRMAN GONZALES: Thank you. Anybody else out there that wants to speak?

KEN PURLOW (via Webex): Yes, I would. My name is Ken Purlow and I live at 64 Vista del Oro.

[Duly sworn, Ken Purlow testified as follows:]

MR. PURLOW: So thank you, members of the Planning Commission for the opportunity to speak on Hacienda Doña Andrea HDA's development plan, which I very strongly oppose. I live at 64 Vista del Oro which share a one-third of a mile property line with HDA immediately to our west, and this line is not fenced. I believe you received some written correspondence from me and I won't repeat that. I do want to make sure that you actually got it though.

Well, all right, anyway. So you'd expect a good neighbor to let you know when they're doing work near that property line. They never have, and last November they build a road with a turnaround right into our land along with other road grading incursions. Now, Britt Contreras' account of this is kind of interesting. I gather what she was trying to say is they came onto our land to cut our dead wood because that was a problem. But I don't know who really gets to do that, but you'll see that this is part of a larger issue.

So it might have been an honest mistake, I thought, I didn't know they were actually planning to do it, but we never heard a peep from them. So I do understand their predicament with their bookings. But they could have come directly to their neighbors about it, and if they had, there may have been some room for compromise.

I have never wanted to put them out of business. It was a quaint B&B when we got here 18 years ago. I even stayed there a few times before we began building, and it was nice. Alas, it is not a quaint B&B anymore.

Perhaps most revealing would be a call I had with co-proprietor and owner Max Contreras following last Saturday's event which ran significantly over time, hence our conversation. He asked, well, what's wrong with an occasional party? And I said, well, nothing's wrong with that. But eight weddings a month is not an occasional party. That's a nightclub. And I got no response to that other than a plea to let HDA finish up its contracts. And then I asked, as I believe you should ask, what assurance I'd have that some months or a year down the road that they wouldn't resume booking such events, and I got no response to that either. And then finally I invited Max to come up to our property during one of the big weddings and listen to what we have to hear. He refused. Refused.

So my experience is that these folks at HDA do whatever they can get away with and if you folks give them blanket permission for anything they're going to test the limits really quickly.

The noise, of course, is a problem for us and in other parts of the county too as you know. Also of course the resource use and fire danger for any large gatherings. So it may fall to you planners to draft new ordinances with teeth to ensure we can all maintain peaceful enjoyment of our homes. But for now, rejection of this development plan will be a great start. And as I concluded those written remarks, which you may or may not have received, we did not move to this beautiful area and dutifully pay our taxes to live next to a nightclub. Thank you again for your attention.

MR. MANZANARES: Mr. Chair, if you feel appropriate, I'd like to respond to that and provide some clarity on why the wedding sizes are so high at this point. A lot of it has to do with –

CHAIRMAN GONZALES: Hold on, Nathan. You can respond when you do your rebuttal at the end.

MR. MANZANARES: Thank you, Mr. Chair. Anybody else?

ELIZABETH BLUMENSTOCK (via Webex): I would like to speak.

CHAIRMAN GONZALES: Okay, please state your name and address and get sworn in.

MS. BLUMENSTOCK: My name is Elizabeth Blumenstock. I live at 64 Vista del Oro.

[Duly sworn, Elizabeth Blumenstock testified as follows:]

MS. BLUMENSTOCK: Thank you very much for the chance to speak. I believe virtually all of us in the area are quite worried about impacts of course on water resources, fire risk, noise, roads and liability. I wish to speak to just two of these troubling impacts. The large events, up to 120 people, having that many people on this vulnerable land, it's really risky. First, in case of fire, according to the National Park Service, almost 85 percent of wildfires are started by human negligence. And we have seen and are continuing to see horrifyingly, just how quickly a wildfire can spread and destroy the hopes and homes of hundreds of people.

I do not find it credible that anyone can adequately police up to 120 people, strangers who don't have any investment in the land they are visiting, strangers who may be wandering on the property without the proper oversight, because five or six people onsite, staff people, are not really necessarily able to achieve proper oversight on that number of people. And if you add in 120 people or 75 people, and multiply it by 40 or 35 or whatever is remaining, the risk really skyrockets. This is frankly terrifying, just looking around the State of New Mexico and the Southwest generally these days.

We live in a remote area and while fire could spread across this tinder dry landscape with incredible rapidity, fire trucks cannot get there probably for a half an hour to more than a half an hour from Madrid and Turquoise Trail Fire Departments. This just expands the risk. The probably new fire season for our area is at least April to November and that is precisely when most of the events at the Hacienda are likely to be booked because that's the good weather season. So that's an unfortunate overlap of risk and usage.

I feel that a sane policy of risk management suggests that the Hacienda be only permitted their 18 previously permitted guests under the B&B permit. I think that's the only prudent course.

The other issue which greatly concerns us all is liability. Of course I gather that the Hacienda is a limited liability company and requires that its guests purchase liability insurance, but we have no way of ascertaining whether the coverage that they combine possess the insurance monies that they can commit themselves to would have any impact on any losses that we might sustain in the event of a bad fire. Losses to our homes or our land.

So in other words the hacienda is permitted to make profits and profits from their business, but the risks associated are spread out over the community, which does not profit from it but only bears the risk. To me, that just isn't right. Thank you very much for your attention.

CHAIRMAN GONZALES: Thank you for joining us. Anybody else?

JONATHAN BESWICK (via Webex): Hello, I'd like to speak.

CHAIRMAN GONZALES: Okay, sir. Please state your name and address and get sworn in.

[Duly sworn, Jonathan Beswick testified as follows:]

MR. BESWICK: Jonathan Beswick, [inaudible]. Good afternoon, Commissioners and neighbors. I'm a video director, engineer and content creator for many entertainment professionals. I can endorse what you heard from Tom Tammann. He's spent 40+ years in working with sound professionals. His report is very well executed, researched and qualified.

We all have concerns about the excessive usage of the Hacienda del Oro for weddings and parties. Loud music, noise starting in the afternoon and into the night several days a week, depleting the water table with excessive use, enhanced fire hazard from out of town guests smoking on the premises. This has been witnessed by neighbors.

I've lived here for 20 years. We moved here for the rural quiet and isolated location, a place where we would feel safe riding out horses and relaxing in a quiet setting. I would have never thought at any point that there would be a restaurant/bar style establishment up here, and weddings are like going to a bar and a dance party. On several occasions I've personally witnessed guests leaving the wedding and speeding down Gold Mine Road as well as hearing the parties from my yard which is two miles away as the crow flies.

Respectable members of the Commission, my understanding is that the Hacienda has already booked dozens of weddings and gone ahead with site development through the 2022 summer before getting the proper permitting. This kind of behavior sets a dangerous precedent for our neighborhood. This is like your next door neighbor opening a bar or dancehall right next to your home. Because we all know weddings can be a loud celebration. I urge you to consider how you would feel if this were to happen to you next to your residential home. How would you feel to have your quiet and secluded home disrupted several times a week with traffic, noise and music that might not be to your taste.

I've worked for some of the largest bands in the world – James Taylor, Arrowsmith, Prince, U-2, Michael Jackson. I have to deal noise and loud music for weeks at a time. I come home from work and I want to decompress. It's been isolated and quiet up until now. While I feel that all future events should be stopped, as Hacienda has apparently booked future parties without the proper permits to do so, I'm sympathetic to the unknowing couples who are looking to have an amazing wedding day. This is not their fault. They should not have to suffer because a business owner who's not respecting the code and covenants that are in place. We would like to object to the blanket permit plan that is being proposed and suggest that each event should have its own isolated permit applied for and reviewed for approval through the end of the wedding season. After which they need to stop.

Beyond the 2022 season, I oppose any further permanent site development plan that would include permits to be issued to the Hacienda and its owners for the use of weddings, parties or any event beyond the usage as a bed and breakfast. I appreciate your time and thank you very much.

CHAIRMAN GONZALES: Thank you very much. Okay, who's next? Anybody else out there?

JEANNIE CONNOLLY (via Webex): I would like to speak.

CHAIRMAN GONZALES: Okay. Please state your name and address and get sworn in by the recorder.

MS. CONNOLLY: My name is Jeannie Connolly. I live at 38 Camino San Marcos.

[Duly sworn, Jeannie Connolly testified as follows:]

MS. CONNOLLY: My biggest concern is water usage, and I don't think them, as I understand it, are taking their own meter readings can be concluded as completely accurate. I have lived out here for ten years and I had a well go dry and had to drill another well. So obviously, water is very precious to me. And of course all the other issues are of concern to me: fire, noise – these are my biggest concerns and just the traffic going up and down Vista del Oro is a very dangerous road. It's very curvy. People are going too fast, and thank you for letting me speak.

CHAIRMAN GONZALES: Thank you. Anybody else out there that wants to speak?

BOYD CHRISTENSEN (via Webex): I would like to speak.

CHAIRMAN GONZALES: Please come forward and give your name and address and get sworn in by the recorder.

MR. CHRISTENSEN: My name is Boyd Christensen. I live at 183 Grenfell Ranch Road.

[Duly sworn, Boyd Christensen testified as follows:]

MR. CHRISTENSEN: I'd like to discuss the issue of fairness or equity, which I see in this request under consideration. This is a different issue that has been surfaced at all before. Several years ago, a neighbor here was getting ready to build a house. This is a self-employed, single lady. She bought the land, hired an architect to design the house, hired a contractor to build the house, and applied for a building permit. She was denied the building permit because the road from Gold Mine Road to her house did not meet the standards of the Sustainable Land Development Code. Several other houses in the area had been built after the Sustainable Land Development Code was adopted without the imposition of the road access requirement. And yes, it's a real requirement. The requirement was imposed upon here and is now being applied to all new projects as it should be.

Upgrading the road costs \$35,000 and then her building permit was issued. Overall, this increased her cost and delayed the project by half a year while she raised the funds to cover the unplanned expenses.

The situation with the Hacienda is analogous. They have operated for a number of years without the relevant code requirements being enforced. The only reason I can see for not enforcing it is what we have referred to many times here, all those contracts sitting out there. That would be a cost to the LLC if the code were enforced. This is where the equity arises. For the single lady, the issue of the cost to her was not considered to be relevant in enforcing the code. For the corporation – the LLC is a corporation – the issue of cost should not be relevant in enforcing the code. The law should be applied equitably to all persons. I urge you to reject the application by the corporation to continue operation in violation of the long-standing County requirements. Thank you very much.

CHAIRMAN GONZALES: Thank you, sir. Anybody else out there that wants to speak?

MIRA BURAK: I would like to speak.

CHAIRMAN GONZALES: Okay. Please state your name, address, and get sworn in by the recorder.

MS. BURAK: My name is Mira Burak and I live at 90 Corazon de Oro.

[Duly sworn, Mira Burak testified as follows:]

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MS. BURAK: Thank you so much, Commissioners, for this opportunity to speak. I live about a mile from the Hacienda by car but our home is actually situated just below the Hacienda, one street down. And I'm just reiterating the context for the Hacienda that so many people have spoken to, but these homes are situated on very large parcels with covenants to deter overdevelopment. And we do believe that this residential area is sacred and we moved here to be close to nature and our home is on 30 acres. And we are 45 minutes outside of Santa Fe for a reason. We're interested in living simply and responsibly, and my husband and I have two young children, ages three and nine, and we left the city to teach them the values of being connected to the natural world.

I know many people in this area have moved here from cities and retired here for that same reason. Since we moved here nine years ago, each year the Hacienda business and events have grown in size and got increasingly noisier and boisterous. As many people talked about, sound travels on the terrain in very different ways. So we can hear crystal clear from our yard what is happening, what music is playing, what people are saying when they're giving speeches, and it's just gotten extremely boisterous with large amounts of people cheering and screaming. Certain types of music really get people excited. And personally, with two young children who go to sleep at 7:30 or 8:00 at night, they have complained that they can't fall asleep when our windows are open. And these events are going until 10:00 pm and they're actually the loudest later at night because people have been drinking a lot and it's getting boisterous and the volume seems to increase as the night goes on.

And I noticed in the noise study that was presented, a lot of the readings were before 8:30 pm, but if you do readings between 8:30 and 10:00 you're going to hear even louder. So I encourage that to be done. But my kids have to get up and go to school the next morning, or now they're going to camp, and this is not what we signed up for, living here, and I'm just reiterating what other people say. We want to sit outside in our yard in the summer time and look at the stars without hearing loud, disruptive music. So the noise is a very, very crucial issue for so many of us. But also we are incredibly concerned about all of the ecological risks that people have brought up.

And I also want to reiterate this idea of drunk driving, because everybody's mentioning it, but this is serious. We know what going to weddings is like. We all have been there. We all have partaken. It's meant to be a joyous thing. But this quantity of people driving in individual cars after that kind of partying, this is not safe for our community and for our families. And I'm saying that from an extremely heartfelt place. That is very high risk.

And it's really important that the owners no longer are members of the community. So it's very easy to put aside a lot of these issues when you don't live here anymore and you're not here every day, and you're not experiencing all of this first-hand. So there's no meaningful engagement with the community anymore. And so we do not support this expansion even for the short period of time. Yes, my heart goes out to all of the wedding – all of the people getting married, but the commitment was made under false pretenses, when things were not approved. So we want to preserve this community. We don't want a precedent set for this kind of behavior in such a tight-knit, peaceful location. And thank you so much for listening and giving us all the time to talk. We are truly grateful.

CHAIRMAN GONZALES: Okay. Thank you for your input. Anybody else out there that wants to speak?

MARIANNA HATTEN (via Webex): I would like to speak.

CHAIRMAN GONZALES: Okay. Please state your name and address and get sworn in by the recorder.

MS. HATTEN: My name is Marianne Hatten, 29 High Feather Ranch, Cerrillos.
[Duly sworn, Marianna Hatten testified as follows:]

MS. HATTEN: Thank you, Mr. Chair and Commissioners, for this opportunity. Without going and being repetitive I want to second all the previous comments as to how this has negatively impacted the neighborhood, and it's outside their current permitting. So not being a lawyer, but to me, that makes it illegal. As a former bed and breakfast owner and operator I know what it takes to comply with regulations, whether it be County, state, and based on current and past operating procedures, this enterprise has not demonstrated a willingness to comply. And now they're asking for more exceptions to more rules, rules that they're proposing.

There's a pattern here. What we have is an operation that has morphed way beyond its original scope of a bed and breakfast and not finding a quick and easy way to get legal, they are now begging to just be allowed to do this for the rest of this year and then they promise not to do it anymore. They have long operated outside their license granted them for a B&B, operating as a wedding venue for years. When finally this has become exposed, they did not complete the process for the development plan, which would have had, if approved, brought them into code, but while it was pending it highlighted many shortcomings of how they even run their wedding venue. Whether that's parking, whether that's noise – not a compliant business if you will.

Now, they're asking just to be a bed and breakfast, oh, but, it just so happens we have all these weddings booked for this year and we want to finish those, but that brings with it the inherent issues that have caused us all to be here today. And if approved that they could continue out this year's season, they would promise not to do it anymore. They don't want to follow the rules for individual review of events. They didn't go forward with the development plan and now they want to get approval for rules they like, which they are trying to create. If granted blanket approval to continue being a public nuisance this year they will promise not to do it anymore.

In looking at their water budget, it is way off. I urge you to get the State Engineer involved if you don't have these kinds of experts in the County, but it is way off. And they've never metered their well for the entire time of their existence and reported the readings annually to the Office of State Engineer as required. But according to their budget, they estimated one to two loads of laundry per day. Clearly, it would be impossible to keep nine guestrooms furnished with clean linens and towels if they're only washing one or two loads of laundry a day.

As a B&B owner, I sometimes did three loads a day and I had three rooms. This is a major concern because it clearly indicates such bad faith in presenting a water budget that is so far off. The same is true for their budget for dishwashing. One or two loads a day? I often ran the dishwasher twice a day for three rooms. And I'm not sure how they could possibly arrive at an average number of toilet flushes per guest per day. And then there are showers and other uses.

Now, a typical calculation is 60 gallons per person per day. Conservatively, using an occupancy of 18 people lodging there for these two-day events for 200 event-nights annually, times 60 gallons per person, that's 216,000 gallons. Their well is metered for .6 acre-feet or 195,000 gallons. And my calculation is based solely on washing. It does not include the water use to prepare for events during events of up to 120 people, or after an event. So I urge you – they're sucking our aquifer dry and profiting from it.

Also, I'm a nosey neighbor, but I contacted Santa Fe County and spoke with one of your fine employees, the marketing coordinator for community development and the time. I asked if it was public information about lodgers tax reports. And she said, well, it could be. There are ways

that you can request that information, she said, or I can request from another department. So Lisa said, as I recall, they stopped paying the monthly lodgers tax at the end of 2018. I just assumed they went out of business, with the pandemic in 2019, etc. So I'll check. So she got back to me in a couple days and she said, the last time lodgers tax was reported or paid or reported to Santa Fe County was the end of 2018.

Now I believe that unless the Hacienda had closed down, closed out the tax account, that they would have still been subject to reporting even if it was zero dollars to report. And yet they were admittedly in full-blown operation again in 2021 and now it's 2022. But at the time I spoke with Lisa six weeks ago or so they had filed no lodgers tax reports or paid any lodgers tax. Lisa did tell me that steps were underway to – I can't remember if she said audit or true up, but to collect the taxes that were owed.

In light of the above, I strongly object to granting any approvals of a blanket nature. They have been and are continuing to violate the rules given them for the individually approved weddings. They had choices to live with the requirements or they can look at being shut down. And I also would hate to be the one to tell a bride and groom and their families that their wedding at Hacienda is cancelled. I would hate to be that one. But I didn't make the decision to go ahead and operate without the proper permits and book the weddings. They did. So again, I object to any approvals of a blanket nature. If they continue to violate, whether it's noise, whether it's parking, whether it's water meter readings and usage, then I think they should be shut down, period. And I thank you very much for your time.

CHAIRMAN GONZALES: Thank you. Okay, anybody else out there that wants to speak?

WOLFGANG BRANDT (via Webex): Yes.

CHAIRMAN GONZALES: Okay. Please state your name and address and get sworn in by the recorder.

MR. BRANDT: My name is Wolfgang Brandt. I live at 95 Vista del Oro, one house down from the Hacienda.

[Duly sworn, Wolfgang Brandt testified as follows:]

MR. BRANDT: First of all, I would just like to say that I want to thank the Commission and the Commissioners for giving us the opportunity to speak and also to express my gratitude to Ms. Ellis-Green and her staff. I would like to start with saying we have never – we have always agreed to the bed and breakfast based on the approval that was granted with a variance in 1999. We have been always – we've supported this, the Hacienda owners, and that has not changed. The reason why we're here today and that seems to be a little bit lost in the shuffle here is the sheer fact that the Hacienda owner has never complied even with the variance that was granted in December 1999.

A prime example for this is one of the stipulations in the variance of 1999 was that fact that the Hacienda was supposed to turn in a water report every single year, and if that would not happen, that alone would be ground for dismissal or for any further development permits period. It continues as you have heard in the past and I will not repeat all of this, and not to 2010, to large weddings, and again, no permit to do so. And now we are here.

What I would like to focus on are a couple of things. The one thing that concerns us was [inaudible] and one of your Commissioners already brought up that subject – what if the Hacienda does not again comply with the special use permits? So far, the only recourse that the County really has to have any kind of control on these weddings was to use individual special use permits that specified, was stipulated, if they are violated or do not fulfill the requirements,

the Land Use Administrator under her discretion can deny further permits. Granting a blanket use permit will completely eliminate that kind of power or that kind of discretion that the Land Use Administrator has.

The question here becomes will the Hacienda now abide or not? As we have already proven to you even at last Saturday's wedding that was granted through a special use permit, yet again, the requirements were not met. Yet, when you look at the application, when I refer to the application that reads Hacienda Doña Andrea bed and breakfast 2022 season that was submitted by the Siebert Group of Siebert and Associates, one of the arguments that will be made or was made by the property owner – one of the reasons for a special use permit or a blanket one should be granted because it has caused them so much stress to abide or to follow the rules, to follow the requirements that the County has imposed on them, and it has created too much stress for them that now they would rather have a blanket permit.

The question one would ask themselves of course is, if I request such a thing, maybe we need to look in the past how the pattern of compliance was. Well, the pattern of compliance was they didn't. The owner of the Hacienda states here, I refer to you Appendix #1 on page 2 that granting such a blanket permit would, in their words, alleviate the concerns from the neighbors and provide peace of mind to the said neighbors. Well, I beg to differ and I argue it does exactly the opposite. When an applicant has already been granted single special use permits and has already violated those requirements therein, what kind of incentive will the applicant have knowing that these individually granted permits can already be a problem for the next one if they do not follow the rules, which they haven't. What incentive is there if there is for the next six months absolutely no requirement or leverage of the County to enforce this?

The problem for the County and for us is granting a special use permit that covers the entire six month in kind of a blanket approach is simply that the County would give up their leverage to denying the next one. Again, I think we need to look at the pattern of this, and I think it speaks in a very clear language. I appreciate your time. Thank you for listening for me.

CHAIRMAN GONZALES: Thank you very much, sir. Anybody else out there?

GARY CLENDENEN: I'd like to speak. My name is Gary Clendenen.

CHAIRMAN GONZALES: Please state your name and address and get sworn in by the recorder. Gary are you still there? [connection failed] I guess we have a bad connection. Anyone else out there that wants to speak?

MS. LUCERO: Mr. Chair, if I could just reiterate that if there any call-in users that would like to speak they may have to press star 6 in order to unmute themselves.

CHAIRMAN GONZALES: Thank you, Vicki. Anybody out there? Okay, I'm going to close the public hearing and I'm going to give the opportunity to Nathan, Jim Siebert's office, to respond. If you could do it in a short amount of time that would be really appreciated.

MR. MANZANARES: Mr. Chair, absolutely. In respect to your time and I know that you also have a case coming up after this. There was a lot of things that need to be addressed. One of the most important, I think has to deal with the noise study. In our noise study we did reference the professional grade equipment that was used and software. Doing some preliminary research after, during the public hearing it appears the noise study conducted by the neighbors was done via iPhone and Android apps, which is nowhere near as accurate as our study.

Also, there was some discussions regarding a variance approval in 98, this zoning was not approved through a variance; it was approved through a master plan by the BCC. There's been some talk of fire danger out there. There is no smoking signage and it is strictly enforced by

staff at the Hacienda as previously mentioned. We're going above and beyond for fire protection measures.

And the request here is for six months. We understand that the neighbors are upset and that's why the request that was made was made. This is an allowable, permissible use in this zoning district. To be good neighbors, Max and Britt have surrendered their development right to allow this for the foreseeable future to not have to cancel anyone's wedding. These are real people. This is real life. And the outcome of tonight's meeting has real consequences. I just ask that you keep that in mind.

And also, this request was supported and recommended for approval by staff showing that this request meets the requirements of the code. Mr. Chair, I just ask that you be considerate before any motions are granted or considered and realize the implications of the decision before you. I understand this is a hard case and I understand that you are all in a very tough predicament, but in order for the neighborhood to continue to twist the knife on Max and Britt, it ultimately will come down to the brides and grooms being punished. Thank you, Mr. Chair.

CHAIRMAN GONZALES: Thank you. Okay. Does the Commission have any comments, statements, motions, discussion? Frank.

MEMBER KATZ: Yes, I have comments, and I think we probably should talk about this because this is a difficult one. I just am surprised that staff is recommending approval. This intensive use of this property in this quiet residential, hard to access area seems to be completely inappropriate. I am persuaded that the noise level is way beyond what should be acceptable, and I understand that in a mountainous area – where I live it's a little mountainous – and you can hear a couple sitting on their patio fairly far away talking at night. But at a wedding, that's the least of what's happening. It's really, really going to be loud.

I have – the real concern is for me the repeated past non-compliance. I don't trust these people to get them home and closed down at 9:00 and if they don't, I totally agree that you're not going to call the Sheriff's Office. They're not going to come up there; they shouldn't come up there. They've got much more important things to do. There's no way of ensuring compliance. The concern of drunk driving is fair. These things happen. But to bring 150 guests or 100 guests or 75 guests up for a wedding, that really, really, really increases the likelihood of a bad thing happening. And I really feel that we should not allow this.

CHAIRMAN GONZALES: Thank you Frank. Anybody else?

MEMBER PIERARD: Yes, a couple times it's been mentioned that coming in for a special use permit for each event – now will that change anything, other than create more work for staff, because you'd have to deal with a single permit for each event, but would that really change how these events would be carried out?

MS. ELLIS-GREEN: Mr. Chair, Commissioners, maybe I could address that. When we first issued the special use permit the applicant had come in, had said they were going to submit. A special use permit should just be that. It should be a special use like a one-time event. We see that for things like a road race. A bike race, a run, something special like that. It shouldn't be twice a week, every week. That's not really what I would consider a special use permit. And as Administrator, in order to work with the applicant who did come in when we said you don't have the correct zoning for this, we agreed that we would issue these special use permits so we could control what the conditions were.

I don't think it's something that – but it was all contingent upon having a site development plan. The site development plan has now changed; it's only for this year. But it's not something that I would recommend or I would approve as a Land Use Administrator of a

special event for a big use like this, every week or twice a week. Certainly, if the Planning Commission wants to ask me to continue to do that so we can make sure there's compliance from the first one before we issue a next one, maybe we can condition that. But again, Commissioner Katz is correct. Without calling the Sheriffs every single time, or having one of my Code Enforcement officers go up there out of general work hours, it's going to be very difficult for us to make sure that, yes, everyone has left the property at 9:00.

As I said, I have had myself continual emails on a Sunday after a Saturday event. There is activity happening way past the 9:00. So it definitely is a concern by me. And I think to answer a little bit from what Commissioner Katz had brought up, I think what staff is looking at here is the fact that it's just for the planned weddings, and we're looking at the fact that – and Vicki, you can add anything you would like as well, but we're looking at the fact that these brides and grooms have booked this wedding a long time ago. And without the fairly tight conditions that I think we recommended I don't know that we would have recommended approval. But the fact that they're only for the events that have already been signed on, and that there's a 9:00 finish, and that if you don't comply for one then the rest of them are kind of – you can't get the rest of them. We've got conditions to that effect. I don't know what we would have recommended if the applicant didn't change and didn't say it's only for the planned events. We didn't get to that stage.

And I do want to address one more thing. Unfortunately in our code we don't have a use that says a rural, large event use. We just don't have that. If you look in the city, where do big weddings take place? They take place in a hotel. A lot of events like that. And so your zoning there would really be for a hotel. But they would have large events there. Most of the hotels do have large meeting spaces, large event centers. But unfortunately in our code we don't have that.

So we look to the fact that the website clearly says that there's retreats, there's still a bed and breakfast use, but we wanted to be able to notice it to say with the large-scale events attached to it. Because we don't really have a category to put it in. So, yes, it is a permitted use. The site development plan that you would submit is similar to a conditional use permit but is reviewed administratively, and that is the other reason why I as Land Use Administrator decided – there's a section under the code that allows me to bring this to a public hearing so both sides could be heard and the Planning Commission could make a decision on it, rather than it just being handled administratively. So I hope that helps with a couple of points.

CHAIRMAN GONZALES: Thank you, Penny. Penny, I have a question. Are your Code Enforcement inspectors still certified to do sound readings?

MS. ELLIS-GREEN: Mr. Chair, I believe that we have the certified sound readings is through the Sheriff's Office because they do enforce the nuisance ordinance, and they have the ones that have been calibrated, but again, they have one or two of those and they really do not want to be going out every Saturday night or every Friday night to do this. I believe we have a sound meter but whether or not it has been calibrated I don't know if we've kept it up to the right calibration.

CHAIRMAN GONZALES: Thank you.

MR. MANZANARES: Mr. Chair, can I just piggyback off of what was said by Penny. As stated, we have abided by the conditions set forth in the special use permits. There's no reason to not allow for that to continue to happen. The whole point of this request was to perform some insurance that we would not be living on a week to week basis and events could be canceled and bride and grooms – they would be cancelled within 24 hours or less than 24 hours of them arriving onsite. We will continue to submit the required insurance, catering information,

noise variances from the Sheriff's Office as well as any applicable information to the special use permits, but the intent of this request was just to say, we're giving up our right to do this for the foreseeable future so no one has to suffer and have their wedding cancelled.

So to date, not a single notice of violation has been issued on the property. And furthermore, this is all just a neighborly feud that has gotten out of hand, has been boiling over for years, but at the end of the day, innocent brides and grooms are the ones that are going to pay for this. So I just ask that you really take staff's recommendation into consideration and allow this to continue for six more months. Thank you.

CHAIRMAN GONZALES: Thank you, Nathan. Okay, Commissioners, what's our discussion or – J.J.

MEMBER J.J. GONZALES: Tonight we've had some very compelling testimony from the opposition. There's many violations with reported water use, not installing the water meter, noise violations, continuing events after 9:00 p.m. making a lot of noise, and I can't fault the County staff for trying to help the applicant with continuing some of the weddings. But it seems that I can't support this application. It's a bad precedent to let this continue without approval from the County or from the Planning Commission.

I move to deny the application and cancel all weddings for the remainder of 2022. If this case is approved, I would like to add the following conditions: That they use a valet service to bus in all the guests and have security stop the event at 9:00 p.m. But my motion is to deny the application. That's my motion.

MEMBER SERNA: I second Commissioner Gonzales' motion.

CHAIRMAN GONZALES: Okay. Any discussion?

MEMBER KRENZ: Mr. Chair, Mr. Chair, listening to all the sides here, in the history of this problem, the only factor that makes this difficult for me is that our deliberations affect persons that are not party to our discussions here, and that is these wedding participants. But what really bothers me and offsets that concern is that this has been brought to the attention of the Hacienda folks better than a year ago and we have one witness here that says even though back in August of last year we reported this illegal special event center to the County, after persistently asking the owner to comply with the original business license. So this business has known about this problem before they scheduled these weddings.

And my heart really goes out to these people but I have to agree with the motion maker here that I totally agree that I can't support this act and I really think that they need to stop the weddings, period. This is my area that I represent in the county. I know exactly what that road is. I know those folks up there. I know how this is going. I know how sound carries out there. And the fact that this has been going on for years, and that these people have been scofflaws for years concerning water, is just not allowable. And finally, I'm very concerned that somehow passing a temporary permit here, where the County has never done this before, I really am concerned that from a County perspective, that's going to set a very bad precedent. So I have to support the motion maker that I cannot approve this.

CHAIRMAN GONZALES: Okay. Thank you. Anybody else. Leroy.

MEMBER LOPEZ: [mike off]

MR. MANZANARES: Mr. Chair, I'd like to request –

CHAIRMAN GONZALES: Hold on. We're in the process right no. we're still –

MEMBER LOPEZ: I also support J.J.'s motion to deny the application for the simple reason that violations have happened in the past and I can't see myself approving it.

CHAIRMAN GONZALES: Okay. Frank.

MEMBER KATZ: I very much appreciate how hard the County staff has tried to work with the folks and said, okay, as long as you abide by these strict rules we will approve on a one-by-one basis, and we had testimony that in the last few weeks the parties did not end at 9:00, that the noise level was uncomfortably loud. So I appreciate what staff has tried, but I just don't think that it can happen with these kinds of events. You're not going to tell your wedding guests to shut up and be quiet. That's not what a wedding is about and it's unfair for everybody.

CHAIRMAN GONZALES: Okay. I think we should take the vote now.

MR. MANZANARES: Mr. Chair, before a vote is taken, I'd like to get some clarification on the motion that is being approved, and I'd also like to mention the fact that no violations have occurred. Staff recommended approval of this request. We have the right to appeal this to the BCC. Is it possible to allow special use permits on a one-to-one basis as this process goes forward through a BCC appeal? And I would like that to be included in the motion.

CHAIRMAN GONZALES: I can't include anything else in the motion. I think the only choice we have now is just to take a vote.

MR. MANZANARES: Once again, Mr. Chair, could you clarify what you're voting on?

CHAIRMAN GONZALES: Hold on. Steve, what were you going to say?

MEMBER KRENZ: Do you need a second on this? Has there been a second?

CHAIRMAN GONZALES: We already had a second on it.

MS. LUCERO: Mr. Chair, can we get the motion restated please, just so that we're clear on what the Planning Commission's decision is?

CHAIRMAN GONZALES: Sure. J.J., can you restate that motion?

MEMBER J.J. GONZALES: Yes, I can. The motion I made was to deny the application and cancel all weddings for the remainder of the 2022 season. If this case is approved I would like to add the following conditions: To use a valet service to bus in all the guests and have security stop at 9:00 pm. So the conditions only if the case is not denied. But my denial is to stop all weddings for the 2022 season. That's my motion.

CHAIRMAN GONZALES: Okay. Karen, can you give us a vote call?

The motion to deny carried by unanimous [7-0] roll call vote.

[The Commission recessed from 7:35 p.m.-7:45 p.m.]

CHAIR GONZALES: Okay, let's call this meeting back to order.

- E. CASE #21-5140: 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).**

[Exhibit 7: Webex 3-page Chat conversation]

[Ms. Lucero read the case caption as shown above]

MS. LUCERO: The subject property was previously known as the Sonterra Development. In 2002, the BCC approved a master plan for a mixed use development in a village zone consisting of 520 residential units and 29,117 square feet of commercial space on 245 acres of the subject property. Other than a request for a two-year extension of the Master Plan, there were never any additional approvals granted, and the Master Plan is now expired.

The property has since been acquired by Esencia Holdings LLC. They are now requesting Conceptual Plan approval for a 710-lot residential subdivision to be completed in five phases on a total of 277 acres. 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/dwelling count will be established at the subdivision platting stage for each phase; however, the minimum number of lots for each phase is stated in the staff report.

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 the minimum net density in the Fringe subdistrict is 1 dwelling unit per acre, which can be clustered such that there are no more than 4 dwelling units per acre. A Village Zone Neighborhood does not require a non-residential component.

On April 20, 2022, this request was presented to the SLDC Hearing Officer. The Hearing Officer's decision was to recommend approval of the request for a conceptual plan to allow a 710-lot residential subdivision subject to staff conditions with some amendments and additions. The Hearing Office recommended denial of the variance request that would allow for only single-family residences rather than a mix of housing types.

The Applicant has addressed the Conceptual Plan approval criteria, per SLDC Chapter 8.10.3.5 as in the staff report. Staff has also provided responses to the criteria.

Variance: 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.

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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 is that the intent of the CCD Plan is to provide a wide variety of affordable housing types including single family, attached, multifamily, 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 within the CCD.

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

The following studies, reports and assessments were submitted with this application: Environmental Impact Report, an Adequate Public Facilities and Services Assessment, Traffic Impact Assessment, and a Fiscal Impact Assessment.

This Application was reviewed for the following applicable design standards as per Chapter 7, Sustainable Design Standards of the SLDC: access, fire protection, landscaping and buffering, lighting, signage, road design standards, access and traffic, utilities, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, 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 recommendation, Staff finds that the variance to have only one housing type/single-family residential 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.

The Hearing Officer's recommendation on the variance was that testimony submitted did not establish that the variance standards of the SLDC had been met and the Variance request does not meet the variance criteria of the SLDC. Therefore, the Hearing Officer recommended that variance request be denied.

In regards to 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 as set forth in the SLDC. Therefore, Staff recommends approval of the Conceptual Plan request for a 710-lot residential subdivision subject to the following conditions. Mr. Chair, may I enter staff's recommended conditions 1 through 22 into the record?

CHAIR GONZALES: Yes, you may.

MS. LUCERO: With one change to a typo on number 22, the last line that states unless an appeal, it should say is filed instead of if filed.

Conditions:

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.
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.

20. An updated Traffic Impact Study shall be submitted for NMDOT review when the connection from the Esencia roundabout on Vista del Monte towards NM 14 is completed.
21. The Applicant shall address all comments and redlines as submitted by NMDOT prior to the Conceptual Plan application being heard by the BCC.
22. If the Planning Commission does not grant approval the variance, the conceptual plan application will need to be revised to reflect a mix of housing types before the case is heard by the BCC, unless an appeal ~~if~~ is filed.

MS. LUCERO: In regards to the Conceptual Plan request, the decision of the Hearing Office is to recommend approval of the Conceptual Plan request for a 710-lot residential subdivision subject to the conditions recommended by staff with modifications to conditions # 3 and #19 as follows:

3. Connection to A Van Nu Po on east side of property shall be obtained at the time the owner dedicates property for access rather than during Phase 2.
19. Signage shall be allowed for each "Subdivision" (phase or portion) in the development.

Staff does not support the conditions as amended by the Hearing Officer. It is Staff's position that the Applicant is required to provide for the continuation of existing or proposed roads as shown on Official Map, and therefore the connection to A Van Nu Po on the east side of the property shall be made in Phase 2. It is also Staff's position that a variance would need to be requested in order to allow more than one sign for the development as the Esencia Development was submitted as a single residential subdivision.

Thank you, Mr. Chair, I stand for any questions.

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

MEMBER J.J. GONZALES: Mr. Chair.

CHAIR GONZALES: Yes, J.J.

MEMBER J.J. GONZALES: I've got a question of Vicki. Right at the beginning this was a 610-lot subdivision request and then later on it went up to 710; how did they get to that number?

MS. LUCERO: Mr. Chair, Commission member Gonzales, the minimum number of dwelling units that they would be proposing is 608 and the maximum is 710. So I think and the applicant may be able to address this further but I think if they are required to include a mix of houses types, they may need higher densities in order to make that work.

MEMBER J.J. GONZALES: Vicki, the way I read this is that they had a 15 percent bonus for their affordable housing and that amounts to like 92 units. And they add 608 and 92 you get 710 – is that something that we've heard before? You get a bonus if you add affordable housing and it increases your density?

MS. LUCERO: Mr. Chair, Commission member Gonzales, as far as the density requirements in the Community College District, they actually set a minimum density. And the minimum density in the majority of this site is 3.5 dwelling units per acre. So they can go anywhere above that and meet the density requirements. So there's really not any need for a bonus in order to achieve the densities that they're proposing.

MEMBER J.J. GONZALES: That's confusing for me because I've heard a little bit different. But anyway, you're the authority on this and I accept your explanation. Thank you.

CHAIR GONZALES: Thank you, J.J. Anybody else have any questions of staff? Steve.

MEMBER KRENZ: Question under the affordable housing section it says a total of 107 affordable lots will be required. How do you define an affordable lot?

MS. LUCERO: Mr. Chair, Commission member Katz [sic], there is a section in the SLDC that requires them to provide housing based on tiers and median incomes so those would be the regulations that would govern what would be classified as an affordable home and the County would have to justify and verify that these are being sold as affordable dwelling units based on that criteria.

MEMBER KRENZ: That you.

CHAIR GONZALES: Thank you, Steve. Anybody else? Rhea.

MEMBER SERNA: Thank you, Mr. Chair. I also have a question for staff regarding the affordable housing. I noticed that of the infrastructure is the responsibility of the homeowners association, so when calculating the affordable housing lots or units are those homeownership association fees taken into account or is that separate?

MS. LUCERO: Mr. Chair, Commission member Serna, the homeowners association would be responsible for the maintenance of the improvements. And I don't believe, and we're looking into it, but I don't believe that they are charged fees for that.

CHAIR GONZALES: Okay, anybody else? I have a question. When I was reading the packet I saw something in there where we did not receive a report from the NMDOT; did we ever get anything in from them?

MS. LUCERO: Mr. Chair, we did. I believe it's in your packet – let me see what exhibit it is. It should be in Exhibit 3 and I will give you the page number here. It is on page NBD-63. That's the last page so it actually starts – yeah, I guess that's their comments, NBD-63.

CHAIR GONZALES: Thank you. Anybody else have any questions. Let's go to the applicant now. Please proceed with your presentation.

JENNIFER JENKINS (via Webex): Good evening, Chair Gonzales and Commissioners. I am Jennifer Jenkins with JenkinsGavin here this evening on behalf of Price Land Development and Esencia Holdings in request for Conceptual Plan approval for the Esencia Subdivision.

[Duly sworn, Jennifer Jenkins, testified as follows:]

MS. JENKINS: I do have a presentation and I like try to keep it as brief as possible. I know it has already been quite a long afternoon. So with your permission I would like to go ahead and share my screen.

CHAIR GONZALES: Please do.

MS. JENKINS: Thank you. I'm assuming that everyone can see the presentation.

CHAIR GONZALES: Yes.

MS. JENKINS: Great, thank you. So as I mentioned I'm here this evening on behalf of the Esencia Conceptual Plan. The owner developer of the project is Price Land Development. We are the owner's representative, JenkinsGavin. Land Planning Services provided by SEC Planning and engineering services provided by Bohannon and Huston. We do have our consultant team here this evening to address any questions that you may have.

This is the Esencia subject property. It is about 277 acres. It is located essentially southwest of Rancho Viejo master plan. So this is all Rancho Viejo in this area here. We are obviously not part of Rancho Viejo but we are directly adjacent. This is I-25, this is Highway 14, this is Vista del Monte that intersects with Highway 14 and 599 right here and Vista del Monte does currently terminate at our northwest property. .

So as stated in your staff report, Esencia is within a village zone of the Community College District. The Community College District was adopted 2000 with the intent to encourage compact development and encourage housing and affordable housing and make efficient use of resources and public infrastructure improvements. So this is the entire Community College area and you can see the Esencia here essentially in the western half of planning area.

With respect to the Sustainable Growth Management Plan as you're probably aware, the Community College District is identified as the County's primary growth area. So this is the part of the county where the County is really directing growth to occur, directing investment and infrastructure and so on. So this is established as Sustainable Area 1.

Zooming in a little bit, you can see the subject property here. It is undeveloped and vacant. The terrain is quite gentle. There is kind of a primary drainage that moves through the project here. As I mentioned previously, Vista del Monte terminates at our northwest corner, you can see the existing Avenida del Sur that terminates at A Van Nu Po right here. And this extension of Avenida del Sur will be our primary access into the community. And then over here you can see the Turquoise Trail South community and this is the Colibri Community that is under construction now.

Some of the highlights: We are proposing a village neighborhood subdistrict within the Village zone. Our current lot layout reflects 608 homes and we are constructing the project in five phases. But with respect to the Conceptual Plan, we are proposing a maximum permissible density of 710 homes. And as Vicki correctly stated, if we are going to be providing a mixed-housing types with respect to our variance request, we just needed to create a little bit of flexibility within the conceptual plan as we move forward with each phase of development. And 15 percent of the proposed homes and proposed lots will be developed with Affordable Housing in accordance with requirements. So depending upon the final count that it is probably going to be around 100 affordable homes for the Santa Fe community which is really wonderful. We are excited about that. There is a density bonus for affordable housing outside of the Community College District but it does not actually apply within the Community College District. In accordance with the CCD requirements, over 50 percent of the property is being preserved in open space. That will include an almost 7-acre community park as well as four smaller neighborhood parks. There will be an extensive trail network throughout the open space that will connect to the existing trail network in Rancho Viejo. And then of course we do have a variance request accompanying the conceptual plan application to – we are providing a mix of housing types but they all do fall into the single-family detached category and we'll talk about that a little more.,

So this is just that village neighborhood sub-districts that you can see here with respect to the Community College District zoning. And this is our conceptual plan. So you can see that Phase 1 is kind of in this north central area, northwest quadrant of the project. Then Phase 2 is in our northeast quadrant. And then we jump down to the southwest area for Phase 3 and then Phase 4 is kind of a south central area and then Phase 5 is in this area here. All of the area in the

gray is of course our dedicated open space. We have our community part really in the heart of the neighborhood and then you can see our pocket parks here.

With respect to access and I'm going to go ahead to the next slide because I think it is a little more illustrative. We have everything colored here. So what the different colors of lots are depicting are the variety of lot sizes that we're providing. We are proposing lot that are 45-foot wide, lots that are 55-foot wide and lots that are 65-foot wide. And what that accomplishes is a really big variety of housing types, housing sizes and architecture. So we really are serving a pretty broad spectrum of the market in terms of the housing that is provided.

And our access point will be here at the existing terminus of Avenida del Sur at A Van Nu Po. We will be constructing a new roundabout at this location. And continuing on Avenida del Sur here to our west property boundary and another roundabout at our main access drive into the project. We are also constructing in our first phase 1.5 miles sewer line extension from this west boundary of our project all the way into Highway 14 to connect to the Valle Vista lift station that does flow into the County's Quill wastewater treatment plan. So it's really important and significant piece of infrastructure for the Community College District, the County's primary growth area that does really create a significant expansion of the County's system in this area.

So this just lays out the proposed phasing in terms of the number of lots proposed for each phase. And, again, it shows 608 here because this is based on our current lot layout. And, again, we're at a conceptual plan level. As we move in and subdivide each phase and with a subdivision application to the BCC for each phase these will obviously be refined. And then this shows the affordable lots that will be provided. So we do the 15 percent affordable on a phase-by-phase basis. Every single phase will include that.

So these are some concept drawing for our large community park that will include active play opportunities as well as passive recreation opportunities and of course good connections to the trail network and then this shows a concept for the smaller neighborhood pocket parks. A little more passive in nature. Great opportunities for community interaction in each of the neighborhood areas.

This shows the alignment of the 1.5 miles of offsite sewer infrastructure that is going to be a public infrastructure improvement that the development is installing in the initial first phase.

We're going to talk about access for a moment. This is the Community College District circulation map, that was adopted as part of the ordinance that was adopted in 2000. So we've zoomed in here on the bottom and you can see Esencia here outlined in orange. And what this reflects is Avenida del Sur is intended to connect out to Highway 14. This has been quote and quote on the books for some time is the Avenida del Sur extension to – to the west. And what it also reflects here is a connection from A Van Nu Po, which is right here, that would go through the Esencia project and then a north south roadway as well.

Also with respect to the Santa Fe County transportation plan mirrors that to a large extent. It shows the connection Avenida del Sur out to Highway 14. It shows the connection to A Van Nu Po at the northeast corner. And then it shows a north south connection here providing an eventual connection opportunity out to the state land to the south of Esencia.

So a traffic study of course was conducted. What this map shows are the intersections. We scoped the study with Santa Fe County Public Works as well as with the Department of Transportation to determine which intersections we were required to analyze. So this shows a series of six intersections starting with Highway 14 and 599 and Vista del Monte here. Rancho Viejo Boulevard and Highway 14. Then we jump over to Richards Avenue and Avenida del Sur. And then we get down to Avenida del Sur and Rancho Viejo Boulevard, Avenida del Sur and A

Van Nu Po, and then our new connection to Avenida del Sur here as the primary access to the project.

So as I'm sure the Commission is aware, traffic studies are based upon how intersections function. Intersections are kind of our choke point if you will. If the intersections that are studied are operating acceptably that means there is adequate capacity in the roadway network and adequate levels of service. So each intersection is accessed based upon existing conditions and then when you introduce the traffic from the proposed project you get a build condition. So it's kind of a grading system that goes from A through F. And these are national standards established by the Institute of Transportation Engineers. So every traffic study uses this methodology that is based upon these national standards. As you can see if you are at level of service A you have minimal – it is all based upon the delay at the intersection that is experienced by the driver. And so A mean minimal delay, and then it goes down to D in terms of a higher level of delay and with respect to the SLDC, level of service E is considered an unacceptable level of delay. On a national standard it is considered an acceptable delay but with respect to the SLDC it is not.

With respect to the results of our traffic analysis, we at the existing conditions, and then we fast forward through the full build conditions and looked at each phase. So as you can see at the full build condition we are maintaining acceptable levels of service in terms of A, B, Cs and then we have one D in the full build condition at Avenida del Sur and Rancho Viejo Boulevard. So it is really important to recognize that per condition of approval # 6, in your staff report, we will be updating our traffic study with every single phase. So when we submit a subdivision plat application with Phase 1 it will be accompanied with an updated traffic study. So we can't look at this once today and think that the results are going to hold true in five years, obviously, that is inappropriate. So the traffic study is going to be an organic document that is going to be updated so it will reflect existing conditions and will reflect new development for example in Rancho Viejo. Rancho Viejo is moving with their next phase. So obviously, that is going to change the conditions. So we do acknowledge and anticipate that there's probably a pretty good likelihood that there could be additional offsite improvements to any of these studied intersections that may be required as part of maybe Phase 1, Phase 3, whatever it might be. But the traffic studies will bear that out. So we will have the data. The traffic studies will tell us, for example, at Avenida del Sur and Rancho Viejo Boulevard which is an area that we think is potentially going to need some improvement in the future that will be borne out by the studies and Rancho Viejo and Avenida del Sur are County facilities. Those are County roads so obviously we'll work with the County and work with Public Works to determine what type of improvements are warranted there.

With respect to the roadway improvements that we're constructing as part of the project. In Phase 1 we're building a brand new roundabout here and this will be built to standards as established by Santa Fe County. Avenida del Sur is already a County project. The County has already done a preliminary engineering study of this extension out to Highway 14. And the bond issue that was approved in 2020, the Santa Fe County was funded \$1 million for design of the extension as well as for right-of-way acquisition and it is our understanding, we've been communicating with Public Works pretty regularly on this, that the 2022 bond issue that is coming up in November will include funding for construction of this extension. However, in the first phase – this is about 30 percent of the entire length of the extension out to Highway 14. But this includes two roundabouts. There are no additional roundabouts proposed as you move west out to Highway 14. So while this is about 30 percent of the linear footage of the project that the

developer is constructing, it's probably about 50 percent of the overall cost relative to the two roundabouts that will be constructed. So this will be built in Phase 1. And then per the condition of approval that was proposed by Santa Fe County and recommended by the Hearing Officer which we are in total agreement with, we will also be doing improvements to the currently unpaved portion of Vista del Monte and ensuring that there is a 22-foot wide basecourse surface there out to the point where the pavement begins as you approach the Turquoise Trail South neighborhood. So that will all be constructed in Phase 1.

And as was mentioned in Vicki's presentation, we also per the transportation plan and the Community College District circulation map I showed you, there is a requirement for a connection to A Van Nu Po which we completely understand. The problem is we don't own this property so we don't have right-of-way or easement. So we have no rights to cross Rancho Viejo's property here in order to make that connection happen. So we asked the Hearing Officer and proposed an alternative condition of approval which basically says, We'll build it. We just need the right-of-way to be granted. As a private sector developer, we do not have condemnation rights. So we reached – we spent about five months working to acquire that right-of-way, we were unsuccessful. So we let the County know that that was the case and we've had discussions about them exercising their condemnation rights so – as you can see it's a very modest area of right-of-way that would be required but our hands are tied. So we really appreciated the Hearing Officer recognizing that constraint that the timing of constructing that connection is really based upon the timing of when the right-of-way is dedicated to Santa Fe County.

And also we saw that there is a requirement for this sort of north south spin road here and then we will be dedicating right-of-way in order to facilitate a future connection to the south. And this as I mentioned just shows the Avenida del Sur extension project on the 2020 bond issue and it is our understanding that construction funding is going to be on the 2022 bond issue and Esencia is building a really significant portion of this so Santa Fe County doesn't have to. Santa Fe County does not have to fund that portion of the roadway construction. As I mentioned, this is the modified condition of approval that was proposed and recommended by the Hearing Officer with respect to the connection to A Van Nu Po.

And lastly the subdivision identification signage – this is kind of a master plan area if you will, similar to Rancho Viejo, it's a master plan area. But within Rancho Viejo you have La Entrada, you have Windmill Ridge – you have all these various subneighborhoods, if you would. So we are simply – we're in a very similar situation. Within the master plan area of Esencia where we will have individual subdivision neighborhoods just allowing for simple identification monument signage at the entry to each of these neighborhood areas. The Hearing Officer did recommend that modification and so that is reflected here.

With respect to the variance, as I mentioned with the variety of lot sizes that we have incorporated into the plan that creates the opportunity for a lot of diversity in the housing itself. One of the things that we have learned that with the homebuyer – the homebuyer is given an option between say a townhome product where they are attached to their neighbor or a detached product, they're going to pick the detached product every time. And so we really like the idea of providing affordable housing and providing diversity of architectural styles and elevations but letting everybody have that experience of their detached home and their yard space all around them. And with respect to multi-family development this particular site is not ideal. There's no public transit. There's very minimal access to services, shopping, employment and so we – Mr. Price when he was first looking at this project he brought probably the premier multi-family

developer in the State of New Mexico to this site and said, Hey, what do you think? And it was this is not a multi-family site. It's not ideal. And when we talk about, as Vicki mentioned in her presentation, is the CCD talking about providing a variety of affordable housing, when we talk about multi-family rental housing the SLDC's affordable housing regulations only apply to single-family lots. They don't even apply to multi-family housing. So if we add multi-family housing into the mix in this situation we actually are going to be decreasing the amount of affordable housing that we can provide. And so we believe we are meeting the intent of a diversity of housing choices with respect to size while providing that detached experience that we have learned is the homebuyer's preference.

I would like to introduce Garrett Price who is the applicant here this evening. And I would like him to speak to this a little bit because this is something that as a long time developer and homebuilder in New Mexico, he lives this every day. So I would like to introduce Garrett. If we could let Garrett unmute himself that would be appreciated, thank you.

GARRETT PRICE: Good evening, can the Commission hear me? Great. Good evening, Chairman and Commissioners, my name is Garrett Price. I am president of Price Land and Holding Group. And a little bit of back story –

[Garrett Price was unable to hear through Webex and was not sworn]

MR. PRICE: My name is Garrett Price. My address is 500 Marquette, Suite 1060, Albuquerque, New Mexico, 87102.

Jennifer, very well said as well as Vicki, I appreciate your comments. A back story, as Jennifer mentioned I've spent the last 25 years in public homebuilding Prior to starting my own company five years ago I worked with building homes –

MS. LUCERO: Mr. Chair, sorry to interrupt, but I don't think we quite got on the record.

[Mr. Price was unable to hear and Ms. Jenkins phoned him.]

MR. PRICE: And I worked with Centex Homes way back in the day and worked on Tierra Contenta.

CHAIR GONZALES: Can you hold on for one minute.

MS. LUCERO: Mr. Chair, I think we just need to get confirmation it wasn't in the record, that he did swear to tell the truth.

CHAIR GONZALES: Yes, Mr. Price, could you please confirm that you agreed to be sworn in?

MS. JENKINS: My apologies, Mr. Chair, he is having some sound issues. So Garrett we cannot hear you and I don't know if you can hear us but they needed confirmation that you have sworn to tell the truth.

MR. PRICE: Can you hear me?

MS. JENKINS: Yes, we can hear you now. Could you please just confirm for the record that you've sworn to tell the truth? Oh, it looks like we're having some technical issues. We can go ahead and close our presentation there, Mr. Chair, and our apologies and hopefully Mr. Price can get his technical issues resolved if you would like him to answer any questions. Thank you.

CHAIR GONZALES: Thank you. Was there anybody else on your team that was going to speak, Jennifer?

MS. JENKINS: No, that concludes our presentation but we are happy to stand for questions and like I said, I do have my consultant team here if there are any specific questions for them as well.

CHAIR GONZALES: Thank you.

MS. JENKINS: Thank you very much.

CHAIR GONZALES: Does the Commission have any questions of the applicant? Frank.

MEMBER KATZ: Yeah, I do. Hi, Jennifer.

MS. JENKINS: Hi, Frank.

MEMBER KATZ: My question concerns sort of the difference between the multi-family housing and the separate housing and I guess my question is, there are smaller and larger lots but let's assume the smaller of the lots, the smallest of the lots which seems like a fair number of them in Phase 1, what do you expect those houses are going to sell for?

MS. JENKINS: Those are probably going to be in the realm of the \$400,000 range on the market rate side. Obviously, we'll have affordable homes that will be priced in accordance with County regulations. But those homes will be in that \$400,000 range and that's based upon current market conditions that of course we're quite a bit away from actually bringing homes to the market.

MEMBER KATZ: If you were doing the required multi-family homes, how much would they go for?

MS. JENKINS: Thank you, Chairman and Commissioner Katz, so it depends on the multi-family program. We have not yet determined if the variance, obviously we have had internal discussions but if the variance is denied then, yeah, we'd have to go back and as Vicki mentioned make modifications to the conceptual plan just to identify, yes, we're doing a mix of housing types and this is what those mix of housing types will look like. So is it a combination of some rental product; is it a combination of attached for sale product and so what does that look like? That is something that we don't know. It's an interesting question through, Mr. Katz, is that part of the challenge is that we have our 45-foot lot that accommodates a detached home. To do something similar in say a townhome scheme, those homes actually on a square-foot basis actually cost the same to build. So we're sitting potentially with a townhome product over here. A detached product over here: we would have to depress the pricing of the townhome product because given the choice the homebuyer is going to 99.9 percent of the time elect and select the detached home. So it creates a challenge for us from that standpoint for sure.

MEMBER KATZ: Thank you.

CHAIR GONZALES: Thank you, Jennifer. I have a question. Does the proposal for your residential units does that include two story structures as well?

MS. JENKINS: Yes, they'll be a combination, yes, Chairman Gonzales, they'll be a combination of two- and single-story structures.

CHAIR GONZALES: Is the development going to have any perimeter fencing?

MS. JENKINS: You know, probably not. That's a big perimeter. We have trail connections, you know, to our surroundings, so we are not gating or fencing this neighborhood. I mean, the homes and the yards they're going to have their fencing but we're not proposing a fence around the acreage; but that's an excellent question.

CHAIR GONZALES: Also, on one of the plans that I was looking at, it showed a fire access – was it an emergency access off of Camino Vista Grande; is that still in the plans?

MS. JENKINS: That is not in the plans anymore. That is going to be the sewer corridor so that will need to be potentially accessible to [connectivity interference] – but we are no longer, that emergency access is no longer proposed.

CHAIR GONZALES: Another question: are these proposed units that you're going to put there, are they going to be large enough that they have to comply with the Rainwater Harvesting Cistern Ordinance?

MS. JENKINS: It's possible that there might be a few but it's not going to be significant. I think most of the homes are going to be under that 2,500 square-foot threshold. But there will probably be a few for sure. We have some areas with some larger lots that would accommodate a larger home.

CHAIR GONZALES: I would imagine that your client is going to put out letters of credit or financial guarantees for those road improvements.

MS. JENKINS: Absolutely, absolutely. Yes, sir.

CHAIR GONZALES: Okay, does anybody else have any questions? J. J.

MEMBER J.J. GONZALES: I've got a question. You mentioned that you had trouble accessing A Van Nu Po and you're going to ask the County to condemn the property so you can get access to that street; how are you going to do that?

MS. JENKINS: Thank you, Commissioner Gonzales and Chairman Gonzales. So we recognize that per County regulations we do need to build a connection to A Van Nu Po, and we're happy to do. We don't own that – there's an intervening parcel that separates our property from A Van Nu Po. We may concerted effort to procure right-of-way through there so we could build the road. But we were unsuccessful in our efforts to procure that right-of-way from Rancho Viejo. And it is an important point with respect to our traffic analysis because we could not determine the timing of when we could build that connection. Our traffic study does not assume that we have that connection. I think that's an important distinction, but once there's right-of-way dedicated, we have no ability to compel Rancho Viejo to dedicate right-of-way; we don't. The only entity that has that ability is Santa Fe County.

MEMBER J.J. GONZALES: How do you figure that?

MS. JENKINS: Because the County has condemnation rights that – or in the event the parcel next door comes forward with a development request to Santa Fe County, Santa Fe County could impose a condition that they dedicate the right-of-way in accordance with the transportation plan. So there's a couple of different ways that that could happen. But, again, we as a private sector developer just the same way Rancho Viejo is a private sector developer, so we can't compel them to dedicate right-of-way to Santa Fe County.

MEMBER J.J. GONZALES: My opinion is that you're asking the County to do eminent domain on a piece of private property to help another piece of private property. It's not for a public use. You're asking the County to do something to enable another private property to have access to a road. What you have to do is negotiate with Rancho Viejo. That's what you need to do. Asking the County to bail you out on something is not, in my opinion, a good idea. You're asking the County to do a lot for you.

MS. JENKINS: Thank you, Chairman Gonzales and Commissioner Gonzales, so I would say that this is a public benefit because the County's Transportation Plan and the Community College District Ordinance have said this roadway connection is important and it is reflected on the plans. We spent five months negotiating with Rancho Viejo so there was concerted good faith effort to procure that easement. And so – and we are happy to build the road. And per our traffic study, Mr. Gonzales, we don't need the road. This project is not dependent on that roadway connection in order for our traffic circulation to function properly.

The only reason we're showing the connection is cause County regulations mandate it.

MEMBER J.J. GONZALES: I understand that. I have another question. One the land use compatibility, The proposed subdivision is compatible with the development patterns and lot sizes in the surrounding area. What is the surrounding area that you're comparing to?

MS. JENKINS: So primarily the surrounding area that we're comparing to is what is comparable which would be the Rancho Viejo community, the Turquoise Trail South community, the Colibri community – so within the village zone. So there's this very large village zone within the Community College District, that what we are proposing is consistent with that. And, yes, we are also adjacent to an existing neighborhood. That is a defined district in the Community College District as well. So the Valle Lindo neighborhood to our west is an existing neighborhood, and, yes, their lot pattern is different than ours. That's why we have buffered that neighborhood with 50-acres of open space that separates that neighborhood from us. As a village subdistrict we have a requirement for certain types of densities. It is the intent of the ordinance to cluster homes, to preserve open space and have higher density and provide affordable housing. That's the intent which we are meeting. And we do have an existing neighborhood next door which we absolutely recognize and that is why the open space is configured the way it is in order to provide a proper buffer to that neighborhood next door.

MEMBER J.J. GONZALES: The other question I have is that the surrounding neighborhood is Valle Lindo and those are –

MS. JENKINS: Yes, as I mentioned. Yes, sir.

MEMBER J.J. GONZALES: And those are 2.5-acre lots and that's the closet area that would be close to your subdivision. You exclude them – Rancho Viejo is not compatible to your area. Your within a few miles from Rancho Viejo and you have massive density in your area. And then you're using the roads through their subdivision to benefit your high-density subdivision. I have trouble with that.

Your comparison, I think is a little off in my opinion. Thank you.

MS. JENKINS: Okay, thank you.

CHAIR GONZALES: Thank you, J.J. Steve.

MEMBER KRENZ: I'd like to ask a question about traffic. So according to your analysis here and various points of intersections here. There is intersection #1, New Mexico 14/599 and you have intersection #2, New Mexico 14 and Rancho Viejo. Now, did anybody try and analyze what's going to happen to traffic between one and two? This is this notorious section that for some reason the State Highway Department doesn't want to address. We go from four lanes down to two lanes back to four lanes between those two sections there. And I notice, I think that one of your – in the interview with the Hearing Officer, I think it was Mr. Burks and I think he was referring to this exact same problem. Have you been in any discussions with the State Highway Department about this piece of road because that intersection 599, you're saying it's not your primary entrance, but clearly it's going to be an important entrance to your property?

MS. JENKINS: Yes, thank you, Chairman Gonzales and Commissioners. So as I mentioned, the traffic study we go through a scoping process where we work with the Santa Fe County Public Works Department as well as the DOT to determine the scope of the study which means which intersections are we required to analyze. So the stretch of Highway 14 between 599 and Rancho Viejo Boulevard, there were no intersections identified in that stretch that we were required to analyze. Now, we, as I mentioned, we have to update this study with every single phase of development. So we have another scoping meeting with the DOT and Santa Fe County Public Works to say, okay we're updating our traffic study for phase 1, we rescope it and

at that time I anticipate because there is a new signalized intersection at Fireplace that didn't exist when we scoped the study previously. That is why we have to update the study as we move forward because conditions change on ground.

I honestly fully anticipate that with the update for phase 1 we are going to be studying that intersection because it's a new improvement that didn't exist previously.

MEMBER KRENZ: Thank you.

CHAIR GONZALES: Thank you, Steve. Anybody else?

MS. LUCERO: Mr. Chair, can I just add into the record that in regards to the roads that the connection from Highway 14 through Vista del Monte through the development and into A Van Nu Po, those connections are all shown on the County's official maps and road network plans. So those were always intended to be connector roads and public roads.

CHAIR GONZALES: Thank you, Vicki. Any other questions? Jennifer, is there anybody else that wants to make a presentation?

MS. JENKINS: No, sir. We are good. Thank you.

CHAIR GONZALES: I'm going to open up to public hearing. I want to let everybody know that whoever speaks there is going to be a two-minute limit. It is getting late. Please make sure that when you're ready to speak you state your name and address and get sworn in before the recorder. Is there anybody out there that wants to speak in favor or against this project? Please come forward.

MS. LUCERO: Mr. Chair, I see a couple of people with their hands raised. Judy Ross.

[Duly sworn, Judy Ross, testified as follows]

JUDY ROSS (via Webex): My name is Judy Ross and I live at 31 South Arroyo Ridge in Santa Fe. I live in Rancho Viejo just on cul-de-sac away from Avenida del Sur. And I'd like to make a comment about the traffic pattern. First of all I want to comment on what Jennifer said, that Avenida del Sur is the main access point, the question is how do you get to Avenida del Sur? There are only two choices which is Richards which has some problems and the other one is Rancho Viejo Boulevard. And Rancho Viejo Boulevard is a two-lane road and it has no shoulders and as you get in within about 3/4 of a mile from Avenida del Sur there are five stop signs and the speed limit there is 15 miles per hour. So the thinking that you're going to be able to get off Highway 14 and zippity-do dah to Avenida del Sur – it's a complete bottleneck so I think people need to be cognizant of that.

And the other thing is that the lots in Rancho Viejo that are closest to this subdivision are basically one-acre lots. So I would affirm what Commissioner Gonzales said about inconsistency there.

Thank you for hearing me.

CHAIR GONZALES: Thank you very much, ma'am. Next speaker.

MS. LUCERO: Mr. Chair, I think the next speaker that raised their hand was Marcia Kaplan.

CHAIR GONZALES: Okay, please state your name and address and get sworn in.

[Duly sworn, Marcia Kaplan, testified as follows:]

MARCIA KAPLAN (via Webex): My name is Marcia Kaplan, 15 Cimarron Pass in Rancho Viejo. First of all, I do have a request because there are people who are saying that Rancho Viejo has refused to provide the right-of-way. Rancho Viejo is a community. You are dealing with the developer. There are those of us who live in Rancho Viejo who have no say in

this matter and so I'd just like to get that clarified that it's not the residents of Rancho Viejo that have refused to provide that right-of-way that you need.

I would also just like to mention that there is public transportation, route 22, it goes back IAIA and it goes around to the Rail Runner stop. People talk about this area as if there's just nothing there. We're not near shopping and anything else but we actually are. This development is not going to be much further away than those of us who live in Rancho Viejo. There's lots of access to shopping.

In regard to the traffic, that is also my main concern. The fire station is on Rancho Viejo Boulevard and provides fire protection to us and there will definitely be a degradation in response time to Rancho Viejo because they will have to go through the intersection of Rancho Viejo Boulevard and Avenida del Sur. Originally, that intersection was at an E and an F which would have required mitigation and in the first Esencia report in November of 2021, it has been changed to a C and D. I would like to know on what basis that occurred.

CHAIR GONZALES: Thank you. Who is next?

MS. LUCERO: Mr. Chair, I believe we have Warren Thompson.

[Duly sworn, Warren Thompson, testified as follows;]

WARREN THOMPSON (via Webex): Warren Thompson, 50 West Saddleback Mesa. I'm with Rancho Viejo and two minutes is a little short, but I will try. [Poor connection] Avenida del Sur is based on a conditional dedication plat for the roadway. It has conditions on it. I have talked with Esencia about it for the last year and I think we have made some headway there but it requires them to consider all of our future development plans. Their traffic studies do not consider that and so we don't know if there are improvements that need to be made in phase 1. I heard Jennifer say tonight that they were going to work on or present one with each subphase but I would like to have more clarity there.

With regard to the connection to A Van Nu Po, they talked to me about putting their whole development entrance over on that side which we objected to. Nobody from Esencia or the County has asked me about this connection in the past year. So I'm glad to hear that the County is willing to – or at least Jennifer's claim that the County is willing to condemn to move the County road network forward. I would encourage you to look at those conditions that are in the dedication. I do not believe that they're being met and I think that they should be. This was agreed to by the County when that dedication was put in place and I think the County should be talking with us and with Esencia about how to do that.

Our main point of contention is that Avenida del Sur should be extended to Highway 14 now with phase 1. My time is up and I have plenty more to talk about if you ever want to discuss it. Thank you.

CHAIR GONZALES: Thank you, Mr. Thompson. Next person?

MS. LUCERO: Mr. Chair, we have Patty Burk. Ms. Burk, you'll need to unmute yourself also.

[Duly sworn, Patty Burke, testified as follows:]

PATTY BURKE: [via Webex:] My address is 14 Vista del Monte. I'm in the Valle Lindo subdivision. I have lived here for roughly since 1978. And it's an existing traditional, rural neighborhood, 2.5-acre lots with one dwelling. We are as Jennifer said, we are adjacent to their property. On the other side of their property is pristine grassland, prairie, what would you – rolling hills, beautiful, beautiful property. And then on the other side is Via Sereno which is roughly one dwelling per 1.5 acres. So we're looking at their plan of 710 units in that 270 acres. Some of their lots are so tiny, little matchbox. I really don't believe that it is

compatible with the intent of the Community College District Plan the way it was supposed to be developed and I was part of that planning group way back in the '90s.

So I just want to point out that water is a serious situation out here for us. And with the 3,000 homes that are slated for construction as well as 3,000 apartments, we've got 6,000 families that are entering into water needs. And I hope you guys saw the In Focus on channel 5 on Friday where they showed that the Middle Rio Grande Conservancy District engineer showed that we're in dire straits. Our El Vado surface water is diminished. Rio Grande water is diminished. What I want to know is where is the water going to come from for this development? I feel really stressed right now because I'm at 5 seconds and I had four different issues to talk about. Is it okay if I add two more minutes?

CHAIR GONZALES: No, we have to end it here because it's getting late.

MS. BURKE: This is an important, very important meeting. I waited two hours. I didn't have the correct links to get on Webex. This is something that is very concerning to me that you're not giving adequate fair –

CHAIR GONZALES: Okay, Patty, go ahead. I'll give you another two minutes. Go ahead.

MS. BURKE: Thank you. So anyway, I wanted to talk about the landlocked situation that that Esencia wants to develop in. They just – you know, they want to use our local roads and if you could just see, if you could come out here and do a drive through to see just what they're talking about to put 700 families in additional to the Colibri residents that is 250 more families onto Highway 14, it will pose traffic impacts that I do not see – and also I don't see it on their plan that the State Highway Department has recognized the impacts that that will have on the Highway 14. So I believe that they've got some real serious transportation issues. They are landlocked and I don't see how they can get that done.

I really feel that they are neglecting all of the issues that we brought forth in all of the previous meetings. They are just moving forward. I wanted to talk about the notification for this meeting. There was one sign on Highway 14 and 599. It's a very traffic heavy intersection. There was no other notification to people in my subdivision which they say is right adjacent to their property. So I just feel as though we are being neglected and I want to petition you to consider opposing this as it is right now.

CHAIR GONZALES: Thank you very much. Next speaker.

Ms. Lucero instructed anyone wishing to speak to unmute and identify themselves. Chair Gonzales repeated the invitation for the public to speak three times.

[Duly sworn, Christy Thomas, testified as follows:]

CHRISTY THOMAS (via Webex): Christy Thomas, 15 Loomis Lane. I just have some very quick questions regarding traffic and I know somebody earlier mentioned it on the panel, the Board. But I just don't think that the traffic is being addressed as in coming down from, you know, Vista del Monte from 599. [Connectivity issues] I got disconnected; are you still there?

CHAIR GONZALES: Yes.

MS. THOMAS: Okay, I just want the traffic to be addressed that will be coming down Vista del Monte to enter into this new subdivision. We live right on the border of this new subdivision and I know that Jennifer has addressed that they're giving a buffer and all of these things. But it has not been addressed the amount of traffic that will be driving down our road

and with that road not being paved, addressed, they said minor improvements will be made, I don't think it's getting the attention being applied to the heavy traffic that is going to be coming down a rural road that is gravel and dirt. The contractors coming down there. The concrete trucks all of the traffic. I mean, it's just going to be a crazy amount of traffic and it is just not being addressed. I would like for that to be addressed.

CHAIR GONZALES: Thank you, ma'am. Anything else?

MS. THOMAS: I would suggest that maybe everybody visit the site and just see what the traffic is going to look like coming into this new subdivision with 700 potential homes coming in. I think it would just behoove everybody to come out and really visit the site and really see what, you know, what is going to be involved in building 700 homes.

CHAIR GONZALES: All right. Thank you for your input. Okay, anybody else out there that wants to speak.

[Duly sworn, Mark Ewing, testified as follows:]

MARK EWING (via Webex): Mark Ewing, 18 Camino Vista Grande, Santa Fe. Well, I have several concerns but two minutes doesn't allow me to address them. However, water I think is a huge issue that reminds me of the fire that is going on where they approve a burn and look what it turns into: a big disaster. I feel that that is going to happen with Santa Fe and that's a big concern of mine. In addition to that, the traffic as everyone else is concerned with. The impact on current homeowner, such as myself in the Villa Lindo subdivision, and increase in taxes and whatnot is driving people out of Santa Fe and this is just attracting people who have money that want to move in here and have a high lifestyle.

Law enforcement hasn't been addressed. We don't even have enough police officers for the population that we currently have. What are we going to do about that? I don't know about City and County services and the infrastructure how we're going to deal with that either. I don't think a lot of these issues have been addressed in detail and really researched especially the water. The Rio Grande Valley from Colorado all the down to Las Cruces is currently in a terrible situation. Lakes, Elephant Butte is in a terrible state along with all the other major lakes around here. And the farmers are unable to raise their crops due to a lack of water and this water – and I don't know where these water rights are coming from. They're on paper but I don't know about the real water. And I just have big concerns about this and I just don't think it is being addressed. They think it's going to be there. Oh yeah, we bought water rights – yeah, on paper and it's not going to be long before we don't have water.

CHAIR GONZALES: Okay, sir, your two minutes is up. Thank you for your input.

MR. EWING: Yeah, right. Thank you.

CHAIR GONZALES: Who is next out there? Anybody else who wants to speak?

MS. LUCERO: Mr. Chair, we did receive a comment under the chat feature on Webex requesting to give the speakers another two minutes. So it would be at the discretion of the Chair and the Planning Commission whether they want to do that.

CHAIR GONZALES: I'm sorry. What was that again?

MS. LUCERO: We received a request under the chat feature in Webex to allow the speakers an additional two minutes to speak.

CHAIR GONZALES: It looks like we're almost done with the speakers.

MS. LUCERO: Mr. Chair, yes, it looks like we're done with everyone who has already spoken but I believe what they're requesting is to allow them an additional two minutes, those who have already spoken.

CHAIR GONZALES: No, we're – it's getting kind of late. I think we need to continue and close the public hearing.

MS. LUCERO: Mr. Chair, if people have other comments, they would also have the option to type those into the chat feature and we can make those part of the record.

CHAIR GONZALES: That would be fine. Okay. Having said that, I'm going to close the public hearing. Discussion or motion. Oh, let me go back. Jennifer, do you want to do any kind of rebuttal?

MS. JENKINS: Thank you, Chairman Gonzales and Commissioners. Just a couple really quick comments. I would like to state that we will absolutely reach out to Mr. Thompson with the Rancho Viejo development group regarding this connection to A Van Nu Po. We have not spoken about it recently so we are happy to revisit it with him and hopefully maybe we can come to some agreement about that. And, so we will definitely do that in advance of the BCC hearing. And just a reminded with respect to the traffic conditions. This is a conceptual plan. This conceptual plan gets approved there's not going to be – we're looking years before there's one house, one new car on the road. So this is a snapshot of what we know about today. And then as we proceed there's going to be new traffic studies with each phase of development that will be reviewed as part of each subdivision plat application for each phase that will be reviewed by the Board of County Commissioners. So the scope will change. There will be new intersections added. Maybe others deleted from the scope. There's going to be new background traffic with respect to new development in Rancho Viejo. There's a lot of elements that are going to evolve as the project progresses overtime. So it's an important distinction. So I just wanted to point that out and with that, I would be happy to stand for any questions. Thank you very much.

CHAIR GONZALES: Thank you, Jennifer. Frank?

MEMBER KATZ: The biggest problem I have is the connection from Avenida del Sol and Vista del Monte. It seems to me that if I were to be in that subdivision I would not really want to drive up Avenida del Sol through the community college traffic and all the way up to there. And then I would get to I-25 and guess what, there's not an intersection there yet. Maybe someday there will be but there's not. I would think that I would immediately want to go due west of Vista del Monte to I-25 and zoom up I-25 to say St. Francis or maybe even to Old Pecos Trail depending on where I'm going into the city and I just think that that's got to be done before the first house is finished. And I would be curious as to why that isn't a condition.

CHAIR GONZALES: Thank you, Frank. J.J., Steve.

MEMBER KRENZ: Mr. Chair, I've got to just direct this question to staff because this seems to be the major concern of most of the callers, major concern is water. So for the record, can you go over for us where exactly this 136 acre-feet of water is coming from? I mean we have the approval letters. I understand that. But I think residents really want to know where is the water coming from to meet this demand.

MS. ELLIS-GREEN: Mr. Chair, Commissioners, I'll take that this is on the County water system. So it would be coming through the Buckman Direct Diversion. Before they move forward with a phase 1 or any of their phases they would have to get a Water Service Agreement approved by the Board and at that point the Board tallies up how many water rights they have and they would then enter into an agreement. It would all be subject – every single

subdivision we have that hooks up to the County water system is subject to the Board of County Commissioners approving a water agreement.

MEMBER KRENZ: Did I understand you to say that it's coming through the County water system but the developer is going to have to show water rights.

MS. ELLIS-GREEN: The developer may well need to bring water rights or pay for the water rights because there's water rights and there's wet water. So what I'm understanding is that the Utilities Department has said that they believe they are ready, willing and able which means that they believe that that have the water availability to serve this project. But as the final plats come through for all the subdivisions that get approved, they will need to prove that that can meet the water service agreement which will either have a payment or it will have water rights being bought and the wet water is coming through the Buckman Direct Diversion.

MEMBER KRENZ: But essentially, it is coming through the diversion?

MS. ELLIS-GREEN: That is correct. That is where the majority of the County water is coming from with backup wells.

MEMBER KRENZ: What's coming from the Rio Grande?

MS. ELLIS-GREEN: Through the County water system, yes.

MEMBER KRENZ: Okay. Thank you. I asked that because it looked like everybody else wanted to know what this is.

CHAIR GONZALES: Okay, anybody else have any questions? J.J.

MEMBER J.J. GONZALES: Mr. Chair, I've got a list of about 20 questions that I have but in the time that we've been limited here I think we're ready to wrap this up. But I've got a lot of questions and one of the things is, like Mr. Krenz says, where the water is coming from. Well, it's coming from the BDD but when that diversion goes down below a certain number of acre feet they shut it down. So the County isn't going to be able to retrieve water from the BDD. So they have to make an agreement with the City of Santa Fe to get water in storage for this development. So that's a big question. And also the ready, willing and able letter that the utility director gave the developer expires in April 2023. The letter is good for one year. It's in your packet. So in one year this whole thing expires. I think that this development is not compatible with the surrounding area. They're sending all of their traffic down like Mr. Frank said down Avenida Vista Monte Sol, that's the shortest route to there. Who wants to navigate Richards Avenue or Rancho Viejo Boulevard in rush hour? The Community College is there and there's a lot of traffic. They're not being really upfront with us the way their traffic is going to go to that subdivision. And trying to get Warren Thompson to give them easement through Rancho Viejo and he's the one who probably owns most of the subdivision, you know, he's not going to do it. They ask the County to condemn a private property for a private use. This is a private subdivision.

With all that being said, I still have lots of questions. But I'm ready to make a motion.

CHAIR GONZALES: Okay, I just want to put out there that it looks like we're going to have to take two votes. One on the variance and one on the conceptual plan recommendation. Whenever someone is ready to make a motion. I guess we should probably start with the variance first. Frank.

MEMBER KATZ: I would make a motion to deny the variance on the basis of the fact that the multi-family housing is less expensive. It will make more affordable housing available or housing that is more affordable, it's always hard to say what is affordable and it's

different for different people, but it will put in that subdivision certain number of houses that are less expensive than what they're planning and that would be a positive thing.

CHAIR GONZALES: Okay, we have a motion from Frank. Do we have a second?

MEMBER KRENZ: Second.

MEMBER SERNA: I'll second.

CHAIR GONZALES: Okay, we have a couple of seconds. I think Steve was the first one.

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

CHAIR GONZALES: The variance does not pass. Let's –

MEMBER KRENZ: Mr. Chairman, before we vote on what you're about to say is the next motion, according to the submission, it states that if the variance doesn't pass the applicant is going to have to go back and redesign what they were doing. So I'm wondering if a motion for this act is even moot at this point.

CHAIR GONZALES: It's conceptual – what do you think, Vicki?

MS. LUCERO: Mr. Chair, Commission members, staff actually had a condition, condition #22, that we had added that states, if the Planning Commission does not grant approval of the variance, then the conceptual plan application will need to be revised to reflect the mix of housing types before the case is heard by BCC unless an appeal is filed.

So unless the Applicant appeals the Planning Commission's decision on the variance we would require them to amend the conceptual before it goes to the County Commission for – before the case is heard in a public hearing before the Board of County Commissioners.

CHAIR GONZALES: So then we still need to vote on conceptual approval or not?

MS. LUCERO: Mr. Chair, yes. There would need to be a vote on the conceptual plan as well.

MEMBER KRENZ: But it's going to change drastically, I assume.

MS. LUCERO: Mr. Chair, the conceptual plan will change and it's actually the Board of County Commissioners that has the final authority on the conceptual plan. So the changes in accordance with the Planning Commission's decision will be reflected and the Board will make the final decision on that.

CHAIR GONZALES: Okay, let's take – do we have a motion for the conceptual plan? J.J.

MEMBER J.J. GONZALES: Mr. Chair, I move to deny Case # 21-5140.

MEMBER SERNA: I'll second that.

The motion passed by majority [4-3] voice vote.

CHAIR GONZALES: Jennifer, did you get that.

MS. JENKINS: Yes, Chairman Gonzales, I got it. Thank you.

5. Petitions from the Floor

None were presented.

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6. Communications from the Commission Members

None were presented.

7. Communications from the Attorney

None were presented.

8. Matters from Land Use Staff

None were presented.

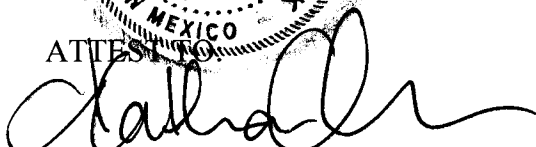
9. Next Planning Commission Meeting: July 21, 2022

10. Adjournment

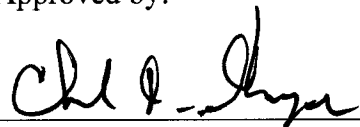
Having completed the agenda and with no further business to come before the Commission, Member Katz moved to adjourn and Member Katz seconded. Chair Gonzales declared this meeting adjourned at approximately 9:25 p.m.




ATTEST TO:


KATHARINE CLARK
SANTA FE COUNTY CLERK

Approved by:


Charlie Gonzales, Chair
Planning Commission

Respectfully submitted by:


Karen Farrell, Wordswork

SFC CLERK RECORDED 07/22/2022



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-_____

AN ORDINANCE
AMENDING THE SUSTAINABLE LAND DEVELOPMENT CODE, ORDINANCE NO.
2016-9, TO ADD A DEFINITION OF COMMUNITY SOLAR, TO ADD A NEW
SECTION 10.25 TO ADDRESS STANDARDS FOR COMMUNITY SOLAR
FACILITIES AND TO ADD A NEW CLAUSE TO SECTION 8.11.3.5.2 TO
PROHIBIT A COMMUNITY OVERLAY DISTRICT FROM RESTRICTING THE
LOCATION AND PROCEDURES FOR INSTALLING COMMUNITY SOLAR
FACILITIES

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS
("BOARD") OF SANTA FE COUNTY ("COUNTY"):

1. The Board makes the following findings with regard to community solar:
 - a. The Board adopted and restated the Santa Fe County Sustainable Land Development Code ("SLDC") on December 13, 2016, via Ordinance No. 2016-9.
 - b. Community solar is a use not specifically enumerated in Use Tables and Use Matrix in Appendix B of the SLDC.
 - c. The SLDC identifies Commercial Solar within Use Matrix in Appendix B. However, the SLDC does not currently identify Community Solar within the Use table.
 - d. The New Mexico Governor signed the Community Solar Act, or SB84, into law on April 5, 2021.
 - e. The New Mexico Public Regulation Commission's Community Solar Rule was adopted on March 30, 2022.
 - f. The Board has determined that community solar should have different Use Tables and Use Matrix than Commercial Solar to accommodate the needs of community solar development.

2. Appendix A of the SLDC is hereby amended to include the following definition:

Community Solar Facility: is a facility governed by the 2021 New Mexico Community Solar Act (as may be amended) that generates, and may store, electricity by means of a solar photovoltaic device; subscribers to the facility receive a bill credit for the electricity generated in proportion to the subscriber's share of the facility's kilowatt-hour output.

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Commercial Solar Energy Production Facility: is a renewable energy production facility that uses sunlight to generate, and may store, energy for sale or profit.

3. Chapter 10 of the SLDC is hereby amended to add a new section as follows:

10.25 Community Solar

10.25.1 Purpose and Findings- The purpose of regulating community solar is to facilitate the development of renewable resources to serve the County's constituents and to meet the goals of the Sustainable Growth Management Plan. The County aims to accommodate the needs of community solar development and to only require the minimum standards to attempt to minimize the adverse effects on neighboring properties.

10.25.2 Applicability

Community solar projects are considered a permitted use in all zoning Districts.

10.25.3 Standards

1. Buffering and screening is not required for ground mounted facilities. If fencing is proposed for security purposes, agricultural fencing with six (6) inch knots for wildlife is recommended.

2. External access roads for ground mounted facilities may reduce the road easement width for off-site and on-site driveways to no less than twenty (20) feet if adequate drainage control is provided and may allow the surface to be hardpacked dirt with compaction of 95% of the maximum density. If the access road adjoins a paved road, an asphalt or concrete apron of ten (10) feet in width will be required to protect the pavement.

3. On-site driveways for ground-mounted facilities may reduce standards as identified in Section 7.11.12.2 (additional standards for residential driveways), as access will be minimal for this type of development.

4. Disturbed area shall be reseeded with drought tolerant native plant species for pollinator friendly habitat. Weeds and plant materials shall be properly managed to reduce fire risks.

5. Utility lines shall comply with Section 7.12 of the SLDC. The connection between the community solar facility and the electric utility infrastructure shall be considered a local distribution facility.

6. A five (5) foot setback is required on all sides of a community solar facility that is twenty (20) feet in height or less. A community solar facility that is over twenty (20) feet in height shall meet the setback requirements of the zoning district in which the facility is located.

7. Community solar facilities located on a non-residential or multifamily rooftop shall be allowed to be eight (8) feet higher than the building on the rooftop of which the community solar facilities are located but in no event more than eight feet (8') above the height limit otherwise imposed on structures in that zoning district. Rooftop community solar facilities shall be set back five (5) feet from the sides of the building.

8. State approval shall be submitted prior to development permit issuance.

9. Community solar facilities shall be set back three-hundred (300) feet from rivers, streams, wetlands and all riparian areas.

10. Decommissioning

- a. The owner/operator shall, at its expense, complete decommissioning of the community solar facility within twelve (12) months after the end of the useful life of the facility. Decommissioning must occur in the event the facility is not generating electricity for twelve (12) consecutive months.
- b. Decommissioning shall include removal of all solar panels, structures, cabling, electrical components, roads, and foundations to a depth of thirty-six (36) inches, as well as any other associated facilities/equipment with satisfactory disposal and recycling of equipment. Disturbed earth shall be graded and reseeded with drought-tolerant native plant species.
- c. An independent and New Mexico state certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net of salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to the County after the first year of operation and every fifth year thereafter.
- d. The owner/operator shall provide assurances that financial resources will be available to fully decommission the site.
- e. The owner/operator is required to post a bond, letter of credit, or the establishment of an escrow account to ensure proper decommissioning.

4. Section 8.11.3.5.2 is hereby amended by deleting "or" from subparagraph j; replacing the "." in subparagraph k with "; or"; and adding the following new subparagraph l:

"l. location of and procedure for approving and installing a community solar facility."

5. The effective date of the amendments to the SLDC adopted by this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2022.

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

By: _____
Anna Hamilton, Chairperson

ATTEST:

Katharine E. Clark
County Clerk

APPROVED AS TO FORM:

Rachel Brown
Interim Santa Fe County Attorney

8 June 2022

Wits End Cooperative
64 Vista del Oro
Cerrillos, NM 87010

Planning Commission
Santa Fe County
PO Box 276
Santa Fe, NM 87504-0276

Administrator:

I am the treasurer and a resident of Wits End Cooperative, a retirement community of 5 people sharing a 1/3-mile border with Hacienda Doña Andrea (HDA) immediately to our west. We have owned this land since 2004. We are *strongly* opposed to HDA's Site Development Plan (Case #22-3036).

We have found our neighbor to be a consistently bad actor. Their events are very noisy—I have recorded sound levels up to 70 dB (another resident recorded as high as 75 dB), which I believe to be a clear violation of zoning code. Of course, these are cell phone apps and we are not sound engineers, but that's way above ambient. I believe that HDA was required to have a professional sound engineer on premises to monitor noise levels at the perimeter, but I've never seen one. The proprietors also claim that HDA is a functioning B&B (they do not advertise nor pay lodging tax) and that they live there (nobody does as far as we can see). HDA has made several incursions onto our land, building an entire road onto it last November. Just last month they removed survey stakes from the recently re-surveyed property line (motivated by said incursion) in direct violation of our agreement not to move any of these without the explicit permission of both property owners. They have never given us any notice of activities near that property line nor of any of their plans; to them we are apparently just rubes.

Perhaps we are rubes—when we first moved here, HDA was a B&B and would host a half dozen or so weddings a year, and we'd just roll our eyes at the loud music and wish the couple well. And so we've been taken advantage of. And that has to stop. The right to peaceful enjoyment of our property is at risk, in this subdivision and elsewhere in the county. You folks are surely aware of a planned 3-day music festival June 17-20 out Rogersville Road, now rebranded as a private party: We are grateful that no commercial permits have been issued, but clear and strict standards must be implemented *and enforced*, not just for noise, but for resource use and ever-present fire danger. Please shut this stuff down before it gets completely out of hand. HDA claims that they have contracts for events they must host; sorry, bad planning on their part should not constitute an emergency on our part—or yours.

We did not move to this beautiful area and dutifully pay our taxes to live next to a nightclub.

Thank you for your consideration,



Ken Perlow
for Wits End Cooperative



SFC CLERK RECORDED 07/22/2022

From: Thomas Tammann <t@tammann.com>
Sent: Sunday, June 12, 2022 10:20:59 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Cc: Vicki Lucero <vlopez@santafecountynm.gov>; Alexandra Kermisch <alexkermisch@gmail.com>; K R Perlow <krp@melencolia1.net>; Jean Darling <jdarling@sandwich.net>; Betsy Siwula-Brandt <betsys@earthlink.net>
Subject: Re: June 11th Hacienda wedding

Warning:

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

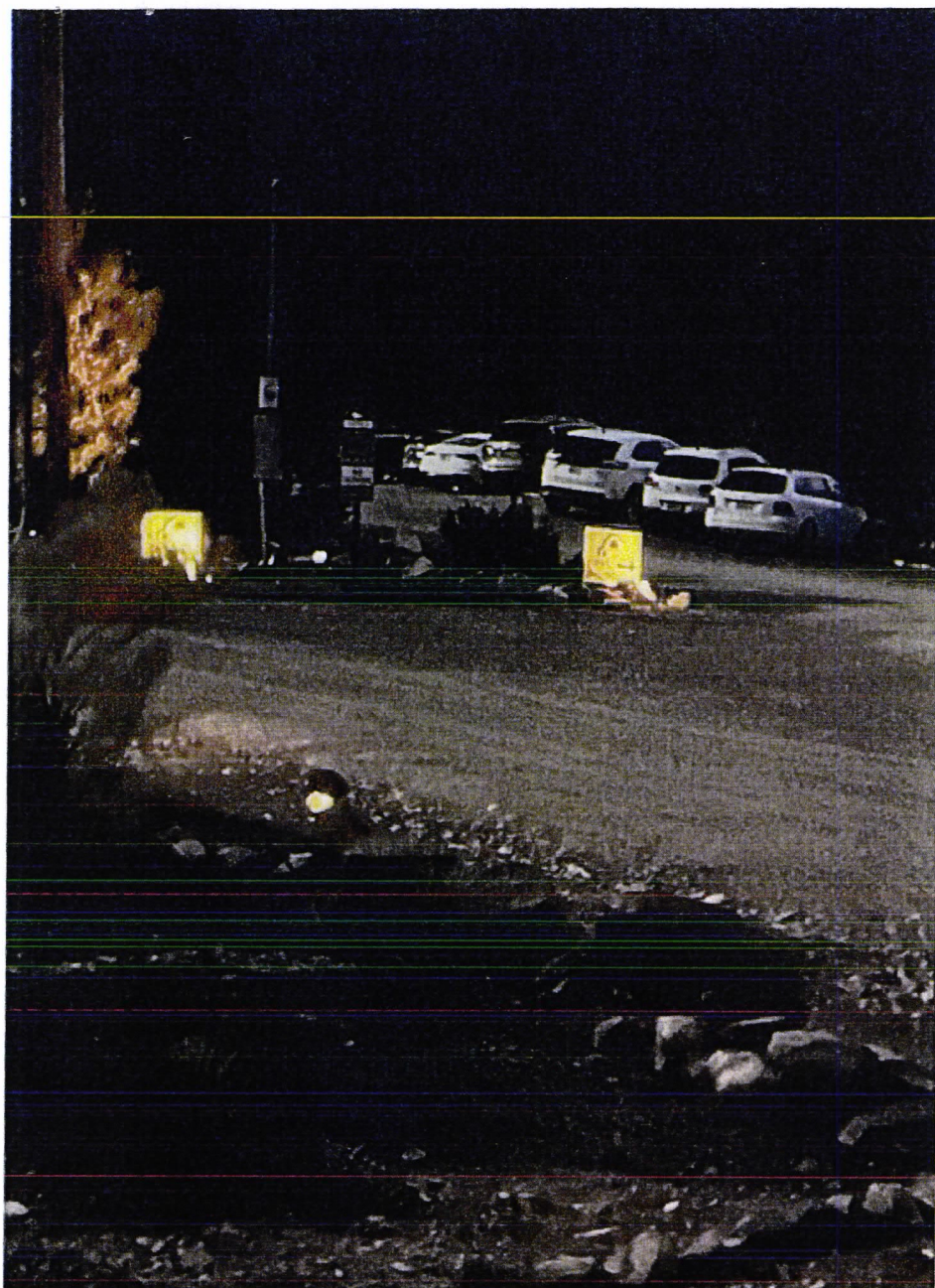
Dear Penny

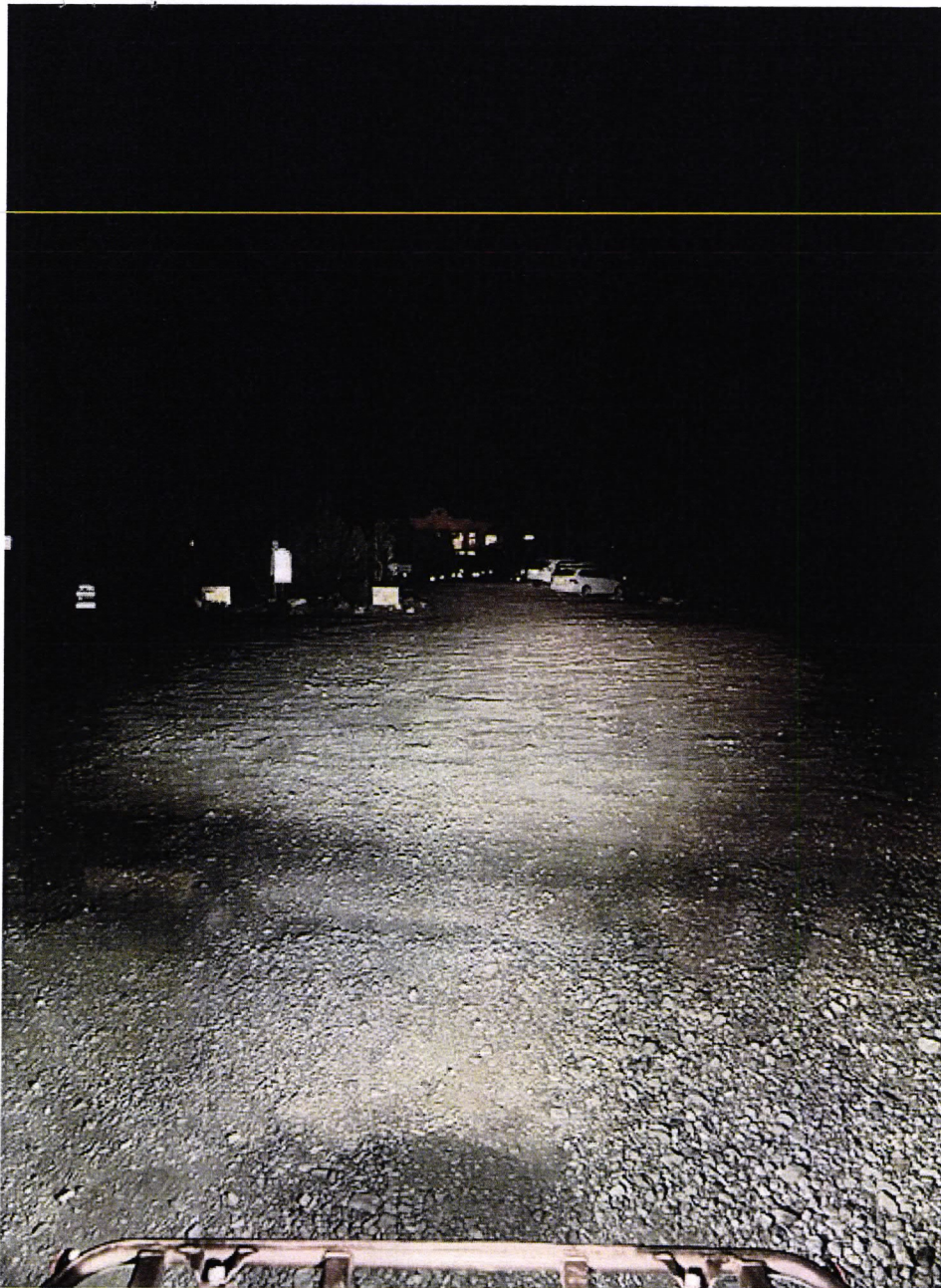
We too could also clearly hear both music and voices after 9pm last night. I went down our driveway to see if people were leaving only to find the parking lot still full and no signs that the party was over. Even after 10pm the parking lot was mostly unchanged. The music stopped shortly after 10pm.

Agreeing with Betsy, I too would like to know if the Hacienda got any special exception to the special permit.

Thanks as always!
Tom

SFC CLERK RECORDED 07/22/2022





On Jun 12, 2022, at 6:01 PM, Betsy Siwula-Brandt <betsys@earthlink.net> wrote:

Dear Penny,

We went outside at 9pm last night to watch the Hacienda traffic come down from the wedding to be sure they didn't come into our driveway on their way out. We noticed that none of the traffic came down at 9pm and it was still loud—we could hear the music and people talking and laughing, etc. I have a noise meter so I measured the noise. As you can see I was recording up to 63 dBa at 9:20PM. I can only imagine what the noise was at Hacienda's property line. **Noise continues to be an issue!**

Also Hacienda did not shut down until around 10 pm. Their Special Permit says they must shut down by 9pm. Did Hacienda-- by chance-- ask for a special consideration last night? They sure did not seek any special consideration from the neighborhood. There were about 6 neighbors concerned about the noise last night, so you may hear from others.

Gabriel C. Bustos

From: Penny Ellis-Green
Sent: Sunday, June 12, 2022 8:13 PM
To: Gabriel C. Bustos
Subject: Fwd: June 11th Hacienda wedding

For file a day hand out at PC

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Betsy Siwula-Brandt <betsys@earthlink.net>
Sent: Sunday, June 12, 2022 6:01:58 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>; Vicki Lucero <vlopez@santafecountynm.gov>
Cc: Alexandra Kermisch <alexkermisch@gmail.com>; K R Perlow <krp@melencolia1.net>; Thomas Tammann <t@tammann.com>; Jean Darling <jdarling@sandwich.net>
Subject: June 11th Hacienda wedding

Warning:

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

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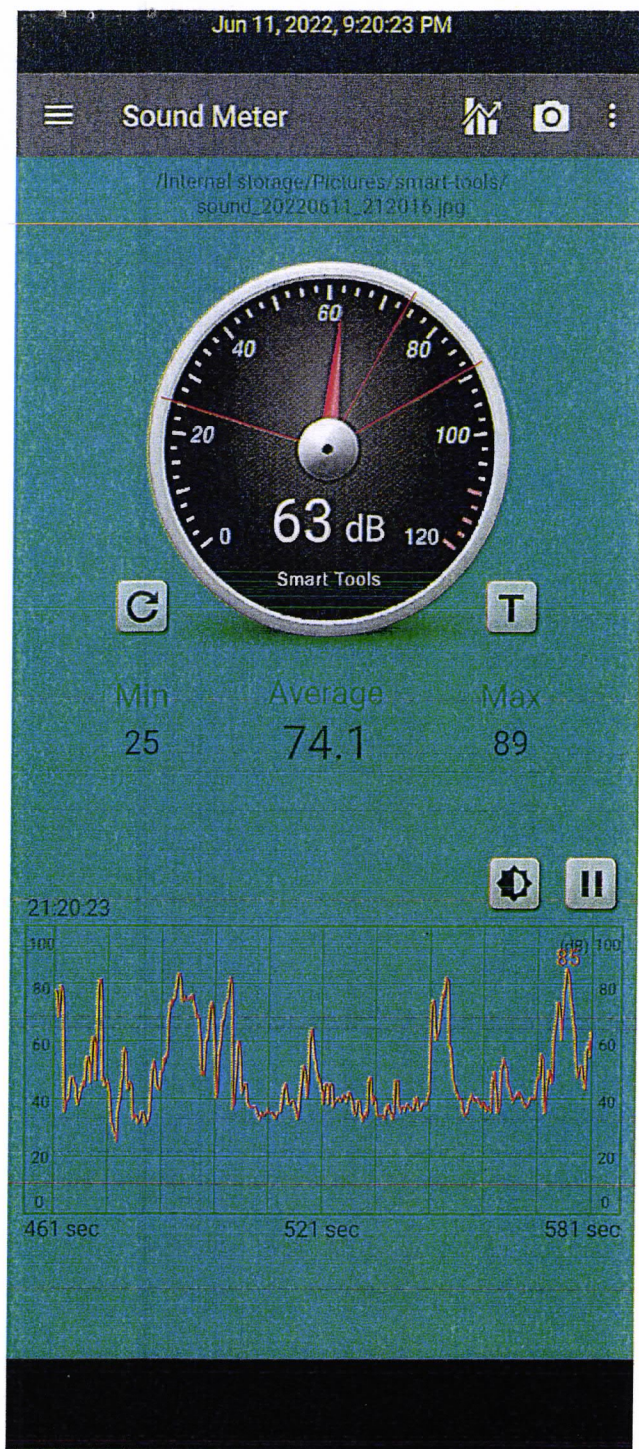
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We are so sorry to bother you with this again, but it's for the record.

Thanks,

Betsy and Wolfgang Brandt

SFC CLERK RECORDED 07/22/2022



SFC CLERK RECORDED 07/22/2022

EXHIBIT
3



SFC CLERK RECORDED 07/22/2022

HACIENDA DONA ANDREA TIMELINE OF NEIGHBORHOOD EVENTS

1989: Vista del Oro subdivision recorded CCR's (Covenant conditions/restrictions) and plat

The story starts in 1998 when owner contacted neighbors:

1998/1999: Vista del Oro/GMR neighbors contacted by Hacienda for endorsement of B&B w/ small, quiet meetings, 6-18 people. Neighbors agreed based on promise from owner to be compliant (variance screenshot).

FILE REF.: CDRC CASE # Z 98-5780 Hacienda Montana De Oro Bed and Breakfast

ISSUE:

Max and Andrea Contreras, applicants, request master plan zoning with preliminary and final development plan approval for a nine bedroom bed and breakfast to host small group meetings.

The property is located west of County Road 55, southeast of State Road 14, within Section 13, Township 13 North, Range 8 East (Commission District 3).

SUMMARY:

On February 25, 199 the CDRC met and acted upon this case.

The applicant's are requesting approval for a nine (9) bedroom bed and breakfast facility to host small group meetings in the fields of history and culture on 64 acres. The applicants estimate that groups will range in size from 6-18 people, most groups would stay for 2-3 days although single day meetings may occur. The business will be open 6-8 months of the year.

Six rooms would be furnished as bedrooms, the three other rooms would be able to be configured as either a bedroom or a meeting room.

Existing development

The applicants are currently building their home on the property which has been designed to accommodate the bed and breakfast use.

4/13/1999: Variance approved by BCC for the B&B usage, water allotment based on Vista del Oro covenants for water usage. No more than .6 acre-feet per year to be monitored and reported annually in January. This is not a "perpetual" business license, it depends on complying to BCC variance criteria. Screenshot from Variance below:

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Adjacent property

Residential lots surround the property

Access and parking

Access to the property is from Vista Del Oro Road, which connects to State Road 14 via Goldmine Road (County Road 55). The applicants state that typically groups from outside the area will be transported by passenger van to the property.

The applicant proposes to locate thirteen (13) parking spaces to the north (rear) and west of the property, one of these spaces will be a handicap space. In addition three spaces are designated for personal residential use.

Terrain management

The building has been set back from the existing arroyo. Roof drains with diversion trenches will divert stormwater into a 600 cubic foot cistern.

Water

This project will utilize a private well, the applicant's water budget shows a use of approximately 0.58 acre foot per year. A hydrology report was submitted and reviewed and approved by the State Engineer's Office and the County Hydrologist. The applicant states that water conservation measures will be used.

Liquid and solid waste

The applicants propose to use septic tanks for this project, approved permits have been submitted. A discharge permit will be required prior to occupancy of the bed and breakfast as estimated discharge in over 2000 gallons per day.

The applicant proposes to remove solid waste to the transfer station on a daily basis.

All was going pretty well until 2010 when:

2010: Hacienda changed advertising from B&B to Outdoor weddings, business model changed to a Special Event Center. They quit marketing for B&B business for over a decade. All weekends were blocked (Thursday--Sunday) only for weddings/events. Monday/Tuesday are recovery days, cleaning/prepping for next event.

The approved BCC variance criteria was violated, especially in four ways:

- 1) **Variance stipulated hosting 6-18 people, Hacienda hosted up to 150 people for weddings.**
- 2) **They did not have enough parking spaces.** There were only 13 parking spaces, so used utility easement private road (Prensa del Oro, not owned by Hacienda) and/or Vista del Oro causing traffic/fire escape danger and additional liability for neighborhood.
- 3) **Hacienda not in compliance with the water restrictions.** Drilled second well in 2004 (first well dried up), which they used to service all wedding guests for over a decade. Owner never metered his wells for over two decades as required by BCC. Master plan stipulates this is grounds for not granting any additional development permits.

- 4) **Exceeded their max allowable occupancy for B&B**—stipulates maximum of 18 people. They hosted lodging for 30 people for many years (screenshot from website).

CEREMONY SPACES

- Large outdoor flagstone courtyard lined with shaded wraparound portal and 120-mile views - *Capacity 150*
- Front garden - *Capacity 80-120*
- Indoor great room with fireplace and 24-foot ceilings - *Capacity 70*
- Traditional chapel - *Capacity 12*

INCLUDED

- Chairs
- Ceremony arch
- Globe lights
- Heat lamps (6)
- Large umbrellas (4)
- BBQ

ACCOMMODATIONS

- 2-night minimum required during peak season weekends (May-Oct.)
- Nine en suite bedrooms with patio access & fireplace
- Sleeps 30
- Third night discount

2017: Full time on-site manager left. The Owner of the B&B was not living at Hacienda to manage these events. Neighbors noticed more violations by guests: driving into our driveways at 11 pm, increased traffic and speeding, extreme amplified music until after 10 pm, and no on-site person available to call.

2020: Pandemic closes the wedding activity temporarily at the Hacienda

And then in August of last year there was a tipping point for the neighborhood:

2021: Extremely busy wedding/big event season for Hacienda due to pandemic backlog. In late August Hacienda hosted an illegal 2 day/night film production. There was extreme 2-way traffic on neighbors private driveways, video/picture links of overflow traffic on Vista del Oro and Prensa del oro:

<https://www.youtube.com/shorts/OAEfhylS3wQ>.

https://www.dropbox.com/s/0xyf7506322l7vq/IMG_20210818_200604356.jpg?dl=0

There was no on site manager to call. Owner unwilling to speak to neighbors about our issues, after many attempts/e-mails (documented) to contact him.

We received an apology from county Film Office to neighbors on August 30, 2021. The film shoot was unpermitted, with no notifications or public safety reviews, screenshot:

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From: Jennifer LaBar-Tapia <jlabar@sffo.film>

Cc: Wells, Carrie A, EDD <Carrie@nmfilm.com>, Dodson, Amber L, EDD <Amber@nmfilm.com>, Wylie, Joann, EDD <Joann@nmfilm.com>, EDD <Morgan@nmfilm.com>
Subject: Film Production in your area

To the residents of Vista del Oro,

First of all, I'd like to apologize for the experience you encountered while a production was filming out in your area. This production was not permitted through the Santa Fe Film Office nor with any other agencies in Santa Fe. If it had we would have required location agreements, proof of notification to area residents, public safety reviews, among a host of other required paperwork for approval.

I sent Milan Vasic an email explaining his production is required to fill out a film permit while in the Santa Fe region regardless of private or public property. I have also asked that he resolve any outstanding issues or concerns that have occurred due to the filming in your area.

This experience you all encountered is not the norm with film productions and I feel extremely disappointed that this happened. We work hard to make sure residents are not disturbed, or at the very least, notified when a production is filming out on location.

Please keep me informed as to if the production responds or not. Also, please call my cell any time if you would like to discuss further or have any issues with future productions in the area.

Best,
Jen
505-690-4595

The only correspondence we received from the owner about his illegal events was through his lawyer and in September we informed him that we would meet with county regarding Hacienda's noncompliant activities.

Oct. 7, 2021: County meeting with neighbors and Jose Larranaga regarding Hacienda illegal activities. Mr. Larranaga followed up with the owner of Hacienda about his non-compliance/business license did not allow such events.

Nov. 26, 2021: Received letter from owner's lawyer that Hacienda was operating as permitted by his business license. Wrote back to owner's lawyer that we confirmed with the county that Hacienda was not complying to his business license restrictions and that such wedding/big event usage was not allowed.

Mid-October 2021-February 22, 2022: Persistently contacted county for Hacienda updates with no luck. On Feb. 22 Mr. Larranaga apologized for tardiness getting back to us and advised he had met with the Siebert Group several times on behalf of the Hacienda. Technical Advisory Committee (TAC) meeting on Feb. 17.

Neighbors startled by county noncommunication and that Hacienda was proceeding with a SDP to be completed by mid-March. **We were shocked that no public meeting was required** (as originally advised) **even though this SDP sets a new precedent in our neighborhood..** Neighbors were stressed to learn that once the application was submitted it was a 30-day process for approval by administrator.

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March 5, 2022: Ms Penny Ellis Green approved a pre-application neighborhood meeting with the applicant's agent. This was requested by many concerned neighbors writing many letters!

April 1, 2022: County approves two Special Permits for the Hacienda to conduct two weddings, on April 1st and April 9th, including conditions on parking and performing a noise test for the first time.

The neighborhood was shocked to learn that the Hacienda created 57 parking spaces for these special permits, a major expansion from 13 previously approved parking spaces. This is a first for our residential neighborhood where there are no commercial businesses!

April 21, 2022: Required Preapplication Neighborhood meeting held by Siebert associates, Agent of Hacienda. Attended by thirty plus upset neighbors at Hacienda owner's negligence and unwillingness to work with neighbors. Outrage of many issues (see below), including undue liability to neighbors, whereby bride and groom indemnify Hacienda-- but not the rest of the neighborhood-- for any accidents, lawsuits.

- Liability of property owners a significant issue never addressed by owners agent as promised at this meeting (never returned e-mails).
- The only ingress/egress access point is bottom of Gold Mine Road, which the Fire Marshall has confirmed does not meet 20 foot fire code. GMR neighbors have complained about this fire hazard one-way bottleneck for years! A 1995 plat shows width of the road has a legal, non-conforming status (SEE Appendix 3). Minutes screenshot:

submitted to the county and that noise was measured and did not go over the 55dba requirements of the SLDC.

After Mrs. Brandt concluded, the floor was given to addition members of the community in order of homeowners who reside closest to the subject property as well as in accordance with the order identified in the meeting agenda. Multiple owners / community members spoke and received answers to their questions from Nathan and Wayne during the approximate 1.5-hour Open Public Comment portion of the community meeting. The comments received from committee members / neighbors included the following:

- Traffic
- Noise
- Water
- Fire hazard
- Driving under the Influence
- Parking
- Insurance

In closing, James W. Siebert and Associates agreed to schedule a follow-up meeting with the homeowners residing off Vista Del Oro to further discuss questions regarding maintenance / insurance requirements for the private road used to access the proposed expansion.

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May 17, 2022: Hacienda submits revised application. Now "a temporary expansion for 2022 wedding season" only. Letter requesting to "amend the original request" and withdrawal of our application for a site development plan (SDP). The basis of the application is not valid. HDA is not a B&B but a Special Event Center. We can prove this through their advertising (see Appendix 2).

Until this temporary application is approved the Hacienda is depending completely on special permits for their weddings. Many neighbors wrote administrator not to approve this as it is nothing more than a backdoor strategy to receive a blanket of additional special permits all at one time.

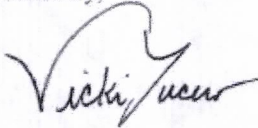
June 16, 2022: To date fourteen special permits for weddings have already been approved by county for Hacienda. Only one noise study was conducted by Hacienda for the initial special permit. It was not conducted by a certified noise engineer and conflicts with neighborhood measurements. All additional noise readings were reported by "volunteers" from Hacienda and not a certified noise engineer as stipulated as a condition on each of the special permits. Any violations of conditions set are supposed to result in no more special permits, see below example.

This letter is to inform you that your application for a Special Use Permit (#22-4050), has met the requirements set forth in Ordinance No. 1992-3 Business Registration and Licensing Ordinance allowing you to conduct a special event at 78 Vista Del Oro on June 11, 2022, in accordance with your submitted application.

Your application has been approved subject to the following conditions:

1. Temporary tents or structures are prohibited.
2. Water meter readings will need to be submitted on June 13, 2022.
3. The event must end by 9:00P.M., and guests not registered to stay at the Hacienda Dona Andrea B&B will need to leave the venue by 9:00 P.M.
4. Event must comply with all Santa Fe County Fire Prevention approval conditions (attached).
5. Event must comply with all Santa Fe County Public Works approval conditions (attached).
6. 57 cars maximum are allowed. No vehicles may be parked on the driveway to the side of the house (where 5 spaces are shown) to ensure width for 2-way traffic, no parking may be located on the roadway or driveway, including the 2-way driveway leading to the parking area.
7. Any violation of these conditions will result in citation, proceeding with court action and no further issuance of additional special use permits.
8. A noise study conducted by a certified noise engineer must be conducted at this event (June 11). Verification that this was done shall be submitted to Santa Fe County by June 13th.

Sincerely,



Vicki Lucero
Building & Development Services Manager
Santa Fe County Growth Management Department

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The neighborhood contests the noise data that Hacienda is self-reporting to County for the special permits. Please see noise study document (to be addressed by next speaker).

Summary of Noise Readings Taken at Hacienda Dona Andrea

Date of Reading	Time of Reading	Db Level Measured
April 9, 2022	6:15 pm	43
April 9, 2022	7:00 pm	40
April 9, 2022	8:35 pm	39
April 16, 2022	7:15 pm	45
April 16, 2022	8:25 pm	42
April 23, 2022	5:30 pm	38
April 23, 2022	8:00 pm	46
April 30, 2022	7:00 pm	45
April 30, 2022	7:45 pm	41
April 30, 2022	8:30 pm	49
May 14, 2022	5:45 pm	45
May 14, 2022	8:15 pm	40
May 21, 2022	6:15 pm	44
May 21, 2022	7:30 pm	42
May 21, 2022	8:25 pm	39
May 26, 2022	6:30 pm	46
May 26, 2022	8:15 pm	40
May 29, 2022	5:45 pm	38
May 29, 2022	6:30 pm	46
May 29, 2022	7: 25 pm	40
May 29, 2022	8:15 pm	42

*The Noise Readings Referenced Above Were Done on a Voluntary Basis and Taken by Staff of Hacienda Dona Andrea to Ensure Noise Volumes for Weddings Held at Hacienda Dona Andrea Were Courteous to Surrounding Neighbors and in Compliance with the Decibel (dB) Levels Allowed Under the Santa Fe County Sustainable Land Development Code (SLDC).

There have been 42 scheduled weddings so far in 2022—all require special permits to operate. One was conducted on March 1st, without a special permit disregarding the county's direction. There are 8 weddings in June alone, please note the large wedding sizes. Each wedding is a minimum of 2 day events, an oppressive schedule for the neighborhood to endure with extra traffic, fire risk, liability and noise. Please view this schedule and double the days we have unwanted noise and traffic!

There are 120 guests but this number does not include on-site staff, service and contract people.

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Hacienda Weddings 2022**April: Possible Guest:**

1	120
9	70
16	88
23	100
30	60

May Possible Guest:

4	35
7	80
14	30
21	50
28	80

June Possible Guest:

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

July Possible Guest:

2	120
9	100
16	90
23	80
30	100

August Possible Guest:

7	120
13	120
20	60
23	70
27	20

September Possible Guest:

3	100
10	35
15	60
17	60
26	100

October Possible Guest:

1	120
8	20
15	80
22	30
29	40

November Possible Guest:

5	60
12	40
26	25

In Closing: Our area is either zoned Ag/Ranch (as the Hacienda is) or Rural. Both are deemed residential. There are eight usages listed—such as assisted living, nursing home, B&B, which are all quiet usages.

Special Event Centers are not listed as an Ag/Ranch permitted usage, see Appendix 1. This is understandable—they are too noisy and carry a big liability.

We ask that you not approve this temporary expansion application. This is a scary precedent for our whole area. We ask you to enforce the stipulated uses for our rural areas and protect them. The county does not have a code enforcement officer for noise—please for the record-- consider hiring one!

Our only choice is to call the sheriff's office for an official noise measurement at a noisy event. Which we have to under-Sherriff Kenneth Johnson who really does want to help; but on Saturday nights they've been quite busy making arrests and helping firefighters put out brush fires. It is not fair to call them, or to make them the only noise experts in the county. So instead we've had to research and buy our own calibrated noise meters to record the weddings, which others will report on tonight.

We all have chosen our rural lifestyles—and the very low ambient noise levels on purpose. It was not easy to build out here decades ago- putting in our own roads and drilling our own wells. Many of us started from scratch out here, we started with dirt! It does cost us to live out here: extra time, extra money, extra risk, extra trouble (certainly more rattlesnakes and snow plowing!), extra gas.

It is good 45 minutes+ for us to get into town. We want to hear the owls, song birds, coyotes and trampling mule deer on our properties—NOT party noise every weekend for 9 months, some during the week too. **WE'VE RECORDED THIS NOISE AT ABOVE 55 DBA AND FAR ABOVE THE 5 DBA ALLOWED ABOVE AMBIENT BY CODE.** Our ambient noise ranges from 25-35 DBA at our home. See Appendix 4 for noise code. The next speaker will address this.

The county has allowed these weddings to continue through special permits—14, including tonight, so far! Even though back in August of last year we reported this illegal special event center to the county-- after persistently asking the owner to comply to his original business license. We wanted the owner to have plenty of time to not book weddings in 2022 and give back any deposits. Instead he booked 42 weddings knowing he didn't have the right license and completely ignored the neighborhood's concerns. He refused to engage with us or have any discussion whatsoever.

And now the Hacienda is not in compliance with the special permits. They never hired a certified sound engineer—as stipulated in each special permit-- to track the noise at these weddings. Instead they are doing their own measurements. They did only one noise study on April 9th, which will be addressed. Otherwise the Hacienda has a summary of uncertified and uncalibrated noise readings taken by volunteers at the Hacienda. We ask you--how objective is this?

Hacienda was finally forced to listen to the neighborhood's complaints on April 21 – as required by the Administrator. His agent promised to promptly address the increased liability the weddings create for us and they never did after sending several e-mails. We got no response. We never gave the Hacienda permission to use our private subdivision roads for commercial use. Our steep and rugged roads were never designed for this.

We have three recommendations:

1. **The owners must seek a noise variance for these weddings if they continue to be hosted outside.** We are providing you evidence that their noise does not meet code and that their B&B based application is not valid (Appendix 2). They are a Special Event Center where you cannot even book a B&B reservation!
2. **Given the circumstances, we recommend the Commission NOT approve this temporary development permit.** Instead continue to require the Hacienda to apply for a special permit for each wedding, wedding by wedding, making the necessary adjustments to meet code— **including hiring a certified noise engineer regarding the noise as required by the special permits.**

3. **The county hire a noise expert code enforcement officer.** It is not fair to the Sheriff Dept. to come out on a Saturday night and measure noise for a wedding. They are too busy making arrests and assisting with brush fires, etc.

Please deny this temporary development permit--so a precedent can be avoided for next year or for a new owner/buyer. We are quite concerned about Hacienda NOT starting weddings up again next year and starting all over again with the county!

It means the world to us to keep our neighborhood rural and quiet-- the way rural is supposed to be. Thank you Planning Commissioners and Penny Ellis-Green for bringing this forward!

Appendix 1

Use	Function	Structure	Activity	AR	RUR	RUR-F	RUR-R	RES-F	RES-E	RES-C	TO	CH	MA	CO	IG	IL	PI	PD	Special Conditions
Residential																			
Single-family		1110		P	P	P	P	P	P	P	P	P	P	P	X	X	A	P	
Accessory dwelling units		1130		A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	Ch. 10
Townhouses				P	P	P	P	P	P	P	P	P	P	P	X	X	A	P	
Multifamily dwellings	1202-00			C	C	C	C	C	C	C	C	C	C	C	X	X	A	P	
Retirement housing	1210			P	P	P	P	P	P	P	P	P	P	P	X	X	P	P	
Assisted living facility	1230			P	P	P	C	C	C	C	C	C	C	C	X	X	P	P	
Life care or continuing care facilities	1240			P	P	P	C	C	C	C	C	C	C	C	X	X	P	P	
Nursing facilities	1250			P	P	P	C	C	C	C	C	C	C	C	X	X	P	P	
Community home, NAICS 623210				P	P	P	C	C	C	C	C	C	C	C	X	X	P	P	
Barracks		1310		A	A	A	X	X	X	X	X	X	A	A	A	X	P	P	
Dormitories		1320		A	A	A	X	X	X	X	X	C	A	A	X	X	P	P	
Temporary structures, tents etc. for shelter		1350		P	P	P	A	A	A	A	A	C	A	P	P	A	P	P	
Hotels, motels, or other accommodation services																			
Bed and breakfast inn	1310			P	P	P	C	C	C	C	P	P	C	C	X	X	X	P	Ch. 10
Rooming and boarding housing	1320			C	C	C	C	C	C	C	C	P	P	P	X	X	C	P	
Resorts				C	C	C	X	X	X	X	C	C	P	P	X	X	X	P	

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**APPENDIX 2
HACIENDA DONA ANDREA SPECIAL EVENT CENTER EVIDENCE**

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Current HDA website	16
AirBnB	19
Tripadvisor	19
A Google search	21
Zillow	24
Facebook	25

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Historic View

HDA's own website over the years

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

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

2009 – Bed and Breakfast with opportunity to have events

2011 – Lodging and Weddings:

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

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

2009
Bed & Breakfast advertisement

<http://www.hdsantafe.com/>
Go JUN JUL AUG 06 2008 2009 2010

[394 captures](#)
[24 Jan 2001 - 5 Apr 2012](#)

[Getaway to a Secluded Mountain Top Hacienda](#)
[For a Santa Fe Bed and Breakfast with Spectacular Sunrises and Breathtaking Sunsets](#)

[Lodging in santa fe](#)
[Check if Rooms are Available](#)
[Lodging in santa fe](#)
[Make a Reservation](#)
[View Hotel Rooms](#)
[santa fe bed and breakfast](#)
[Santa Fe Bed and Breakfast Lodging](#)
[Hotel Features & Amenities](#)
[Hotel Photo and Video Tour](#)
[Weddings in santa fe](#)
[Weddings in Santa Fe](#)
[Lodging in santa fe](#)
[Santa Fe Attractions](#)
[santa fe bed and breakfast](#)
[Directions to the Hotel](#)
[santa fe hotel](#)
[Contact this Santa Fe Hotel](#)
[santa fe new mexico lodging](#)
[Guest Comments](#)

Getaway to a Secluded Mountain Top Hacienda

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

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

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

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

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

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

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

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

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

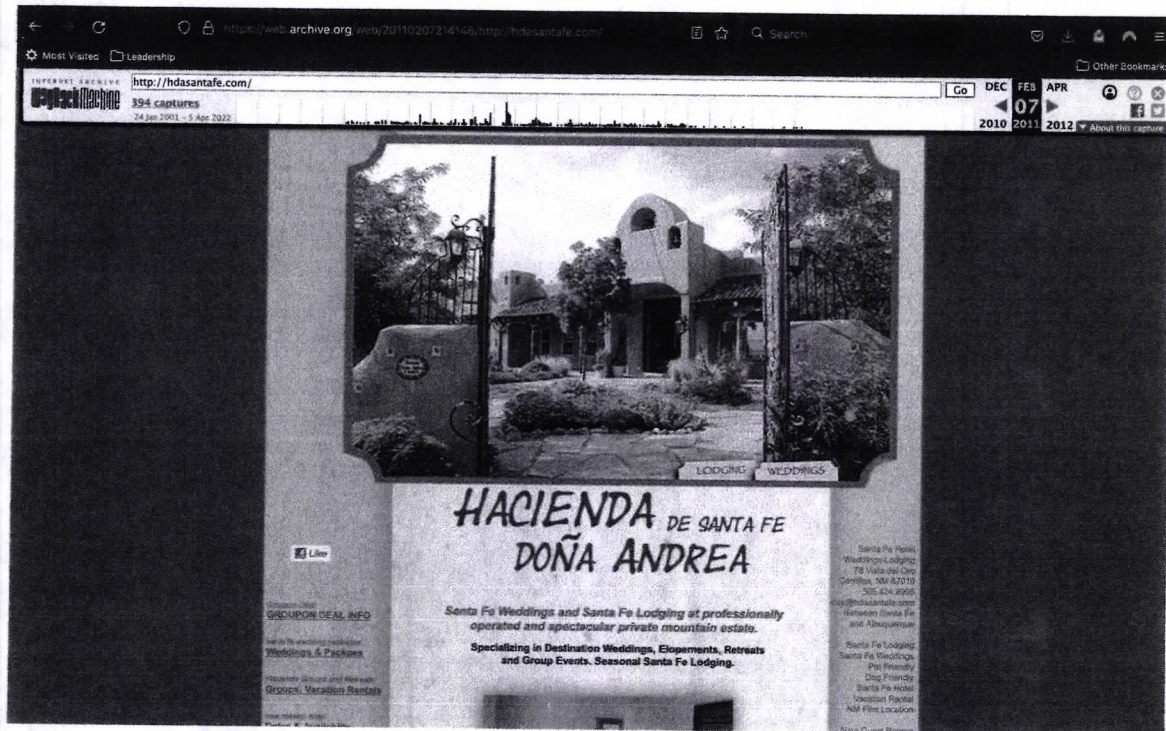
Santa Fe NM Vacation Lodgings
 The views to the north look over toward the Sangre de Cristo mountains and to the South the high peaks of the Ortiz Mountains.

Hacienda Doña Andrea de Santa Fe
 1700 Vista del Camino

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2011

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



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2014

www.hdasantafe.com

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

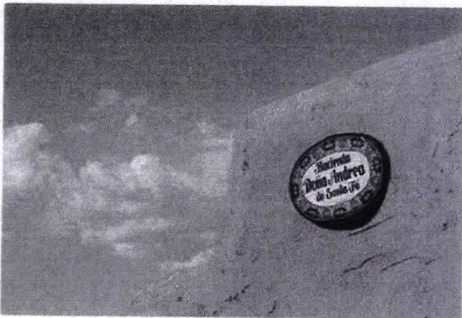
Internet Explorer http://hdasantafe.com/ 394 cookies 48 Jan 2013 - 5 Apr 2013

HOME ABOUT US CALL TODAY! (505) 424-8995

HACIENDA DONA ANDREA de Santa Fe

THE HACIENDA SANTA FE WEDDINGS GROUP EVENTS RESERVATIONS CONTACT Q

SPECTACULAR SANTA FE VENUE FOR WEDDINGS, MEETINGS AND SPECIAL EVENTS



BIENVENIDOS! WELCOME!

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


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

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

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

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

✓ Check Availability



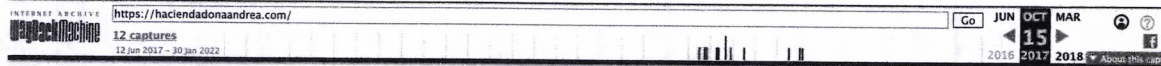
Waiting for web.archive.org...

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2017

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

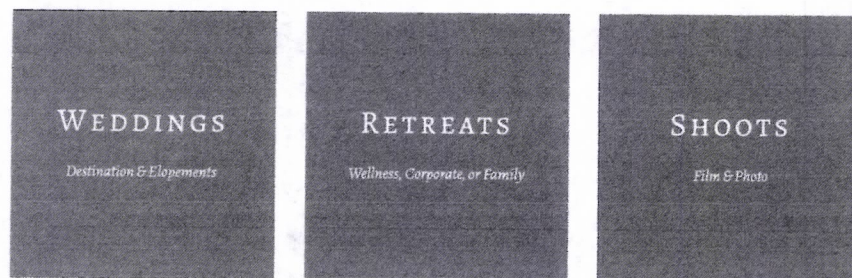
The Focus is on Weddings – Retreats – Film Shoots



EXPERIENCE THE HACIENDA

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

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



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Current Internet advertisement of HDA in 2022

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

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

Current HDA website

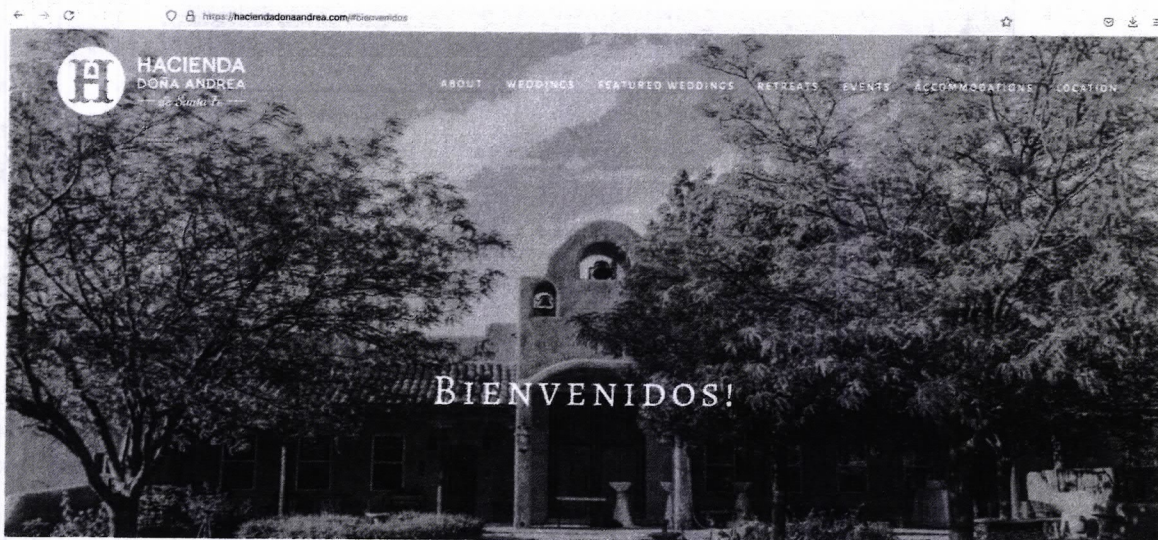
"Hacienda Doña Andrea is the perfect venue for weddings, retreats, and families looking to enjoy uninterrupted time together. Located outside of Santa Fe, New Mexico, the location is an elegant balance of seclusion and convenience."

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

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

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

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



SFC CLERK RECORDED 07/22/2022



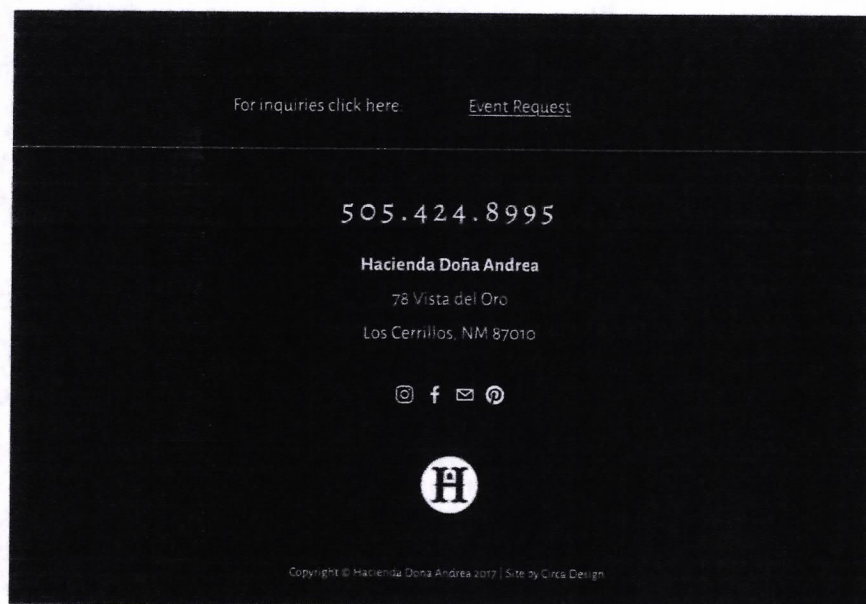
The hacienda is available for one-day rentals during the week or during our off-season weekends for birthday or anniversary parties, wine tastings, culinary classes, photo shoots and more.

MEETINGS, PARTIES & VACATION RENTAL

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

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

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



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Event Request

To enter a Request, please fill out the following form.

Your Contact Information

First name

Last name

Email address

Phone number

Ext.

Company

Your Event Details

Nature of this Event (e.g., Birthday Party or Business Dinner)

Event Date

Start Time

End Time

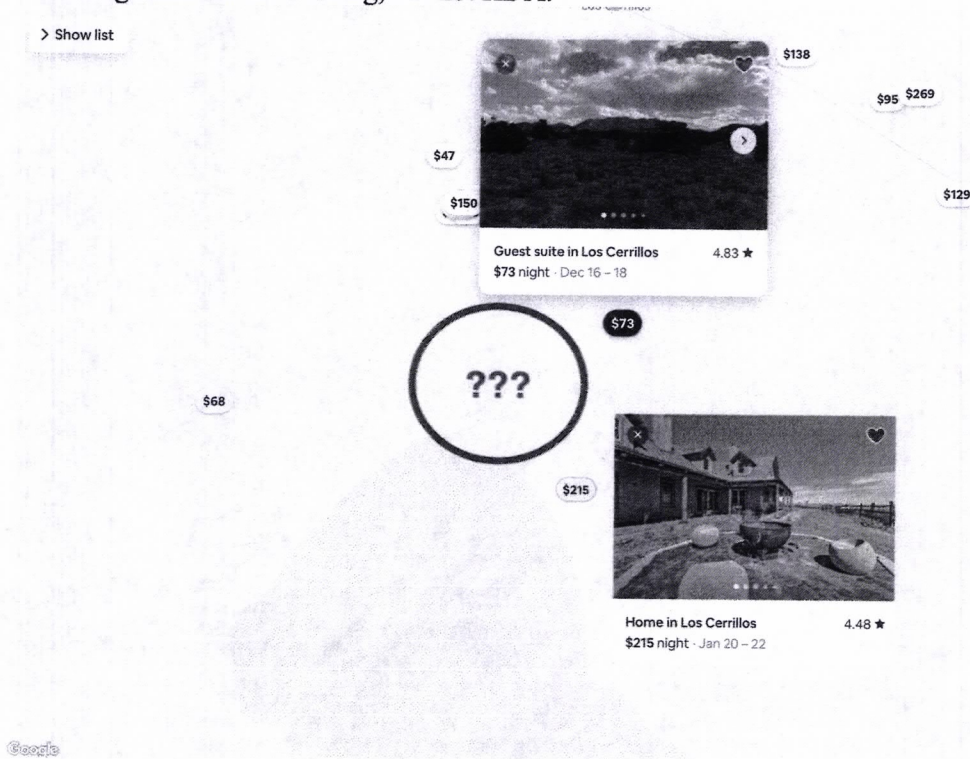
Number of People

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AirBnB

Screenshot taken on 6/13/22 for any weekend from June 22, 2022 until May 23, 2023. A search for "week" returns the same.

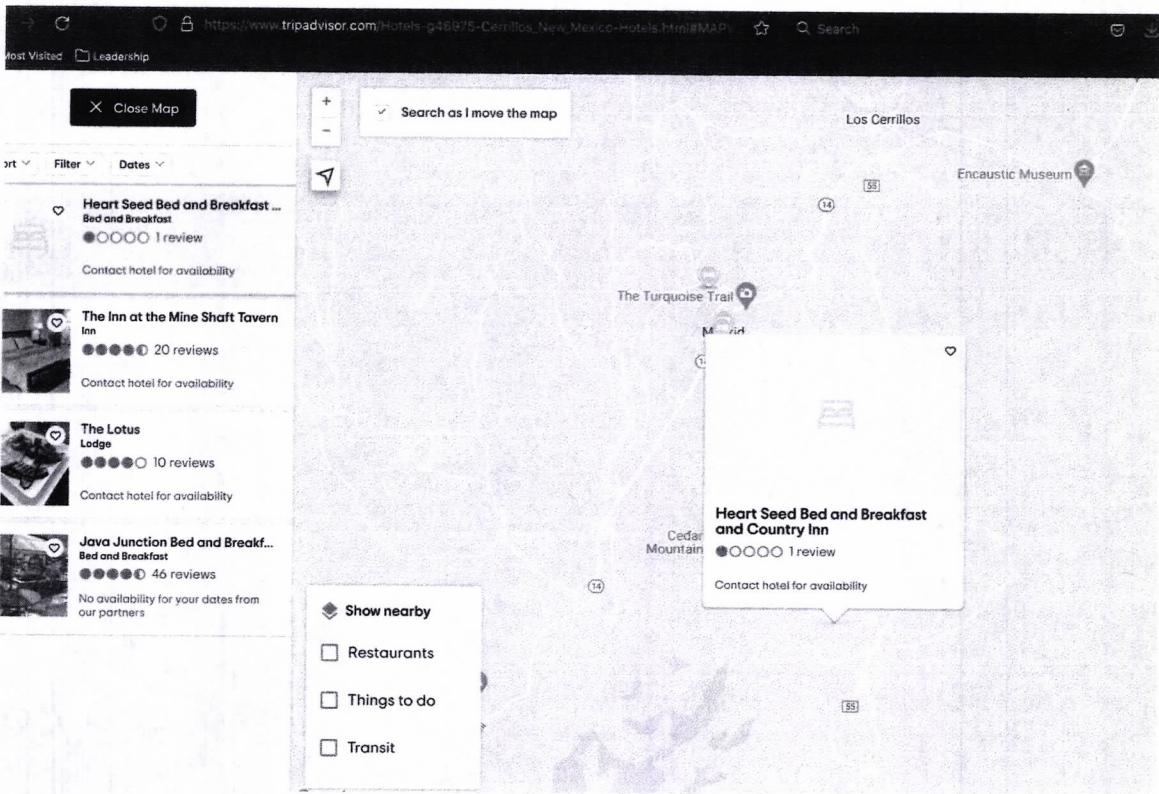
Two neighbors are advertising, but not HDA.



Tripadvisor

No presence on Tripadvisor

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A Google search

Google has NO current information that HDA does operate as a B&B.

A search for "Hacienda Dona Andrea B&B" returns wedding sites

A search for "Hacienda Dona Andrea" returns wedding sites

And Google does not return anything at all with HDA when searching for "Los Cerrillos B&B"

Google search results for "hacienda dona andrea B&B".

Search results include:

- Hacienda dona Andrea de Santa Fe**
This private southwestern estate minutes from Santa Fe is perfect for large groups, special events or family gatherings. With nine bedrooms, rent the entire ...
Weddings · Retreats · Location
Accommodations — Hacienda dona Andrea de Santa Fe
9 bedrooms located in 3 wings · Includes a romantic honeymoon suite with king canopied bed / dressing room · Includes a wheelchair accessible room.
- Hacienda Doña Andrea de Santa Fe | Venue, Los Cerrillos**
Hacienda Doña Andrea de Santa Fe ; Location: 78 Vista Del Oro Los Cerrillos, NM 87010 ; Description: Offering an air seclusion and privacy while inspiring dreams ...
Style: Event Center, Private Estate, Moun... Location: 78 Vista Del Oro; Los Cerrillo...
- Hacienda Dona Andrea de Santa Fe - Venue - Cerrillos, NM**
Hacienda Dona Andrea de Santa Fe is a wedding venue located in Cerrillos, New Mexico. Spanning an impressive 17000 square feet, this private estate offers ...
Rating: 4.4 · 15 reviews · Price range: \$9k - \$13k (For 100 Guests)
What items and services are included in the starting site fee at Hacienda Dona Andrea de Santa Fe?
What kind of indoor/outdoor options are available at Hacienda Dona Andrea de Santa Fe for wedding events?
- HACIENDA DONA ANDREA - 78 Vista del Oro, Cerrillos, NM**
Hacienda Dona Andrea - 78 Vista del Oro, Cerrillos, NM 87010. Directions · (505)

Right sidebar details for Hacienda Dona Andrea De Santa Fe:

- 4.8 ★★★★★ 67 Google reviews
- Vacation home rental agency in Santa Fe County, New Mexico
- Service options: Onsite services · No online appointments
- Address: 78 Vista Del Oro, Los Cerrillos, NM 87010
- Hours: Closed · Opens 9AM Mon
- Health & safety: Appointment required · Mask required · Staff wear masks · More details
- Phone: (505) 424-8995
- Suggest an edit
- Questions & answers: See all questions (1)
- Reviews from the web:
 - WeddingWire: 4.4/5 (15 reviews)
 - Facebook: 5/5 (8 votes)
- Reviews: Write a review · Add a photo

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Google **hacienda dona andrea** X Q

All Images Maps News Videos More Tools

About 365,000 results (0.49 seconds)

<https://haciendadonaandrea.com>

Hacienda dona Andrea de Santa Fe

Hacienda Doña Andrea is the perfect venue for weddings, retreats, and families looking to enjoy uninterrupted time together. Located outside of Santa Fe, ...

Weddings

When you book at Hacienda Doña Andrea, you have use of the ...

About

Located in the mountains of Santa Fe, New Mexico, Hacienda ...

LOCATION

Hacienda Doña Andrea, 78 Vista Del Oro Los Cerrillos, NM, 87010

Accommodations

9 bedrooms located in 3 wings - Includes a romantic ...

[More results from haciendadonaandrea.com »](#)

<https://www.theknot.com/marketplace/hacienda-don...>

Hacienda Dona Andrea de Santa Fe | Reception Venues

Hacienda Dona Andrea de Santa Fe is a wedding venue located in Cerrillos, NM. Nestled in the picturesque Santa Fe mountain range, this property is an ideal ...

★★★★★ Rating: 3.7 - 10 reviews - Price range: \$\$\$ - Moderate


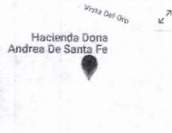
Images for hacienda dona andrea

wedding venues backyard wedding cerrillos nm portraits

View all

<https://www.wedding-spot.com/venue/Hacienda-Do...>

Hacienda Doña Andrea de Santa Fe | Venue | Los Cerrillos

Hacienda Dona Andrea De Santa Fe

Website Directions Save

4.8 ★★★★★ 67 Google reviews

Vacation home rental agency in Santa Fe County, New Mexico

Service options: Onsite services · No online appointments

Address: 78 Vista Del Oro, Los Cerrillos, NM 87010

Hours: Open · Closes 5PM

Health & safety: Appointment required · Mask required · Staff wear masks · More details

Phone: (505) 424-8995

[Suggest an edit](#)

Questions & answers

See all questions (1) [Ask a question](#)

[Send to your phone](#) [Send](#)

Reviews from the web

The Knot	WeddingWire	Facebook
3.7/5	4.4/5	5/5
10 reviews	15 reviews	8 votes

Reviews [Write a review](#) [Add a photo](#)

SFC CLERK RECORDED 07/22/2022

los cerrillos b&b

Google

Search: los cerrillos b&b

Tools

About 40,600 results (0.59 seconds)

B&B | Los Cerrillos, NM

Thu, Jun 16 Fri, Jun 17 2

Top-rated For tonight

Java Junction
4.6 ★★★★★ (197)
Free breakfast

The Lotus
4.3 ★★★★★ (6)

Bobcat Inn
4.9 ★★★★★ (89)
Free parking
Free Wi-Fi

Ravens Ridge B And B
5.0 ★★★★★ (8)

Map data ©2022 Google

→ View 8 hotels

<https://m.yelp.com> › Los Cerrillos, NM › Hotels & Travel

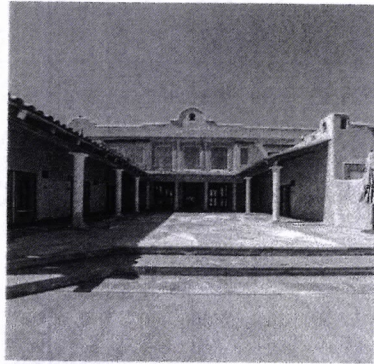
Best Bed & Breakfast near Los Cerrillos, NM - Yelp

Best Bed & Breakfast near Los Cerrillos, NM: Cerrillos Hills Bed & Breakfast, 0.9 mi · 12 3rd St, Los Cerrillos, NM 87010 · (505) 424-3125; Java Junction, 2.3 mi.

SFC CLERK RECORDED 07/22/2022

Zillow

This screenshot from April says, *"Since 2000 this [...] property has been well known as a professionally operated and successful retreat, event and wedding site"*. There are no claims that is was run as B&B.



Zillow

Edit Save Share More

10 bd 12 ba 11,000 sqft

78 Vista Del Oro, Cerrillos, NM 87010

● **Off market** Zestimate®: None Rent Zestimate®: **\$7,548**

Est. refi payment: \$ -- **Refinance your loan**

[Home value](#) [Owner tools](#) [Home details](#) [Neighborhood details](#)



Hacienda Dona Andrea, a gorgeous mountain retreat and true hacienda with 120 mile views to Colorado, San Juan Mountains. Less than 30 minutes from Santa Fe, with 11000 square foot of usable space (13,000 indoors). Since 2000 this 10 bedroom/12 bathroom property has been well known as a professionally operated and successful retreat, event and wedding site. It is ideally suited as a bed and breakfast, vacation/reunion rental or film industry location. All bedrooms have en-suite baths and kiva fireplaces, patios or balconies. Beautiful details throughout with nichos, Mexican tiles, plastered walls, Saltillo tile, flagstone and concrete flooring, cast iron railings, commercial kitchen, chapel area, mature landscaping and expansive flagstone patio with panoramic views. Other details include ICF construction, strong private well that pumps to a 5000-gal cistern, two 1000-gal owned propane tanks, hot water baseboard heat, 2 multi-zone boilers, 12 fireplaces and a rainwater catchment system. Square footage includes a 1050 sq. ft. 1-bedroom attached apartment, storage rooms, and laundry room. The 64 acre property allows horses. Come see this unique property and popular fiesta setting. A spectacular property and an incredible opportunity.

[Read less](#)

SFC CLERK RECORDED 07/22/2022

Facebook

@weddingmountain and "Performance & Event Venue"



Hacienda Dona Andrea de Santa Fe

@weddingmountain · ★ 5 (8 reviews) · Performance & Event Venue

✉ Send Email

Retreat, Wedding, and a 2-night minimum "Vacation home".



Hacienda Dona Andrea de Santa Fe

@weddingmountain · ★ 5 (8 reviews) · Performance & Event Venue

✉ Send Email

[Home](#) [Services](#) [Reviews](#) [Photos](#) [More ▾](#)

👍 Like

💬 Message



Services

Book an appointment or message to learn more.

Corporate Retreat

Duration varies

Host your next corporate retreat in a unique location just outside of Santa Fe. Your guests can stay in on...

💬 Message

Wedding & Event Venue

Duration varies

The Hacienda is a 13,000 foot wide-world private estate located only 25 minutes from Santa Fe or 50...

💬 Message

Vacation home

Duration varies · Please inquire, 2-night minimum

Enjoy a complete privacy and seclusion with your friends or family in nine deluxe bedrooms each with...

💬 Message

SFC CLERK RECORDED 07/22/2022

SFC CLERK RECORDED 07/22/2022



APPENDIX 4 SANTA FE COUNTY NOISE CODE

7.21.4. **Noise.** Any actual or projected measurement that exceeds the average conditions calculated over a thirty (30) minute period, at the property line, of the limits shown in Table 7-21 shall be grounds for denial of a development application or imposition of noise mitigation efforts sufficient to ensure that the development will not exceed the applicable noise limits. The

SLDC

Chapter 7 - Sustainable Design Standards

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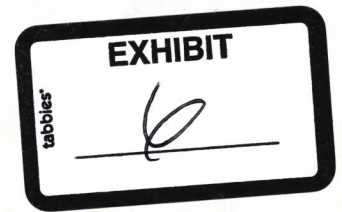
Administrator may require a noise study to be conducted whenever it is determined that the use proposed in the development application may exceed the noise limits. This determination may be made by category of use or on an application by application basis.

Table 7-21: Noise Limits.

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

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

SFC CLERK RECORDED 07/22/2022



SOUND PRESSURE LEVEL MEASUREMENTS AND ANALYSIS

**Additional information including more noise
readings and all equipment information
including calibration certificates can be found
in Dropbox**

link:

**[https://www.dropbox.com/sh/
v02w23uif3ohog7/
AAAyAsbBT25Vsu3ujKn25Jwxa?dl=0](https://www.dropbox.com/sh/v02w23uif3ohog7/AAAyAsbBT25Vsu3ujKn25Jwxa?dl=0)**

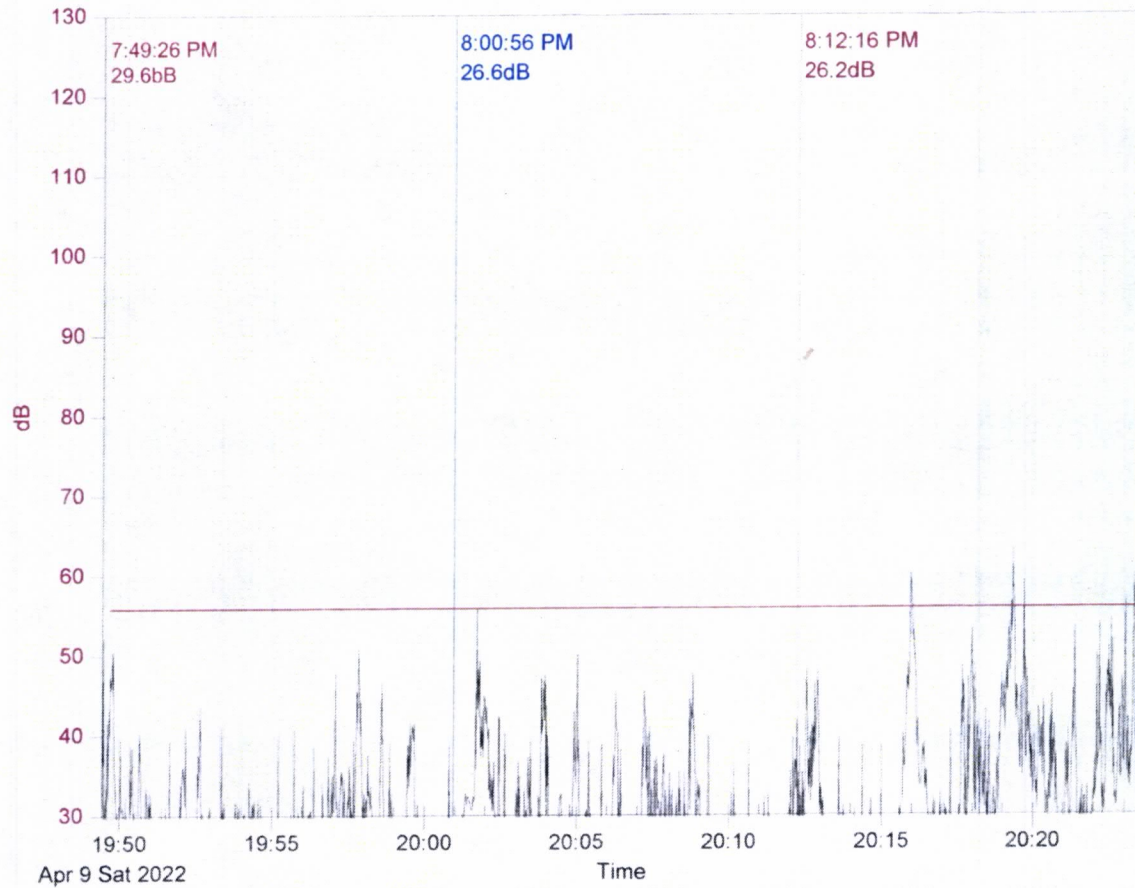
SFC CLERK RECORDED 07/22/2022

SECTION 1

**Information taken from
Siebert noise study
4.9.22**

SFC CLERK RECORDED 07/22/2022

GRAPH FROM SIEBERT NOISE STUDY 4.9.22



SFC CLERK RECORDED 07/22/2022

Excerpt from the HDA's own readings 4.9.22

Date of Reading	Time of Reading	Db Level Measured
April 9, 2022	6:15 pm	43
April 9, 2022	7:00 pm	40
April 9, 2022	8:35 pm	39

SECTION 2

**Summary of all noise
readings taken by
neighbors**

4.1.22 - 6.11.22

Comparative Noise readings Summary taken from 4.1.22 to 6.11.22

General notes:

- Neighborhood called 5 different sources for a sound/audio engineer – nobody available/qualified.
- Financial investment of time and money made as a result – over \$1100 dollars to produce reliable data with calibrated equipment
- All equipment information and additional readings not presented in this document can be found in Dropbox:

<https://www.dropbox.com/sh/v02w23uif3ohog7/AAyAsbBT25Vsu3ujKn25Jwxa?dl=0>

Taken from 64 Vista del Oro - approx. 800 feet from HDA property line at the back door of studio

- **Decibel Meter Sound Detector, SoundMeter X**

Date	Time of reading	Length of reading	dBs	App used	Comments/notes
4.1.22	5.00pm		63	Decibel Meter Sound Detector	Wedding up to 120 people - DJ warm up
4.1.22	6.pm approx		55	Decibel Meter Sound Detector	During wedding same location
4.1.22	8 pm approx		66	Decibel Meter Sound Detector	During wedding same location
4.1.22	8.15pm		55	Decibel Meter Sound Detector	During wedding same location
4.1.22	8.30pm		65	Decibel Meter Sound Detector	During wedding same location
6.11.22	8.34pm	13 mins	50.1 LAeq	Sound Meter X	Wedding in progress – 10+ LAeq above ambient

SFC CLERK RECORDED 07/22/2022

Taken from 88 Vista del Oro – 300 – 1100 feet from HDA property line – varying points outdoors – see photos of locations

- Using DecibelX, NIOSH app, SoundMeter X

Date	Time of reading	Length of reading	LAeq	App used	Comments/notes
5.29.22	5.20pm	3.38	44.9	Decibel X	Wedding up to 80 people Everybody indoors – music, announcements
5.29.22	5.30pm	2.28	76.5	Decibel X	People on terrace
5.29.22	6.58pm	2.24	59.7	Decibel X	
5.29.22	7.07pm	3.28	56.2	Decibel X	
5.29.22	7.15pm	1.19	55.9	Decibel X	
6.3.22	11.39pm	4.09	51.1	Decibel X	Night BEFORE wedding – party on the roof – about 10 people making noise well after 10pm
6.4.22	2.25pm	5.28	67.6	Decibel X	Preparation for wedding up to 120 guests
6.4.22	2.44pm	10.35	54.1	NIOSH	Conversation audible - no music comparative
6.4.22	6.47pm	3.12	62.8	NIOSH	Wedding noise including music
6.4.22	8.10pm	20.32	57.5	NIOSH	Some guests had left – avg noise level across 20 mins
6.6.22	6.17pm	34.46	34.4	SoundMeter X	Evening ambient
6.6.22	6.35pm	31.08	35.7	NIOSH	Typical ambient reading - 30 mins evening
6.6.22	8.58pm	33.28	30.7	SoundMeter X	Evening ambient
6.7.22	5.49pm	30.00	38.2	SoundMeter X	Ambient early evening
6.7.22	7.59pm	30.00	31.8	SoundMeter X	Ambient mid evening
6.9.22	8.06am	30.30	29.8	SoundMeterX	Ambient morning
6.9.22	10.55pm	30.05	33.1	NIOSH	Ambient later evening

SFC CLERK RECORDED 07/22/2022

Date	Time of reading	Length of reading	LAeq	App used	Comments/notes
6.9.22	9.55pm	30.30	33.5	SoundMeterX	Ambient later evening
6.11.22	8.17pm	30.26	60.9	NIOSH	Wedding in progress
6.11.22	8.19pm	21.1	58.0	DecibelX	As above
6.11.22	8.40pm	13.49	57.4	DecibelX	As above
6.11.22	8.21pm	33 mins	68	GainExpress meter	As above – see graph

SFC CLERK RECORDED 07/22/2022

Taken by 95 Vista del Oro – different points ranging from 300-700 feet from HDA property line – varying points

- Using Sound Meter Pro for Android , Digi-Sense Professional Sound Meter

Date	Time of reading	Length of reading	Peaks in dB	App used	Comments/notes
5.29.22	12.45pm		30	Sound Meter Pro	Ambient midday
5.29.22	6.30pm		52	Sound Meter Pro	Amient evening with wind
5.29.22	6.53pm		62	Sound Meter Pro	Wedding underway
6.4.22	3.28pm		30	Sound Meter Pro	Ambient baseline
6.4.22	7.25pm		81	Sound Meter Pro	During 6.4.22 wedding
6.4.22	7.32pm		81	Sound Meter Pro	During 6.4.22 wedding
6.11.22	4.49pm		31	Sound Meter Pro	Ambient
6.11.22	5.11pm		30	Sound Meter Pro	Ambient
6.11.22	7.33pm		73.3	Sound Meter Pro	During wedding – band returning
6.11.22	8.25pm		74.5	Sound Meter Pro	During wedding – band playing
6.11.22	8.26pm		74.5	Sound Meter Pro	As above
6.11.22	8.29pm		74.6	Sound Meter Pro	As above
6.11.22	8.51pm	54 mins	46 LAeq	Digi-Sense meter	300 feet from property line –taken from sheltered location – differential between ambient of 33 LAeq and event noise – see graph
6.11.22	9.20pm		74.1	Sound Meter Pro	Noise continuing past 9pm

SFC CLERK RECORDED 07/22/2022

SANTA FE COUNTY NOISE CODE FOR REFERENCE

7.21.4. Noise. Any actual or projected measurement that exceeds the average conditions calculated over a thirty (30) minute period, at the property line, of the limits shown in Table 7-21 shall be grounds for denial of a development application or imposition of noise mitigation efforts sufficient to ensure that the development will not exceed the applicable noise limits. The

SLDC

Chapter 7 - Sustainable Design Standards

7 - 93

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

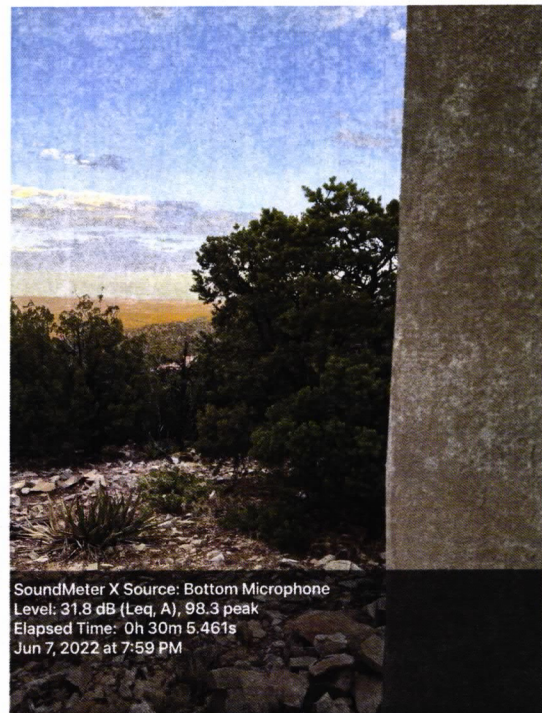
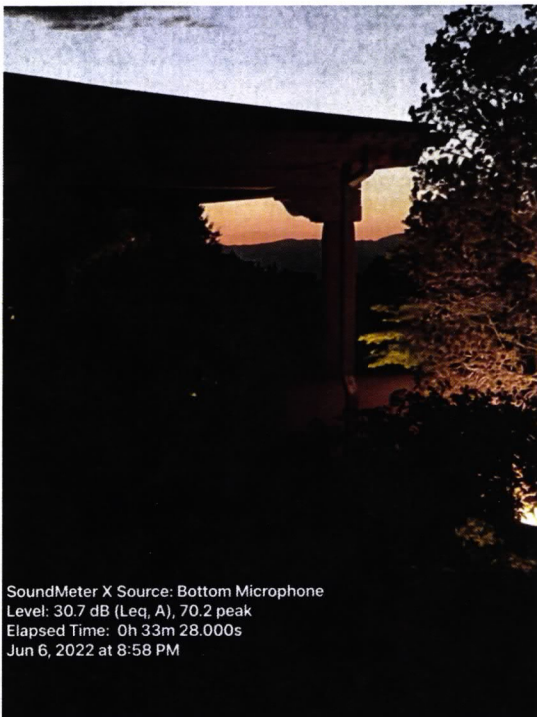
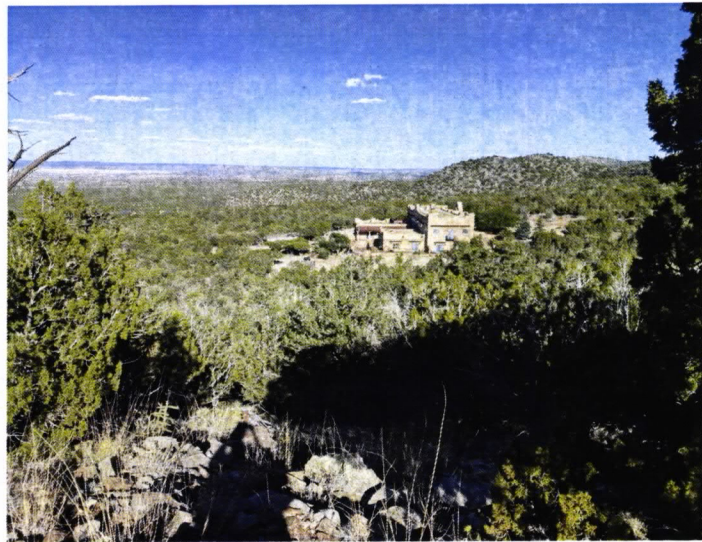
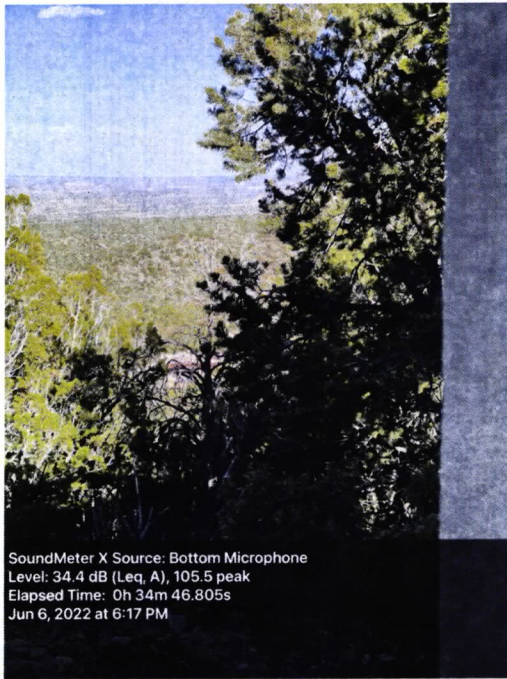
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All Other Districts	55dBA, or 5 dBA above ambient; whichever is less	45dBA, or 5 dBA above ambient; whichever is less

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

SFC CLERK RECORDED 07/22/2022

Pictures of locations of sound gathering at 88 Vista del Oro – at residence and at 125 yards+ from property line



SFC CLERK RECORDED 07/22/2022

SECTION 3

Key Findings

Most recent event readings with fully calibrated equipment 6.11.22

Readings with various apps 6.4.22

- All equipment information and additional readings can be found in Dropbox

<https://www.dropbox.com/sh/v02w23uif3ohog7/AAAyAsbBT25Vsu3ujKn25Jwxa?dl=0>



Noise measurement report

Date: 6/11/22, 20:17 8.17pm - wedding noise - 30 mins - full calibration

Operator: A

Place: 88 vista del oro

Measurement results

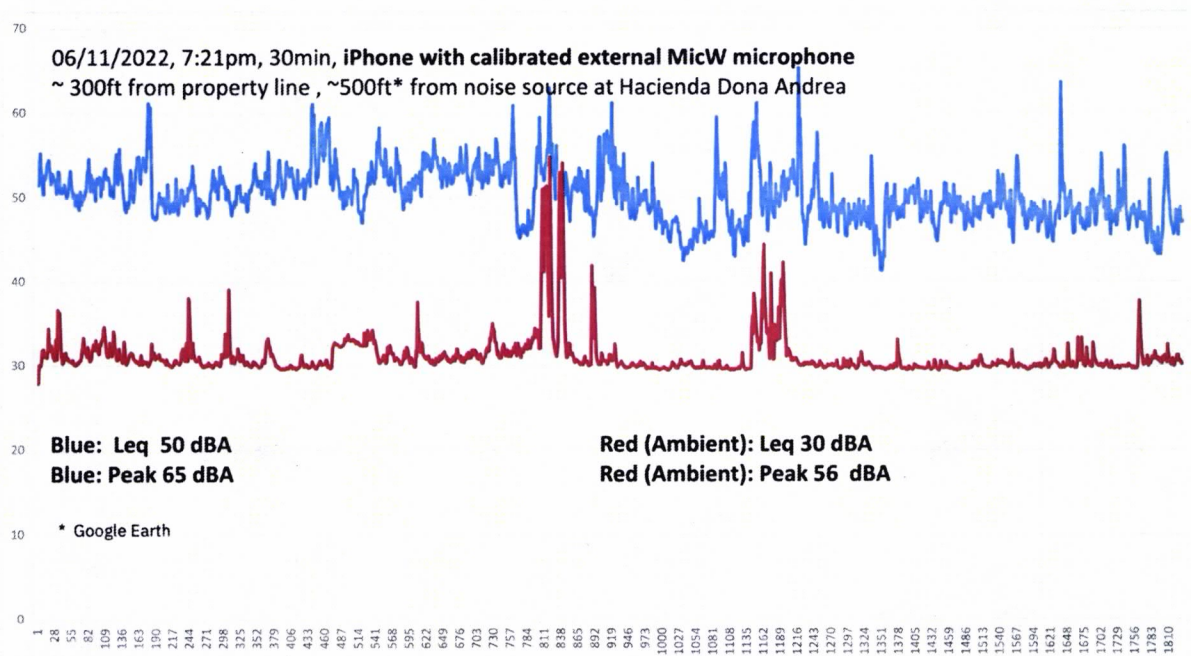
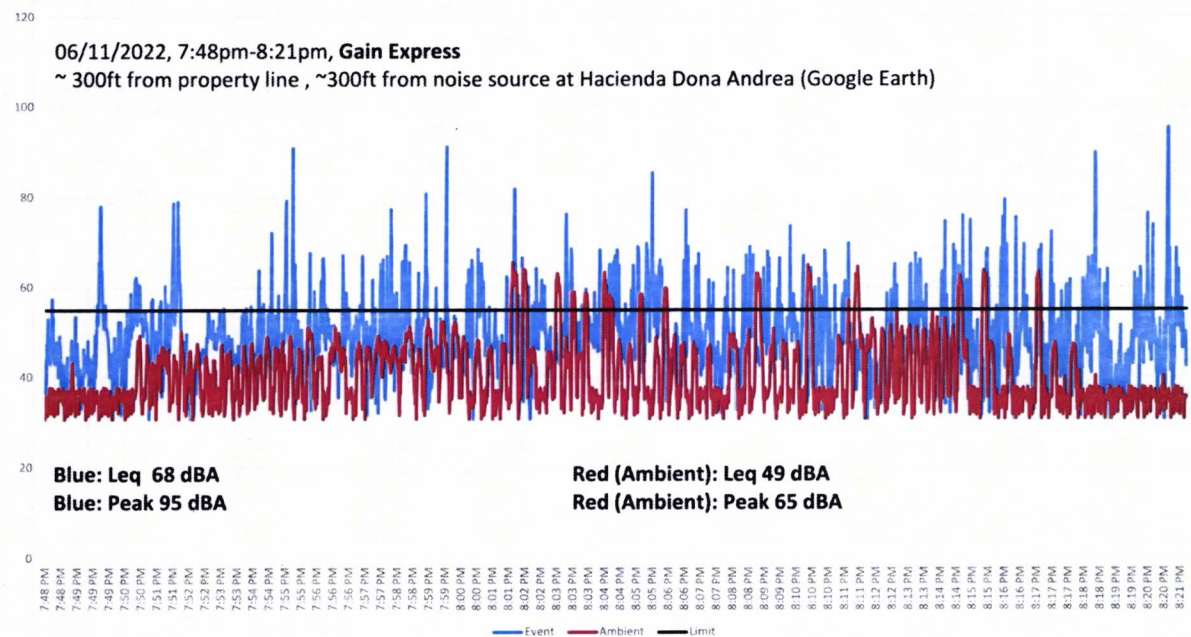
Measurement time (hh:mm:ss)	00:30:26
LAeq	60.9 dB
averaged across measurement time to give ONE equivalent - included as part of the app and endorsed by CDC and OSHA	
Max. level	92.1 dB
LCpeak	119.3 dB
TWA	41.2 dB
Dose	0.0 %
Projected dose	0.1 %

Notes

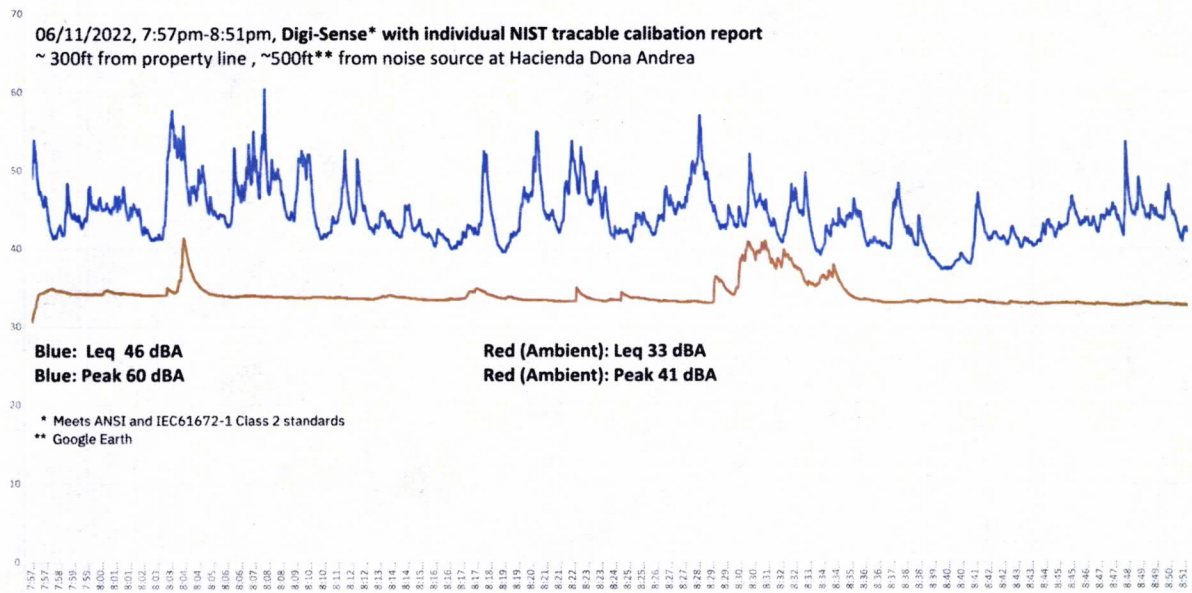
125 yards

SFC CLERK RECORDED 07/22/2022

6.11.22 WEDDING – READINGS FROM GAIN EXPRESS, SOUNDMETER X, DIGI-SENSE



SFC CLERK RECORDED 07/22/2022



CALCULATIONS USED – SEE NEXT PAGE FOR DETAILS

SFC CLERK RECORDED 07/22/2022

DEFINITIONS AND HOW SOUND PRESSURE IS CALCULATED INCLUDING MATHEMATICAL EQUATION

Definition:

Equivalent Continuous Sound Level (Leq) is the average sound level, which over a given period of time has the same total energy as the fluctuating noise and is also known as the time-average sound level

- LAeq is the A-weighted Leq sound level.

A-weighting is the 'common' name for frequency-weighted sound levels, measured over the 'A' frequency range, shown in the above graph and compatible with the loudness rating of low and medium sound levels. The graphs are based on the 'pure tone' equal loudness contours.

<https://acoustic-glossary.co.uk/leq.htm#equivalent-continuous-sound-level>

From CDC.gov

Time weighting: Allows the user to select the time constant, SLOW (1 second average) or FAST (1/8th of a second average). Most occupational guidelines specify SLOW time-weighting for measurements.

$$L_{eq} = 10 \log_{10} \left[\frac{1}{T} \int_0^T 10^{\frac{L_p(t)}{10}} dt \right] \text{ dBA}$$

This is the mathematical formula used to calculate the LAeq from the raw data gathered from the Digi-Sense Professional Sound Meter and from the GainExpress Professional Meter

$Leq = 10 \log [(1/T) \int (pA / pref)^2 dt]$
Where Leq = equivalent sound level (dB)

- T = time period (s)
- pA = sound pressure (Pa, N/m²)
- pref = reference sound pressure (2 10⁻⁵ Pa, N/m²)

*****For readings gathered from June 6 to June 11 all microphones and devices were calibrated to ensure A frequency and SLOW time-weighting*****

SFC CLERK RECORDED 07/22/2022



Measurement Report

Name: wedding 6.11.22

Duration: 21m:1s with full calibration of equipment including external mic

Time: Jun 11, 2022 At 8:19 Pm

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

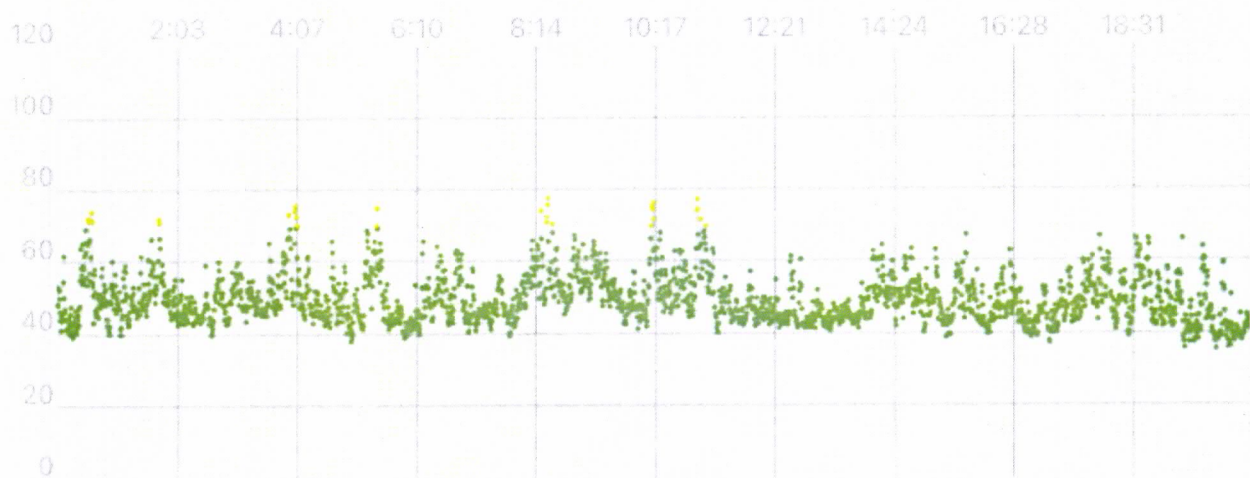
Frequency weighting	A
Response time	Slow (0.5s)
Calibration	--6.0 dB
Avg/Leq	58.0 dB
Min	35.8 dB
Max	78.0 dB
Peak	84.7 dB

Measurement results

Standard	NIOSH
Threshold	85 dB
Exchange rate	3 dB
TWA	0.0 dB
Dose	0.0 %
Projected dose	0.0 %

Graph

SFC CLERK RECORDED 07/22/2022



SFC CLERK RECORDED 07/22/2022



Measurement Report

Name: wedding 6.11.22

Duration: 13m:49s with full calibration of equipment

Time: Jun 11, 2022 At 8:40 Pm

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

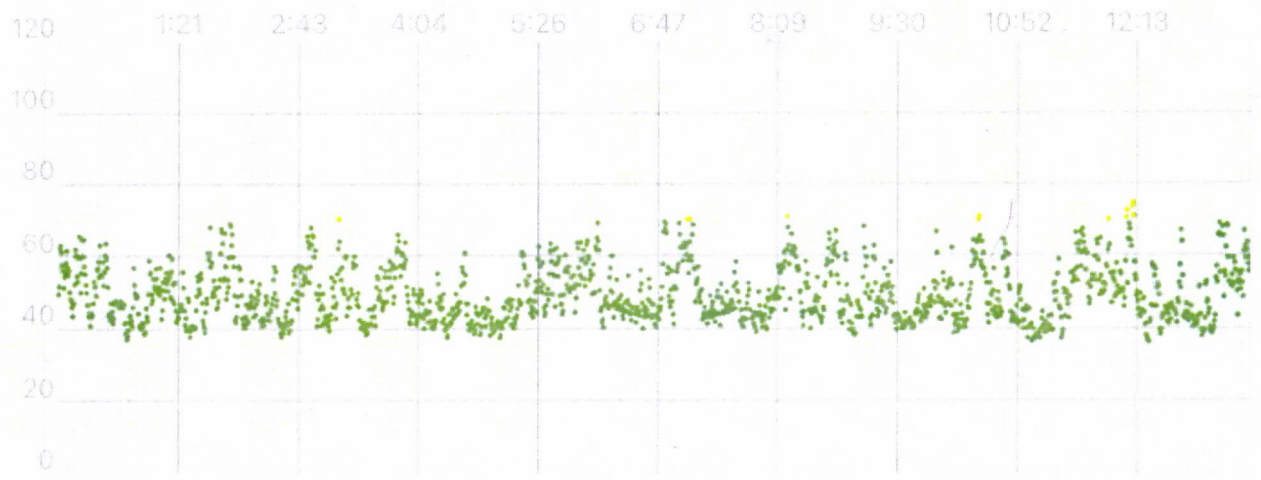
Frequency weighting	A
Response time	Slow (0.5s)
Calibration	--6.0 dB
Avg/Leq	57.4 dB
Min	36.5 dB
Max	75.0 dB
Peak	82.0 dB

Measurement results

Standard	NIOSH
Threshold	85 dB
Exchange rate	3 dB
TWA	0.0 dB
Dose	0.0 %
Projected dose	0.0 %

Graph

SFC CLERK RECORDED 07/22/2022



SFC CLERK RECORDED 07/22/2022



Noise measurement report

Date: 6/4/22, 20:10 8.10pm Wedding underway

Operator: A

Place: 88 Vista del Oro

Measurement results

Measurement time (hh:mm:ss)	00:20:32
LAeq	57.4 dB
Max. level	88.2 dB
LCpeak	110.3 dB
TWA	33.6 dB
Dose	0.0 %
Projected dose	0.0 %

Notes

120 yards from property line Wedding in full swing Dancing in progress 20 mins recorded

SFC CLERK RECORDED 07/22/2022



Measurement Report

Name: wedding 6.4.22 wedding party

Duration: 5m:28s

Time: Jun 4, 2022 At 2:25 Pm

Guests and wedding party outside - just conversation - to illustrate how loud this can be

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

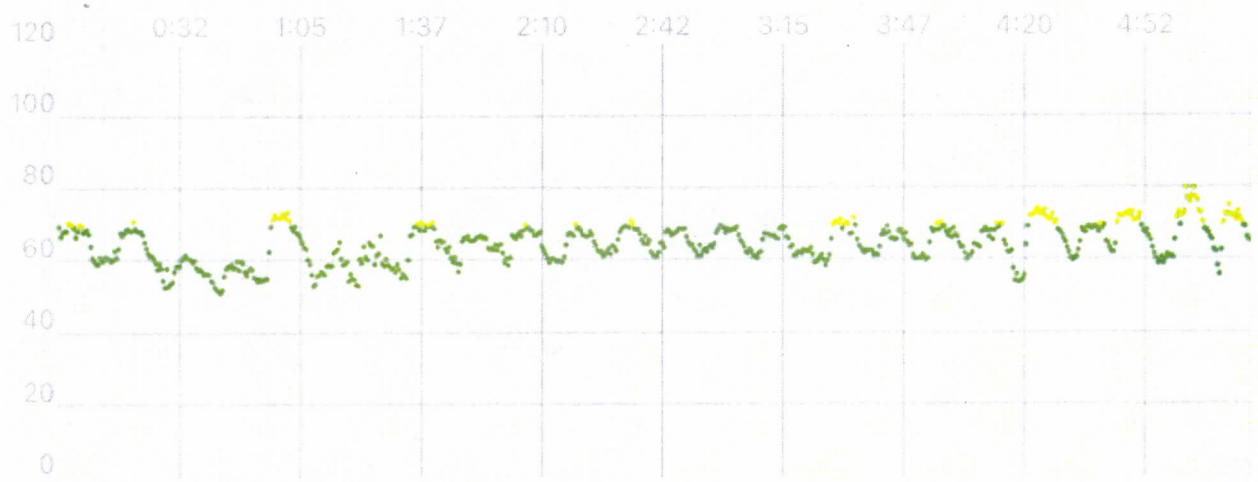
Frequency weighting	A
Response time	Slow (0.5s)
Calibration	+0.0 dB
Avg/Leq	67.6 dB
Min	51.2 dB
Max	80.2 dB
Peak	88.0 dB

Measurement results

Standard	Custom
Threshold	80 dB
Exchange rate	3 dB
TWA	32.6 dB
Dose	0.0 %
Projected dose	0.2 %

Graph

SFC CLERK RECORDED 07/22/2022



SFC CLERK RECORDED 07/22/2022



Noise measurement report

Date: 6/4/22, 14:44

2.44pm CAPTURES CONVERSATION AT HDA - NO MUSIC, JUST
PEOPLE TALKING - TO SHOW HOW LOUD ANY NOISE CAN BE

Operator: A

Place:

Measurement results

Measurement time (hh:mm:ss)

00:10:35

LAeq

54.1 dB

Max. level

69.1 dB

LCpeak

95.0 dB

TWA

dB

Dose

%

Projected dose

%

Notes

SFC CLERK RECORDED 07/22/2022



Noise measurement report

Date: 6/4/22, 13:32

1.32 pm CAPTURES CONVERSATION AT HDA - NO MUSIC, JUST
PEOPLE TALKING

Operator: A

Place: 8& vista del oro

Measurement results

Measurement time (hh:mm:ss)	00:06:29
LAeq	60.8 dB
Max. level	82.3 dB
LCpeak	100.6 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Guests or wedding party gathering at HDA. Reading taken at 125 yards from property line
General conversation and laughter audible.

SFC CLERK RECORDED 07/22/2022



Measurement Report

Name: conversation clearly audible 11.39 pm 6.3.22. from patio 88

Duration: 4m:9s

LATE AT NIGHT - CONVERSATION CLEARLY AUDIBLE FROM HDA
ROOFTOP TERRACE

Time: Jun 3, 2022 At 23:35

Location: Cerrillos

Device: iPhone 11, iOS 15.5

Notes:

Measurement configurations

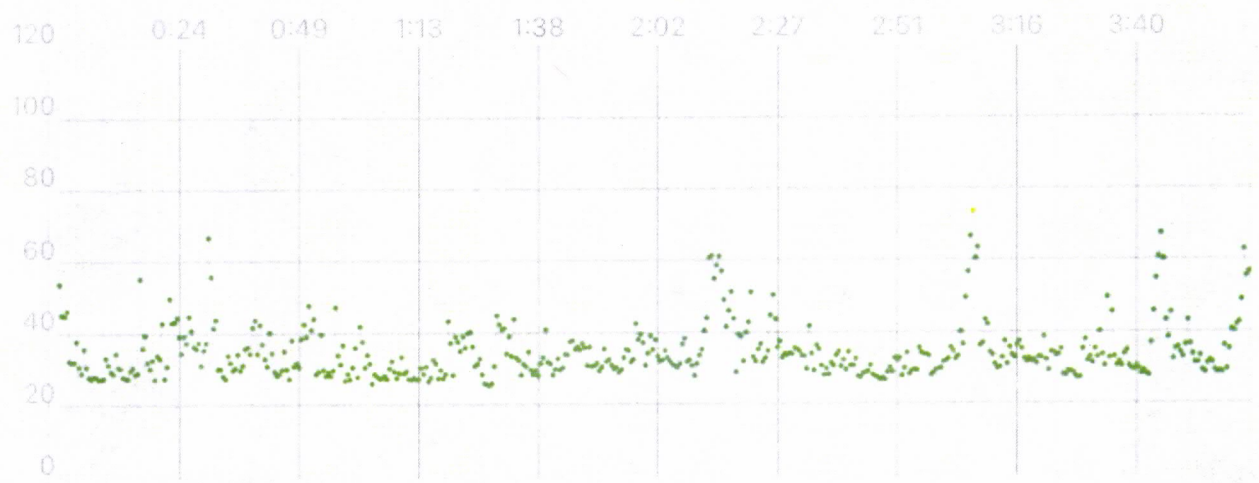
Frequency weighting	A
Response time	Slow (0.5s)
Calibration	+0.0 dB
<input checked="" type="checkbox"/> Avg/Leq	51.1 dB
Min	25.5 dB
Max	74.1 dB
Peak	82.1 dB

Measurement results

Standard	Custom
Threshold	80 dB
Exchange rate	3 dB
TWA	0.0 dB
Dose	0.0 %
Projected dose	0.0 %

Graph

SFC CLERK RECORDED 07/22/2022



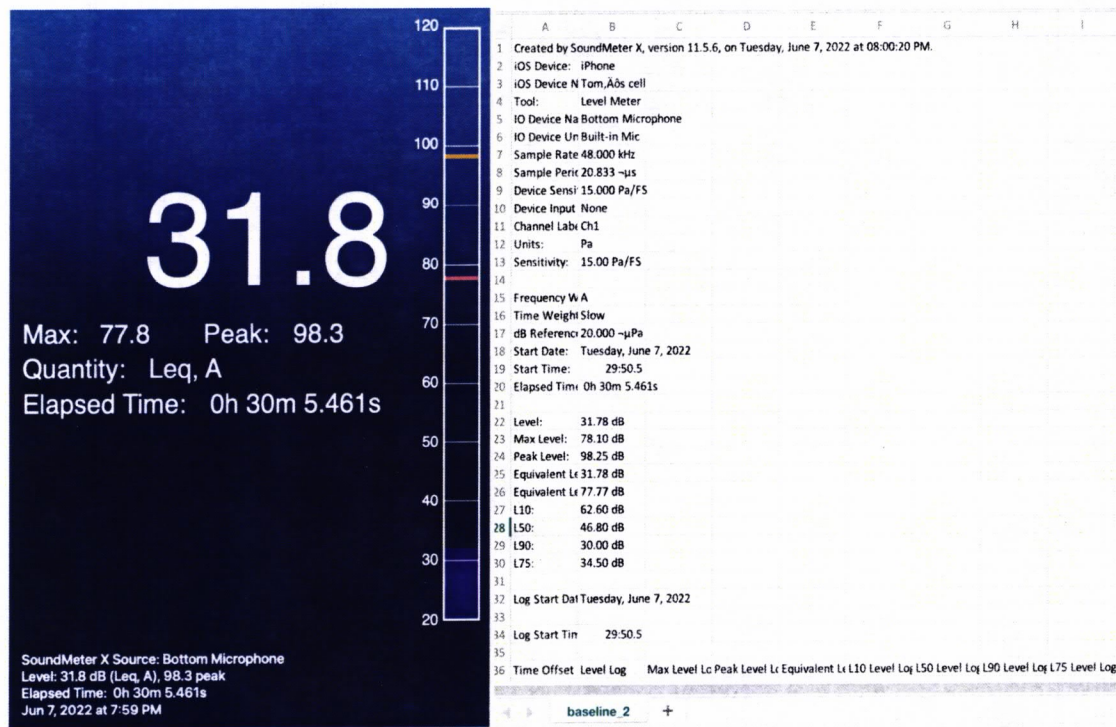
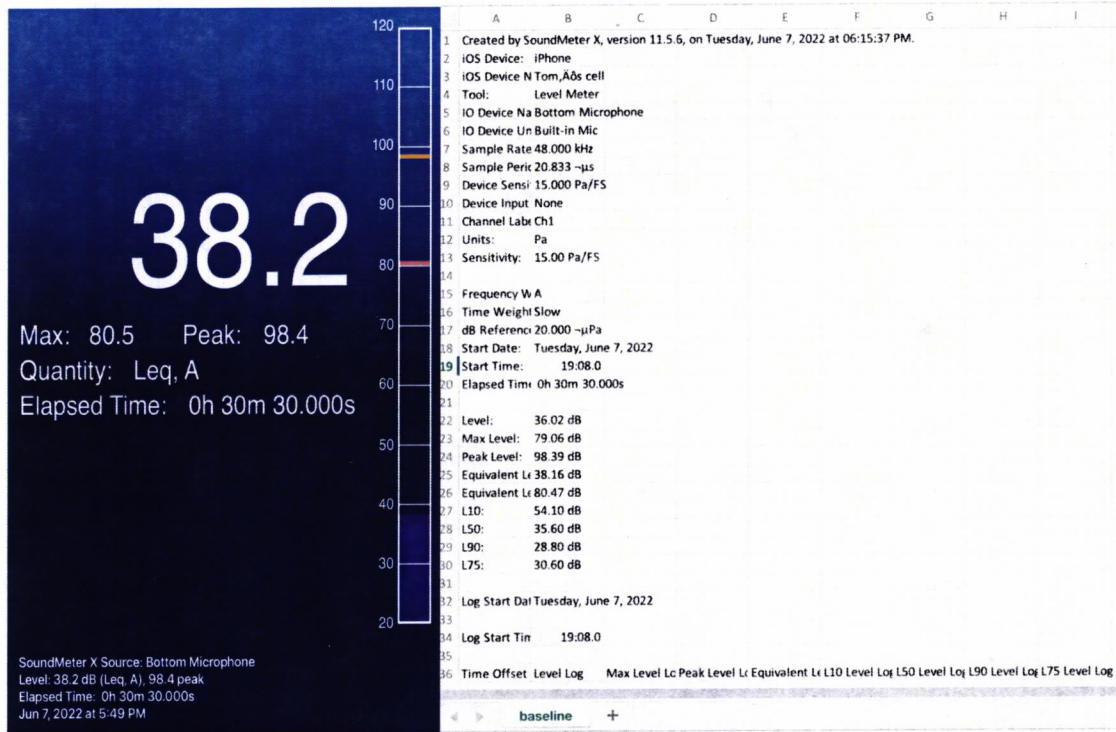
SFC CLERK RECORDED 07/22/2022

SECTION 4

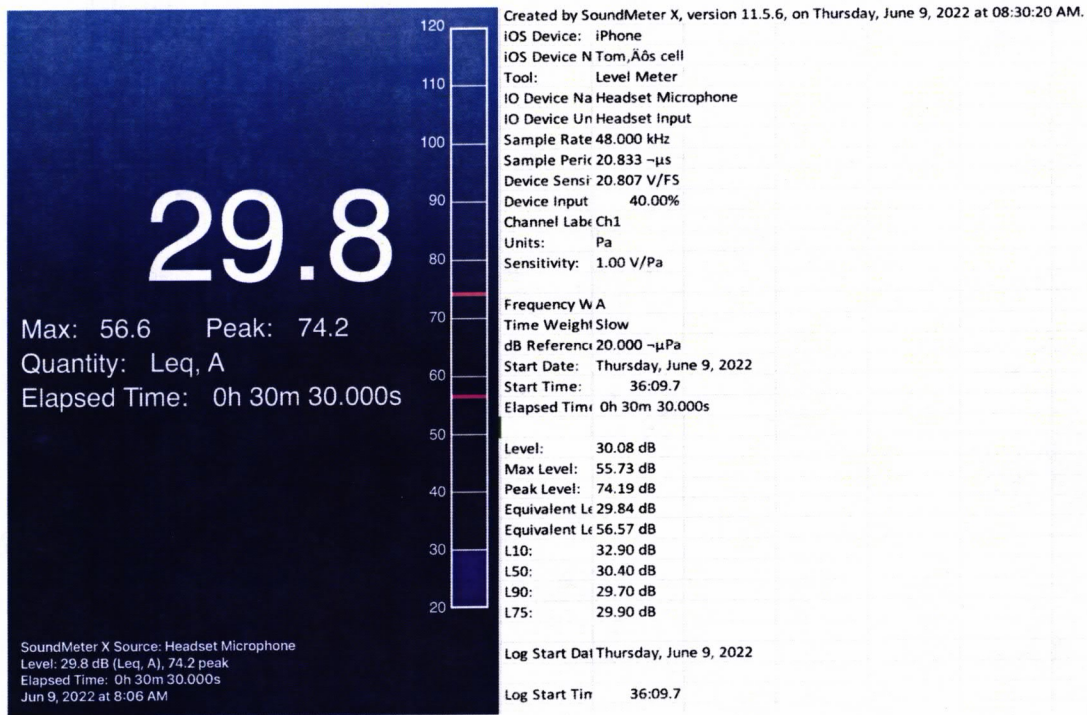
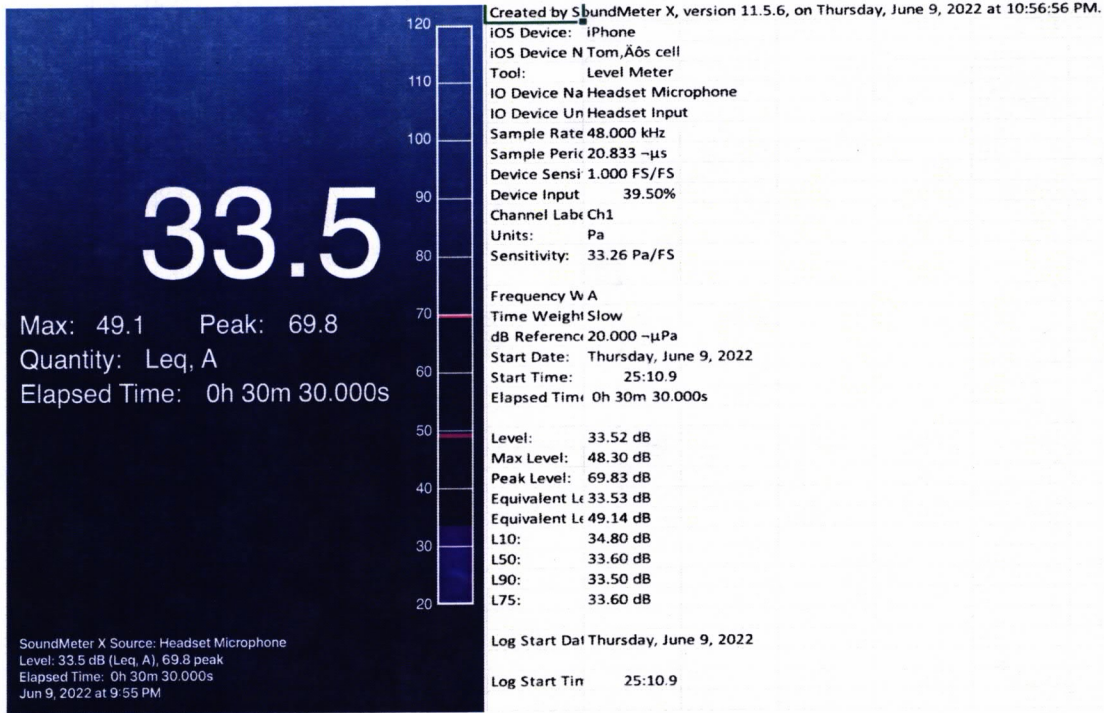
**AMBIENT NOISE
READINGS**

SFC CLERK RECORDED 07/22/2022

Ambient Noise Readings - Pictures and corresponding data - SoundMeter X – taken at 88 Vista del Oro – various times and dates – summarized in Summary sheet



SFC CLERK RECORDED 07/22/2022





Noise measurement report

NIOSH APP

Date: 6/6/22, 18:35 6.35pm Ambient reading 31 mins

Operator: A

Place: 88 vista del oro

Measurement results

Measurement time (hh:mm:ss)	00:31:08
LAeq APP AVERAGES LAeq over time of reading	35.7 dB
Max. level	67.9 dB
LCpeak	101.5 dB
TWA	dB
Dose	%
Projected dose	%

Notes

Exact spot of readings taken on 6.4.22 30 mins of ambient noise in the evening. Standard weather. Light breeze and insects

SFC CLERK RECORDED 07/22/2022



Noise measurement report

Date: 6/9/22, 22:55

Operator: A

Place: 88 vista del oro. East patio facing HDA

Measurement results

Measurement time (hh:mm:ss)

00:30:05

LAeq APP AVERAGES LAeq over time of reading

33.1 dB

Max. level

47.3 dB

LCpeak

67.5 dB

TWA

dB

Dose

%

Projected dose

%

Notes

Measured on patio at 88 vista del oro pointing toward HDA. 30 mins ambient reading
Calibrated app and professional mic.

SFC CLERK RECORDED 07/22/2022



Noise measurement report

Date: 6/10/22, 18:15 6.15pm early evening ambient

Operator: A

Place: 88 vista del oro

Measurement results

Measurement time (hh:mm:ss)

00:32:15

LAeq

34.3 dB

Max. level

51.3 dB

LCpeak

84.8 dB

TWA

dB

Dose

%

Projected dose

%

Notes

Evening ambient

SFC CLERK RECORDED 07/22/2022

**EVENT READINGS INCLUDING
AMBIENT MEASUREMENTS
FROM:**

64 VISTA DEL ORO

95 VISTA DEL ORO

SFC CLERK RECORDED 07/22/2022

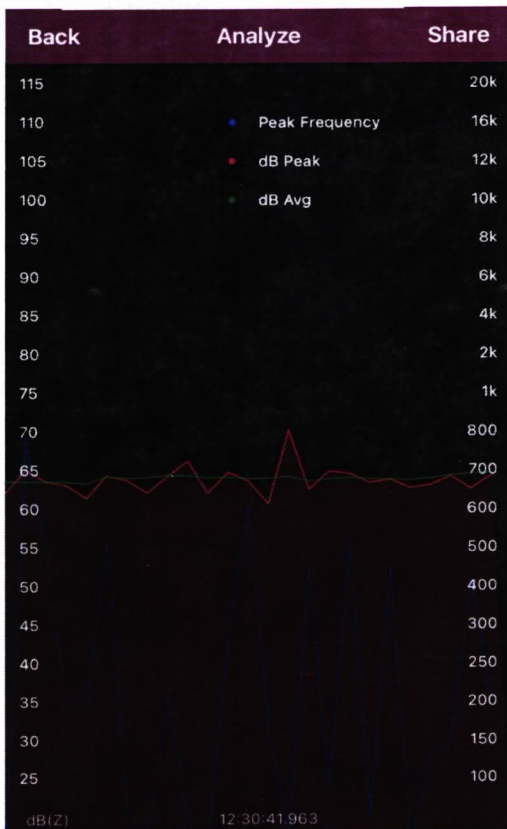
NOISE READINGS AT 64 VISTA DEL ORO

- Location: standing at back door of house – approx. 800 feet from property line
- Taken 4.1.22 from 5pm – 8.30pm
- Equipment used: iPhone 7 and Decibel Meter Sound Detector app
- Information on equipment can be found here:
- <https://www.dropbox.com/sh/v02w23uif3ohog7/AAAYAsbBT25Vsu3ujKn25Jwxa?dl=0>

Location: studio back door 800 feet from property line

Date: 4.1.22

5pm – DJ warm up

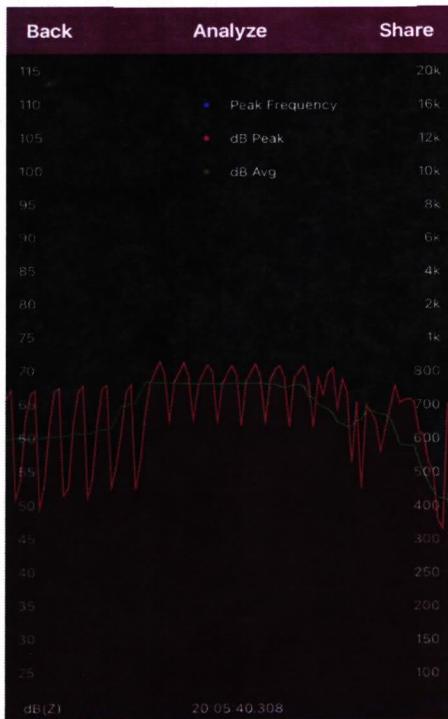


6pm

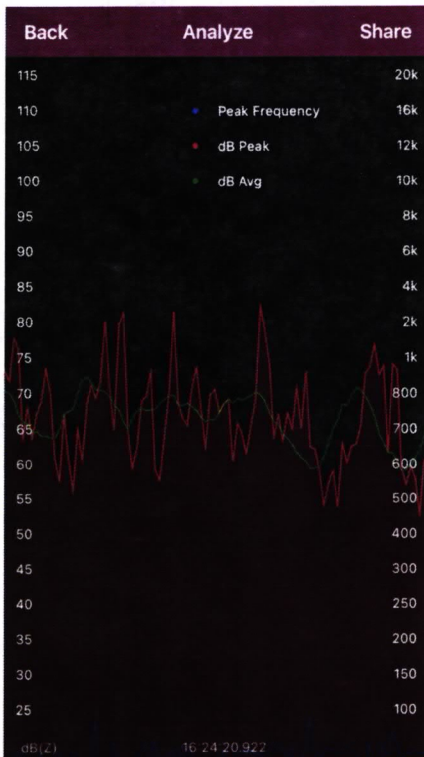
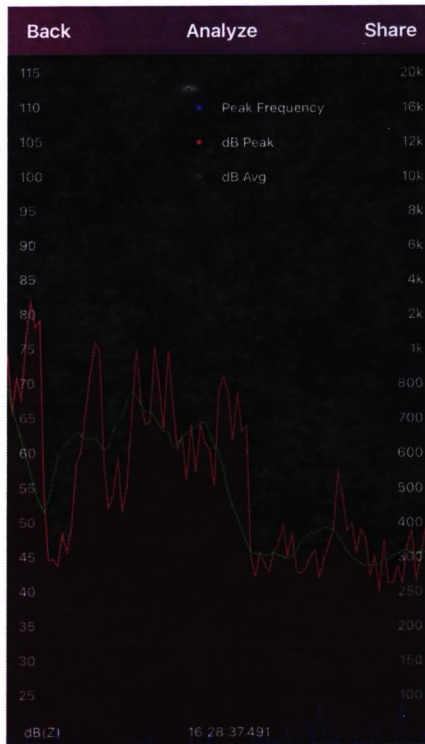


SFC CLERK RECORDED 07/22/2022

8- 8.30pm



8- 8.30pm



8- 8.30pm

Back	dB Examples
dB	Example
10	Breathing, barely audible
20	Whisper, rustling leaves
30	Quiet rural area
40	Library, bird calls (44 dB)
50	Quiet suburb, conversation at ho...
60	Conversation in restaurant, office
70	Vacuum cleaner (70 dB)
80	Food blender (88 dB)
90	Motorcycle at 25 ft (90 dB)
100	Motorcycle, farm tractor
110	Live rock music (108 - 114 dB)
120	Thunderclap, chain saw

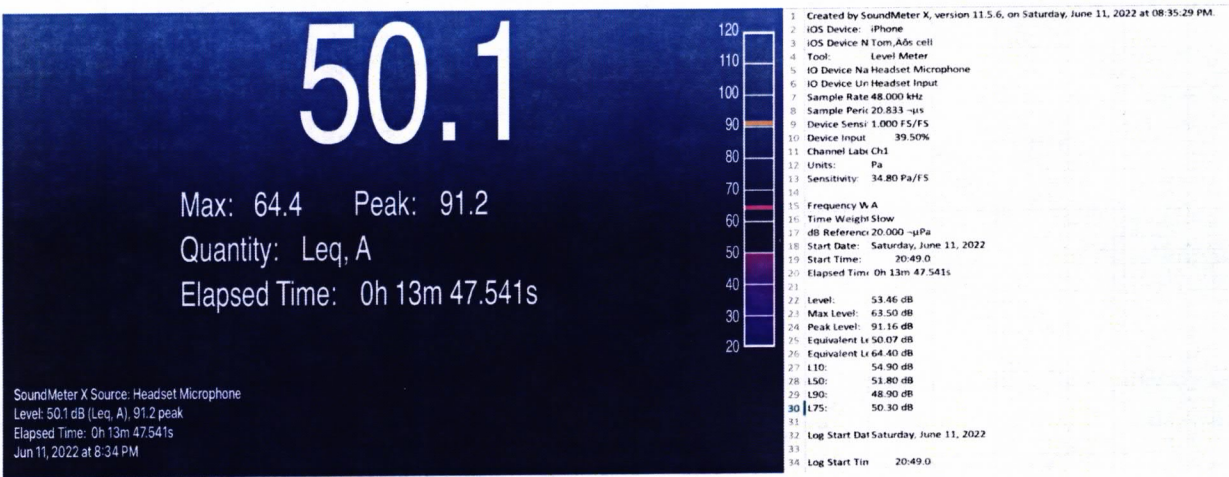
Decibel
examples
from app

SFC CLERK RECORDED 07/22/2022

6.11.22 Taken using iPhone 13 and SoundMeter X

Equipment information:

<https://www.dropbox.com/sh/v02w23uif3ohog7/AAAYAsbBT25Vsu3ujKn25Jwxa?dl=0>



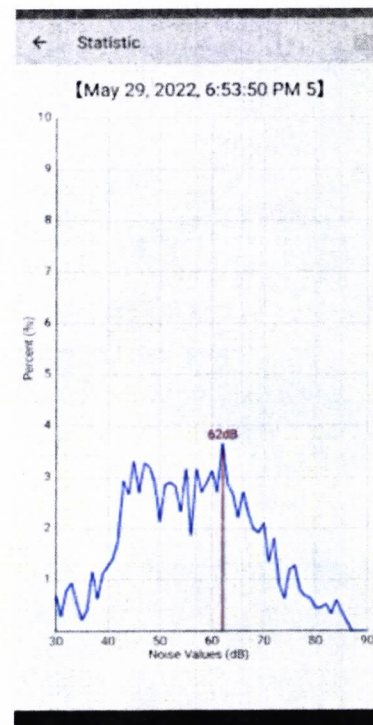
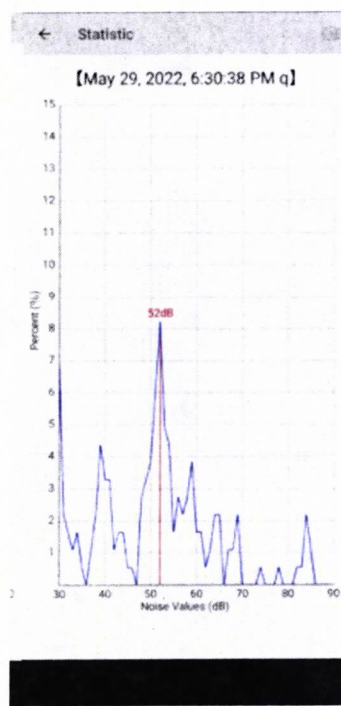
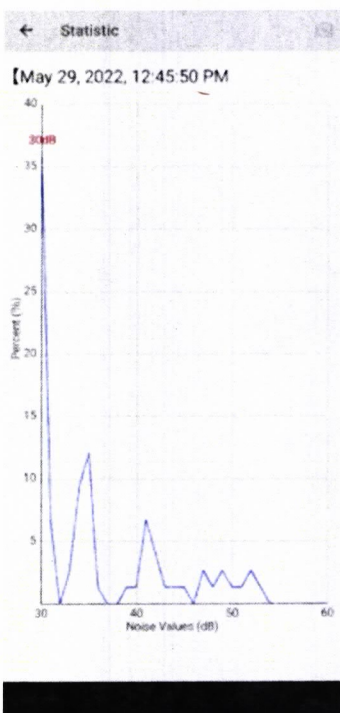
SFC CLERK RECORDED 07/22/2022

NOISE READINGS BY 95 VISTA DEL ORO

- Location: various points close to or at the property line and property gate, over 150 yards from HDA
- Equipment used: Android phone and Sound Meter Pro for Android app
- Readings taken 6.11.22 using GainExpress Professional Sound Level Meter – calibrated by manufacturer
- <https://www.dropbox.com/sh/v02w23uif3ohog7/AAAYAsbBT25Vsu3ujKn25Jwxa?dl=0>

May 29 wedding

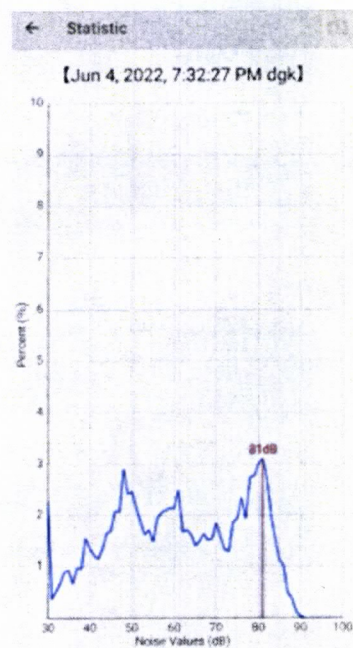
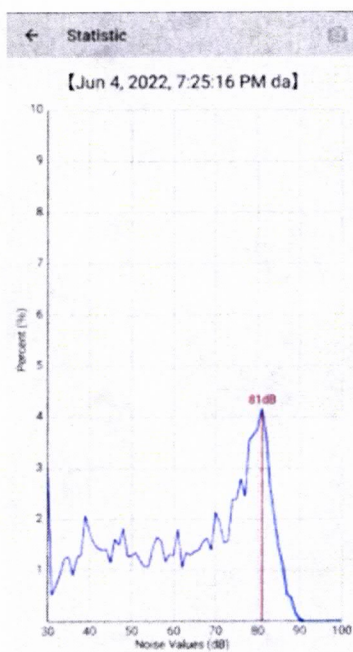
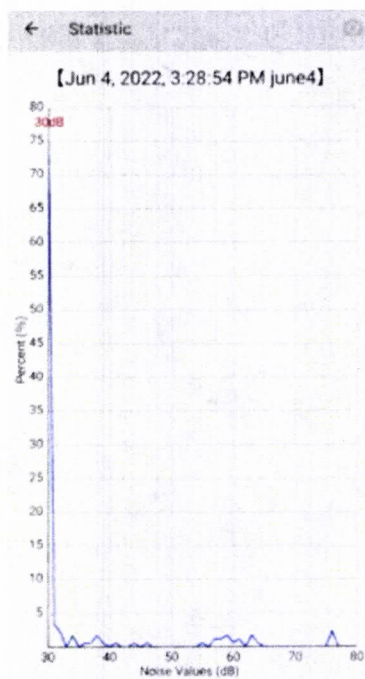
Ambient reading



SFC CLERK RECORDED 07/22/2022

June 4 wedding

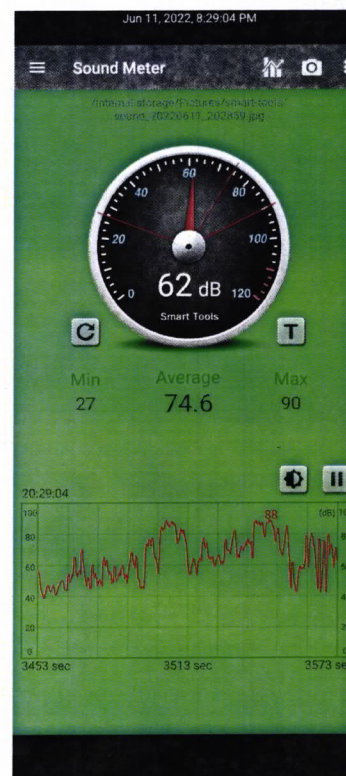
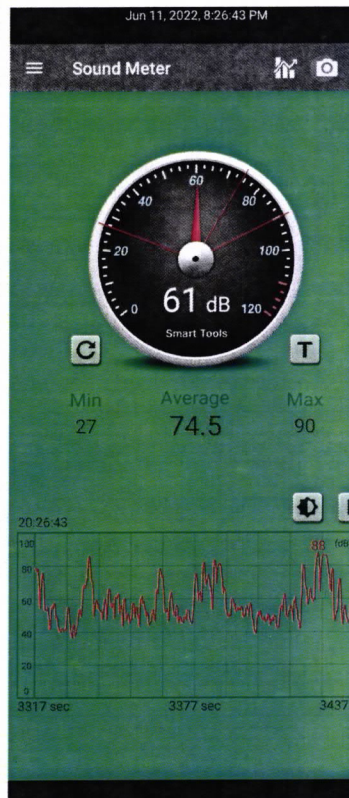
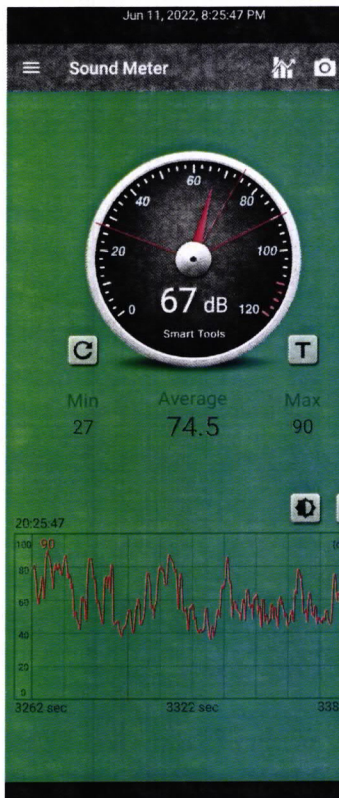
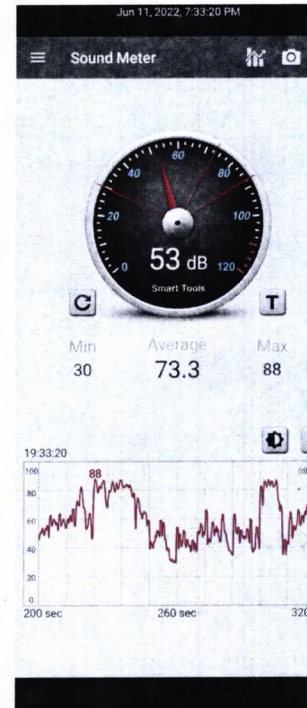
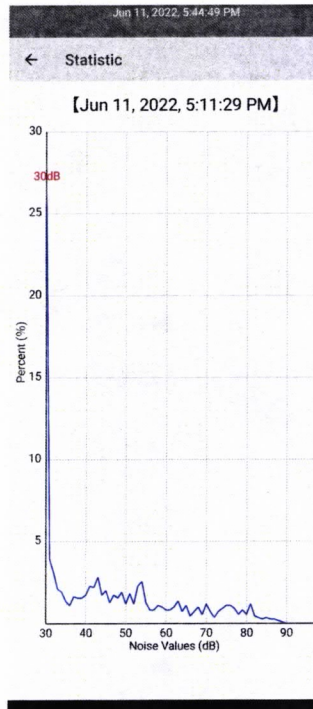
Ambient reading here



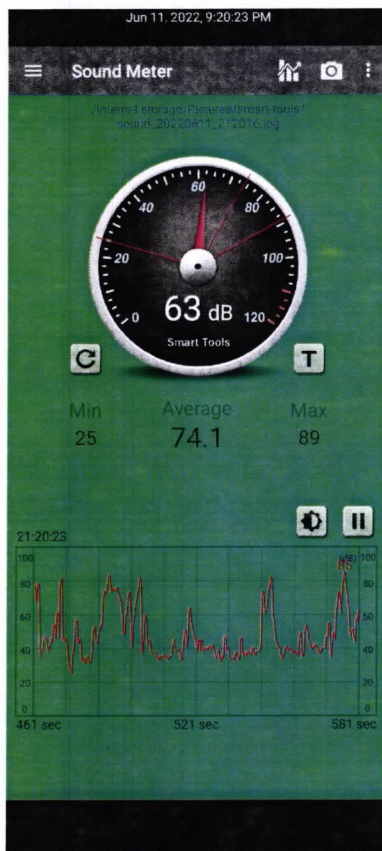
SFC CLERK RECORDED 07/22/2022

JUNE 11 WEDDING

Ambient reading here



SFC CLERK RECORDED 07/22/2022



Noise measured after 9pm – music still playing and people still outside

SFC CLERK RECORDED 07/22/2022

SECTION 5

**HDA self - measured
readings 4.9.22 TO
5.29.22**

SFC CLERK RECORDED 07/22/2022

HDA self-measurements - no information on Equipment used, calibration equipment levels, Leq, time duration of measurement, weighting (A, C, Z), max/min

Summary of Noise Readings Taken at Hacienda Dona Andrea

Date of Reading	Time of Reading	Db Level Measured
April 9, 2022	6:15 pm	43
April 9, 2022	7:00 pm	40
April 9, 2022	8:35 pm	39
April 16, 2022	7:15 pm	45
April 16, 2022	8:25 pm	42
April 23, 2022	5:30 pm	38
April 23, 2022	8:00 pm	46
April 30, 2022	7:00 pm	45
April 30, 2022	7:45 pm	41
April 30, 2022	8:30 pm	49
May 14, 2022	5:45 pm	45
May 14, 2022	8:15 pm	40
May 21, 2022	6:15 pm	44
May 21, 2022	7:30 pm	42
May 21, 2022	8:25 pm	39
May 26, 2022	6:30 pm	46
May 26, 2022	8:15 pm	40
May 29, 2022	5:45 pm	38
May 29, 2022	6:30 pm	46
May 29, 2022	7: 25 pm	40
May 29, 2022	8:15 pm	42

DecibelX at 5.18pm registered 42.4 at 125 yards from property line
DecibelX at 6.53 pm registered 54.1 average at 125 yards from property line
DecibelX at 6.58 pm registered 59.7 at 7.07 registered 56.2 average
DecibelX at 7.31 pm registered 56 average at 175 yards from property line

*The Noise Readings Referenced Above Were Done on a Voluntary Basis and Taken by Staff of Hacienda Dona Andrea to Ensure Noise Volumes for Weddings Held at Hacienda Dona Andrea Were Courteous to Surrounding Neighbors and in Compliance with the Decibel (dB) Levels Allowed Under the Santa Fe County Sustainable Land Development Code (SLDC). ****Special Permits require HDA to employ an official sound engineer at all events****

Hacienda Staff need to show recording length, location, and evidence of equipment and applications used

SFC CLERK RECORDED 07/22/2022

Can you please clarify the comment about requiring State approvals in advance of development approval? Maybe I missed something.

from Ken Perlow to everyone: 5:27 PM

Mike is not on

from JGundrey (privately): 5:28 PM

The speaker's mic is off.

from Ken Perlow to everyone: 5:36 PM

What category?

from Ken Perlow to everyone: 5:39 PM

And how do we know--months down the road--that they won't book more weddings?

from Mira Burack to everyone: 5:43 PM

There is a very strong echo and we can't hear the speaker.

from Marianna Hatten to everyone: 5:43 PM

terrible audio FIX it!

from Heike Strobel to everyone: 5:44 PM

I can't hear anything

from Heike Strobel to everyone: 5:44 PM

could you please un-mute us

from Tom Tammann to everyone: 5:49 PM

echo button please :-)

from Tom Tammann to everyone: 5:49 PM

thank you!

from Chase Morrison to everyone: 5:50 PM

Too much echo!

from Heike Strobel to everyone: 6:05 PM

thanks

from Mary Springfels to everyone: 6:07 PM

this man is stalling for time, and much of what he says is misleading. He isn't answering the question

from Ken Perlow to everyone: 6:08 PM

SFC CLERK RECORDED 07/22/2022

Interesting to hear Britt Contreras admit to trespass

from betsy to everyone: 6:42 PM

Heike be sure your audio in on

from betsy to everyone: 6:43 PM

can someone help Heike get audio?

from Tom Tammann to everyone: 7:08 PM

We have a sound file proving that the Hacienda had music playing last Saturday until 10pm and party only stopped at 10pm, not at 9pm

from betsy to everyone: 7:09 PM

Gary can' hear you

from betsy to everyone: 7:09 PM

Gary we lost you

from Tom Tammann to everyone: 7:11 PM

Yes they are

from betsy to everyone: 7:11 PM

not true!

from Tom Tammann to everyone: 7:12 PM

THEY ARE CALIBRATED and fullfil IEC 61672 Class 2

from Tom Tammann to everyone: 7:13 PM

Haciendas Equipement DOES NOT fullfil standards required BY code. The neighborhood's study does

from Tom Tammann to everyone: 7:14 PM

And the iphone app is written and paid by CDC

from Tom Tammann to everyone: 7:14 PM

cant be more official. Haciendas equipemnt comes from Amazon..

from Tom Tammann to everyone: 7:15 PM

Our 14 page report details the state of our equipment

from cass thompson to everyone: 8:03 PM

there is an ecco

from patty to everyone: 8:10 PM

SFC CLERK RECORDED 07/22/2022

really bad echo

to Garret Price (privately): 8:28 PM

Mr. Price you can't hear us

from Judy P to everyone: 8:55 PM

Please give the prior speakers another 2 minutes. This is a very important topic and limiting them to so little time isn't fair or consistent with the other hearings tonight.

from Judy P to everyone: 8:57 PM

You are not being fair. Please give the speakers more time.

from patty to everyone: 9:08 PM

I'd like to see APFRS assessment

from Judy P to everyone: 9:09 PM

Please make sure you answer Marcia Kaplan's question. It is very important.

from patty to everyone: 9:10 PM

NM DOT impacts to HWY 14 need to be done.

from patty to everyone: 9:11 PM

Early Neighborhood Notifications postings are not adequate and mailings should occur regarding next meetings.

from patty to everyone: 9:12 PM

Esencia--Must have Less densities to allow for the effects of current building impacts on water.

from patty to everyone: 9:14 PM

2 new intersections haven't been studied on further demand on all infrastructure

from Warren Thompson to everyone: 9:15 PM

Please look at the Conditional Road Dedication Plat recorded Book 415 Page 026 There are conditions that Esencia should live up to. Warren Thompson, Rancho Viejo

from patty to everyone: 9:16 PM

RV boulevard and vista del monte as exists cannot support the extra demands

from patty to everyone: 9:19 PM

Must table to redesign

SFC CLERK RECORDED 07/22/2022