

MINUTES OF THE
SANTA FE COUNTY
PLANNING COMMISSION

Santa Fe, New Mexico

July 15, 2021

1. 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. in the Commission Chambers of the historic John Gaw Meem Building, 102 Grant Street, Santa Fe, New Mexico.

The meeting was conducted in a hybrid format incorporating both in person and online participation.

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
Susan Martin
Rhea Serna

Member(s) Excused:

None

PLANNING COMMISSION MI
PAGES: 43

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I Hereby Certify That This Instrument Was Filed for
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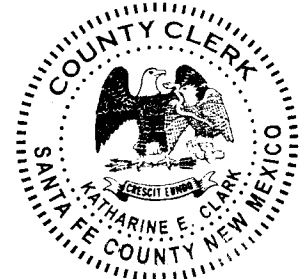
Witness My Hand And Seal Of Office

Katharine E. Clark

Staff Present:

Deputy *D. J. Prucino* County Clerk, Santa Fe, NM

Penny Ellis-Green, Growth Management Director
Vicki Lucero, Building & Development Services Manager
Paul Kavanaugh, Building & Development Services Supervisor
Jose Larrañaga, Development Review Specialist
Robert Griego, Planning Manager
Roger Prucino, Assistant County Attorney
Daniel Fresquez, Media Manager



2. **Approval of Agenda**

Vicki Lucero noted that there were no changes to the agenda which was accepted by consensus.

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3. **Approval of Minutes: June 17, 2021**

Upon motion by Member Krenz and second by Member Martin and unanimous voice vote the minutes were approved as submitted.

4. **Consent Agenda: Final Orders**

There were no issues on the Consent Agenda.

5. **NEW BUSINESS**

- A. **Case # 21-5020 Manuel Roybal Rural Commercial Overlay.** Manuel Roybal, Applicant, Siebert and Associates, Inc., Agent, request approval to create a Rural Commercial Overlay District (O-RC) on three contiguous parcels of land (SLDC, Section 8.11.2). The current zoning on the parcels is Residential Community (RES-C). The parcels are located at 17723 B US Hwy 84/285 (2.624 acres), 17725 US Hwy 84/285 (6.254 acres), and 17747 US Hwy 84/285 (3.543 acres) within T19N, R9E, Section 28, SDA-2 (Commission District 1 [Exhibit 1: Applicant's map of the project])

CHAIRMAN GONZALES: Jose, please proceed.

[Mr. Larrañaga read the case caption and gave the following report:]

JOSE LARRAÑAGA (Case Manager): The Applicant is requesting approval to create a Rural Commercial Overlay District on three parcels of land in conformance with SLDC Section 8.11.2. The current zoning on the three parcels is a combination of Residential Community and Rural Fringe. There are adjacent tracts of land that are currently zoned as Commercial General. The creation of a O-RC will not alter the existing zoning of RES-C and Rural Fringe on the three lots.

The proposed Rural Commercial Overlay District would allow the non-residential uses identified in SLDC Section 8.11.2.3 as Permitted Uses and Section 8.11.2.4 as Conditional Uses. The uses permitted within the underlying zoning would also be allowed. SLDC Section 8.11.2.2 identifies RES-C and Rural Fringe as appropriate zoning to create a Rural Commercial Overlay District.

This application was reviewed for the following design standards as per Chapter 7, Sustainable Design Standards of the SLDC: access, fire protection, road design standards, water supply, wastewater and water conservation, protection of historic and archaeological resources, terrain management and flood prevention and flood control.

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 to create a Rural Commercial Overlay District: the three parcels are either contiguous or in close proximity; the current zoning on the three parcels is Residential Community and Rural Fringe; there are adjacent tracts of land that are currently zoned as

Commercial General; the creation of a Rural Commercial Overlay District will not alter the existing zoning of RES-C and/or Rural Fringe on the three lots.

If the overlay zone is approved by the Board of County Commissioners, it will be included on the Zoning Map when that is next updated. These adjustments to the existing zoning map will reflect the three lots as a Rural Commercial Overlay zone with the underlying zoning as RES-C and Rural Fringe.

Staff has established findings that this Application to create a Rural Commercial Overlay District within a Residential Community zoning is in compliance with criteria set forth in the SLDC.

On May 13, 2021, 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 for the creation of a Rural Commercial Overlay District on three parcels of land with the underlying zoning designated as Residential Community or Rural-Fringe with the conditions recommended by staff.

The recommendation of the Hearing Officer and staff's recommendation is for approval of the request for the creation of a Rural Commercial Overlay District on the three parcels of land with the underlying zoning designated as Residential Community or Rural-Fringe with the following conditions. Mr. Chair, may I enter these conditions into the record?

CHAIRMAN GONZALES: Yes, you may.

[The conditions are as follows:]

1. A Mylar illustrating the three lots within the Rural Commercial Overlay District shall be recorded at the expense of the Applicant in the office of the County Clerk. The limits of the floodplain shall be identified on the Mylar.
2. The uses within the approved Rural Commercial Overlay District shall comply with SLDC Section 8.11.2. (Rural Commercial Overlay (O-RC)).
3. Submittal of a Site Development Plan/Conditional Use Permit and/or residential permits for any of the three (3) parcels within the approved Rural Commercial Overlay District shall comply with all pertinent SLDC requirements.
4. The three lots within the Rural Commercial Overlay District shall be required to connect to the Regional Water System when it becomes available, in accordance with Section 3.1.4.1 of the Aamodt Settlement Agreement.
5. At such time when a Site Development Plan/Conditional Use Permit is submitted for any of the three (3) parcels, a commercial driveway permit shall be secured from NMDOT. Lots may be required to share access.
6. A Traffic Impact Assessment (TIA) may be required when a Site Development Plan/Conditional Use Permit is submitted for any of the three (3) parcels.
7. A 75' setback shall be maintained from the FEMA designated floodplain. The setback can be reduced to 25' provided that engineered bank stabilization is provided. Other studies may be required per SLDC Section 7.18 (Flood Prevention and Flood Control).

MR. LARRAÑAGA: Thank you, Mr. Chair. This report and the exhibits listed below are hereby submitted as part of the hearing record. The Board of County

Commissioners may hold a public hearing on this matter on September 14, 2021. And Mr. Chair, I stand for any questions.

CHAIRMAN GONZALES: Thank you, Jose. Does the Commission have any questions of staff? Frank.

MEMBER KATZ: Thank you, Mr. Chair. I have a quick question perhaps for the lawyer. I just want to confirm that there's no problem that the properties aren't contiguous. I understand there's an easement. Does that solve the problem?

ROGER PRUCINO (Assistant County Attorney): Your understanding is correct, Mr. Commissioner, and I don't think there should be any problem simply because the parcels aren't directly contiguous because of the existence of that easement. I'm certainly not aware of any legal issues that raises so we are comfortable with that.

MEMBER KATZ: Thank you very much.

CHAIRMAN GONZALES: Thank you, Commissioner Katz. Any other questions from the Commission to staff? Okay. Is the applicant here? Jim, is that going to be you?

[Duly sworn, Jim Siebert testified as follows:]

JIM SIEBERT: Hello, my name's Jim Siebert. My business address is 915 Mercer. I'm representing Manuel Roybal who is here virtually tonight as well. What I'm going to do, I noticed in the packet there wasn't a really clear description of where we're requesting the commercial overlay zone so what I'm going to do is hand out these to the recorder and the Commission. *[Exhibit 1]* It provides a real clear description of where exactly this overlay is taking place. The one thing I'd like to point out is on the very bottom of what you'll be looking at is where Manuel Roybal and Roybal Enterprises has their current office and yard it is zoned commercial, and at the far north end, at the top of the paper, is where the Pojoaque Pueblo used to have their flea market and they've cleared it out but it appears that there's going to be some future use there in the near future which we assume to be commercial. But this land is really kind of sandwiched between the commercial to the south, which is all commercial for a considerable distance. And to the north really is what we anticipate with the Pojoaque Pueblo. So it seemed illogical to zone this residential, one unit per acre, when it really is more commercial in nature.

We agree to the conditions as stated and I'm available to answer any questions and Mr. Roybal who's on the meeting is available as well.

CHAIRMAN GONZALES: Thank you, Jim. Do any of the Commissioners have any questions of the applicant? J.J.

MEMBER J.J. GONZALES: Thank you, Mr. Chair. Mr. Siebert, I read in the packet that there is a well on the property, three acre-feet of well, a pre-moratorium well, and that there's like ten acres of water rights available for this project, and the consumptive use would be like six acres that could get transferred. An application was made to the State Engineer's Office. And with the Aamodt water system being built in that area, what is the plan for all that water that they might transfer to the property.

MR. SIEBERT: It's an interesting comment because one of the conditions is that when the Aamodt, the regional water system is available he's required to hook onto it. And Mr. Roybal doesn't have any issues with that. But we did check with the State Engineer's Office, or the attorney did, to verify that those water rights that would be

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transferred would be retained on the property and could be transferred to another location. He does not lose those water rights.

MEMBER J.J. GONZALES: What was that again?

MR. SIEBERT: The water rights that he will be transferring onto the property, when he does hook on to the regional water system, which we don't know – could be five years or fifteen years in the future, that those water rights don't just simply disappear. He still has the ownership of those water rights and can transfer them to another location if he wishes. He can't use them onsite because he will be hooking to the regional water system.

MEMBER J.J. GONZALES: So when the regional water system comes to that property, those water rights, if they're transferred to that property they'll have to be transferred to another location. Is that what you're saying?

MR. SIEBERT: That's correct.

MEMBER J.J. GONZALES: That's an awful lot of work I think to transfer water rights because there's a lot of protests. Where can he transfer it without getting a lot of protests? It's very difficult.

MR. SIEBERT: Well, it does make the property that much more developable if he's got water rights on the land, and he already has the water rights. They are on the land. He's just simply transferring from irrigation rights to domestic rights.

MEMBER J.J. GONZALES: Well, thank you very much. Those are all the questions I have at this time.

CHAIRMAN GONZALES: Okay. Do any other Commissioners have any questions of the applicant? Steve.

MEMBER KRENZ: That's as part of one of the recommendations – I don't see that anywhere in the documents provided to us, both in the memorandum nor in the following document, the recommended order. Am I missing it somewhere?

MS. LUCERO (Building & Development Services Manager): Mr. Chair, Commission Member Krenz, can you repeat your question, please?

MEMBER KRENZ: It was stated that this discussion we just had about water rights and using the water system when it becomes available, that that is part of the conditions of recommendation, but I don't see that condition listed in either the recommended order nor in the memorandum. Am I missing it somewhere else, some other document?

MR. LARRAÑAGA: Mr. Chair, Commissioners, condition #4.

MEMBER KRENZ: What document?

MR. LARRAÑAGA: In the report, in the staff report.

MS. LUCERO: Mr. Chair, Commission Member Krenz, it's page NBA-9.

MEMBER KRENZ: Okay. Thank you for pointing that out. That's all I have, sir.

CHAIRMAN GONZALES: Any other questions from the Commission to the applicant? Hold on Jim. I have a question. I don't know if this will be more to staff or to the applicant. So on the parcel that's in the FEMA floodplain zone, if the applicant decided that he wanted to apply for a permit for extraction of construction materials, I know there's a setback requirement for the FEMA. Would he be allowed to go through that process?

MS. LUCERO: Mr. Chair, if he were to submit to do that it would be considered a development of countywide impact, so that he would have to make an application of that sort and it would be reviewed by reviewing agencies, the Hearing Officer, Planning Commission and the Board.

CHAIRMAN GONZALES: That's what I was hoping for. Thank you.

MR. LARRAÑAGA: Mr. Chair, also the uses that are allowed within this commercial overlay, that's what they get. So use of mining or extraction is not on the use list.

CHAIRMAN GONZALES: Thank you. Okay. This is a public hearing. Is there anybody out there that wants to speak in favor or against this project? Please come forward. Okay. Nobody out there.

[Participating remotely and duly sworn, Manuel Roybal testified as follows:]

MANUEL ROYBAL: I guess I would like to speak. To make a long story short – I know you have a long night ahead of you. To start with, the property in question was acquired approximately 50 years ago. In 1972 we set up Roybal Enterprises which is commercial now. The business is still in the same place. In 1979 we went to the Board of County Commissioners and requested that the area that's in question now be zoned as commercial. We went through the County Commissioners and we got approval. I think staff has all the documents showing the process we went through. It was approved in 1979 as commercial.

Now when the do the new zonings and stuff, somehow or other we were left out, changed back to residential. I don't think we should have ever been because for one, as has been said, the area in question is optimum for commercial for safety purposes because we lie in between two overpasses with good accel and decel lanes. For public safety it's probably the safest zoning area for commercial in Pojoaque, with the frontage roads that are in place. The Buffalo Thunder and all the other businesses in this area are using this frontage road, and if you look at traffic reports it's one of the areas that has better traffic safety than anywhere else.

So another thing is we've been using the land in question or a major portion of it as vacant commercial because we have the yard, which is zoned as commercial, but when we got zoned for commercial in 1979 we extended our yard. We sell plastic pipe and irrigation supplies on the parcels of land in question. So it has been used and that's the reason we had it zoned as commercial since 1979. And to keep it legal that's why we did it and that's one of the reasons we're requesting it at this point is it is in commercial use and we'd like to keep it that way.

CHAIRMAN GONZALES: Okay. Thank you, Mr. Roybal. Is that it?

MR. ROYBAL: That should about cover it.

CHAIRMAN GONZALES: Okay. Thank you for your input. Okay. One more time. Anybody out there from the public who wants to speak on this? Okay, what's the pleasure of the Commission?

MEMBER SERNA: Mr. Chair.

CHAIRMAN GONZALES: Rhea.

MEMBER SERNA: I move that we approve the creation of a rural commercial overlay district for the applicant.

MEMBER MARTIN: Second.

CHAIRMAN GONZALES: We have a second by Susan.

MS. LUCERO: Mr. Chair, can I just get clarification? Does the motion include approval with staff conditions?

MEMBER SERNA: I want to amend my motion for the approval of the creation of the overlay zone with the staff recommendations and conditions.

MEMBER MARTIN: I second the amendment with conditions.

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

CHAIRMAN GONZALES: Thank you, Manuel

MR. ROYBAL: Thank you. Thank you for your time and thank you for the work.

CHAIRMAN GONZALES: Good luck.

5. B. **Ordinance No. 2021- . An Ordinance Amending the Santa Fe County Sustainable Land Development Code (“SLDC”), Ordinance No. 2016-9, to Enact Comprehensive, Countywide Zoning and Other Regulations for Cannabis, Including Cannabis Establishments, Other Cannabis Businesses, and Personal Cultivation and Production of Cannabis and Cannabis Products; Amending and Restating Sections 10.6.2 and 10.22 of the SLDC in Their Entirety; and Amending Appendix A, Part 2, Definitions, of the SLDC to Delete and Add Cannabis Related Definitions** [*Exhibit 2: Supplemental Staff Memo; Exhibit 3: Maps Showing Separation Examples; Exhibit 4: Nuisance Ordinance; Exhibit 5: Public Comments Received; Exhibit 6: Suby Bowden Comments*]

PENNY ELLIS-GREEN: (Growth Management Director): Thank you, Mr. Chair, Planning Commission Members. In April of this year the legislature enacted and the governor signed the Cannabis Regulation Act into law. The new Cannabis Control Division is in the process of drafting regulations in accordance with that act. The State has actually issued draft regulations but still has public discussion until early August. However, they will start issuing licenses for production September 1st. Therefore staff is initiating an amendment of the SLDC to establish comprehensive countywide zoning and other regulations related to cannabis.

In doing so we were aware that we were not writing on a clean slate. The SLDC has existing regulations concerning medical cannabis as follows and we are building from those. Section 10-22 of the SLDC already identifies how certain medical cannabis activities should be regulated and this proposed ordinance just builds off of those.

So first I’m going to do an overview of some of the issues related to the ordinance. There are several related to cannabis establishments including odor, safety security, water use and neighborhood nuisance. So this portion related to the commercial cannabis establishments, specifically, the growing of cannabis. The production of cannabis can create a strong odor and can create compatibility issues with surrounding uses. Therefore staff recommends that indoor producers be required to use industry standard techniques to minimize odor. In addition, outdoor growing is recommended only in zoning districts with larger lot sizes.

Manufacturing of cannabis: The production methods of manufacturing and the use of propane that is under pressure can be volatile and cause fire and explosion risks.

Cannabis consumption areas: It is proposed that this use be separated into recreational and medical use. Medical only cannabis consumption areas will be allowed within any cannabis retailer. Recreational cannabis consumption areas will be allowed in the same districts as a bar, since both uses are similar in that they are where people go to be under the influence of a drug, or are limited to persons over the age of 21.

Also, due to the odor and second hand exposure risk it is also proposed that consumption areas be allowed for indoor in standalone building where smoke does not infiltrate into other indoor work places.

Separation: The act also allows jurisdictions to require a separation between cannabis businesses and schools or daycares up to a total of 300 foot, and also between cannabis businesses. For safety and protection of children a 300-foot separation between cannabis businesses and schools and daycares is recommended.

Density of licenses: A 200-foot separation is recommended between any cannabis retailer or a cannabis consumption area. The county has a number of vibrant but small retail or non-residential areas. The 200-foot separation requirement will prevent an area from becoming solely a cannabis retail or consumption area thereby fundamentally changing the nature of the non-residential area and possibly crowding out of other businesses.

There is an issue that was added on a supplemental memo that I'll go over as we speak specifically to the ordinance sections.

Personal use: For reasons of safety, water use, and odor, the proposed ordinance states that personal growing be indoors. Again, this is an issue on the supplemental memo and I will go over that as I speak to the ordinance.

So the details of the proposed ordinance, the first section amends Section 10.6, Home Occupations in the SLDC. Because of safety, compatibility issues, neighborhood nuisance and other considerations the proposed ordinance will prohibit home occupation permits being issued for cannabis establishments.

Section 10.22.2: This ordinance includes findings related to the act, the existing code, odor, water use, security and density of licenses.

Zoning districts: The proposed ordinance then recommends that the Board determine that cannabis establishments and consumption areas should be allowed in zoning districts where similar uses are allowed. This is the new Section 10.22.3.

10.22.3.1 relates to cannabis testing laboratories and cannabis research laboratories and they should be treated the same as research and development services. This is the same as the existing code for medical cannabis.

10.22.3.2, cannabis manufacturers would be treated as food, textile and related products. Again, this is the same as the existing SLDC for medical cannabis.

10.22.3.3, a cannabis producer or producer microbusiness that grows indoors shall be treated as a commercial greenhouse. Again, the same as the existing code for medical cannabis. A cannabis producer or cannabis producer microbusiness that cultivates cannabis plants outdoors would be treated as a dairy farm as both produce strong odor and are outdoor uses that cannot effectively control odor, and are usually permitted in our larger zoning districts.

10.22.3.5 is a cannabis retailer should be treated the same as a store or a shop. Again, that is the same as existing SLDC for medical cannabis.

10.22.3.6, cannabis consumption area. Recreational cannabis consumption area is proposed to be treated as bars, taverns and nightclubs. Both are locations where people go to be under the influence of a drug, and this section requires that consumption areas that include smoking and vaping be indoor in a standalone building where smoke does not infiltrate into work places. Medical cannabis consumption areas are proposed to be allowed inside any cannabis retailer, again, same as the existing SLDC. And again, if smoking is proposed in this consumption area, the proposal requires that consumption areas that include smoking and vaping be indoor in a standalone building where smoke does not infiltrate to other work places.

10.22.3.7 is cannabis couriers will be treated as a courier and messenger service facility, and the act also allows vertically integrated cannabis establishments, for example, those that produce, manufacture and sell. The proposal is that those be located in the zoning district in which each of the uses are authorized.

Separation between schools and daycares and cannabis businesses, Section 10.22.4 of the draft ordinance proposes a minimum separation between businesses and an existing school or daycare of 300 foot. Separation between retail and consumption areas, this is Section 10.22.5, a 200-foot separation is proposed between any retailer or consumption area. In the supplemental memo, the BCC had their meeting to publish title and general summary on Tuesday and a Commissioner brought up a concern that this number may be too low and that a 300-foot separation may be more appropriate. So staff has prepared some sample maps. They've been handed out. They're on the 11 X 17 pages. They show some non-residential and traditional areas within the county indicating possible locations of retail or consumption areas to indicate how possible separations could be seen. You'll see three rings around each of them. That's at 100, 200 and 300-foot separation. And note, these are not actual cannabis retailers. They're just shown for reference purposes. They're only picked as being existing non-residential uses.

Section 10.22.6 is regarding hours. It's proposed that the hours of cannabis consumption areas and cannabis retailers will be the same hours as alcohol sales. The actual hours listed in the ordinance, since drafting that, the hours for Sunday sales have changed. So staff would actually recommend that the hours of operation be changed in the ordinance as we take it to the Board to reflect that new law.

10.22.7 requires that growth and manufacturers meet industry standards to minimize odors, and 10.22.8 regulates personal production, requires personal growing to be located inside a structure. Again, on the supplemental memo, at the BCC meeting several Commissioners were concerned that this could be too restrictive, so staff has since reviewed the existing nuisance ordinance which has also been handed out. That's Ordinance 2009-11, and found that it covers odors. Therefore the odor concern has been handled elsewhere. So staff puts forward two alternatives. As follows: The first one will be to remove Section 10.22.8 from the proposed ordinance. The pros of that could be that the County Noise Control and Public Nuisance Ordinance would still prohibit the obnoxious odors. It would allow more personal growth opportunities. It would allow outdoor grow, maybe use less energy than indoor grow, and individuals growing personal plants would not need to invest in screening or indoor growing equipment.

The cons could be unregulated outdoor grow could create security or diversion concerns. Visible outdoor grow can create an attractive nuisance for underage and an attractive target for the illegal market, and the lack of proscriptive standards such as setbacks may increase neighbor-to-neighbor disputes or calls to code enforcement to enforce the nuisance ordinance.

The second alternative would be to amend Section 10.22.8 to state that personal growing can be indoor or outdoor if it is not visible from a public way. The pros of that would be having the plants not visible from public ways, security or diversion concerns are reduced, allows more personal growth opportunities and would allow a variety of locations for outdoor grow on most properties. This is more performance based rather than prescriptive like an actual setbacks, as visibility will differ between areas and properties, and the noise and nuisance ordinance would still prohibit the odors and again, outdoor grow may use less energy than indoor use.

Cons: Security/diversion risks greater than with indoor grow but less than with unregulated outdoor grow, and lack of prescriptive standards may increase again neighbor-to-neighbor disputes.

The next portion of the ordinance, I believe from page 5 on are the definitions. It includes relevant definitions of the Cannabis Regulation Act that will amend Appendix A of the SLDC.

I've also handed out four public comments that have been received so far, and the effective date: If this ordinance is approved by the Board it will take 30 days to come into effect. Therefore staff requests that the Planning Commission act upon this ordinance so the second public hearing can take place at a special BCC meeting on July 30th.

Recommendation: Staff recommends that the Planning Commission recommend approval of this ordinance and if you can also have a recommendation on the alternatives for personal grow and the alternatives for retail consumption area, separation and the change in the hours. And I stand for questions.

CHAIRMAN GONZALES: Okay. Thank you, Penny. I guess the first question from me is as part of our recommendation we need to pick which alternative, one or two. Correct?

MS. ELLIS-GREEN: Mr. Chair, either existing as written, one or two, or make other recommendations.

CHAIRMAN GONZALES: Thank you very much.

MS. ELLIS-GREEN: Thank you.

CHAIRMAN GONZALES: Okay. Does the Commission have any questions of Penny or staff? No? Not yet, I guess. This is a public hearing. Is there anybody out there from the public that wants to speak in favor of or against this proposed ordinance? Please come forward and state your name and address to the recorder.

[Duly sworn, Suby Bowden testified as follows:]

SUBY BOWDEN: My name is Suby Bowden. Chairman Gonzales, Vice Chairman Katz and Planning Commission Members, I'm an architect and planner here in Santa Fe and have been working in the area since the early eighties. I also have been on the Planning Commission for the City of Santa Fe for a six-year period when we were developing the general plan as well as looking at how zoning interfaces with building codes.

I'm bringing an example today that I'll hand out at the end of my presentation that I was personally involved in just a few blocks from here. Now, I recognize a few blocks from here is a city building but its zoning and its building codes has direct pertinence to the new zoning and building codes that you will be studying as you send this new use out into the community.

Our building is the Guadalupe Center on Guadalupe Street across from the new Vlodem Museum construction. We are a condominium association and an applicant came to us wanting to buy a unit in our building, which has a centralized atrium and individual units. He said that he was putting in a retail cannabis use and that it was not yet approved by the City of Santa Fe but he was going to buy the condominium unit in advance in preparation for this.

What we learned, because he told us repeatedly in a zoom meeting was that he was choosing this location because it was one block from the New Mexico High School for the Arts. So I ask you to look at your zoning and to make sure that you define distances from youth facilities schools, things of that sort, that could be directly impacted. He was saying that he could move into our facility as a retail facility when in fact what we learned was he was actually planning it as a greenhouse. That therefore had not only impacts on zoning, because it was not zoned for a greenhouse for cannabis, but also impacts on building codes.

We learned that his intention was to use the space as it was, the following building codes would have been violated in the process: As a greenhouse, he was planning on building all this on a flat concrete floor with no drains, where in fact there's so much water that obviously drains and sloped floors are required. He also had no independent HVAC system. He was hooked to our systems throughout the building, which means the smell of marijuana would have spread throughout our building. There were also no water connections that would have been required that would have isolated water use for that retail and greenhouse, and so the whole condominium would have had to been addressing how to separate his water use from the rest of ours. There was no rated sheet rock for this and all the walls and ceilings were sheetrock, which means they would rot pretty quickly.

There were exposed steel trusses that had no protective painting on it so the paint would all peel and would become a problem. And last but not least he intended to allow his buyers coming into his "greenhouse" to use our exterior porch for testing his "products".

And so we wrote a letter that I'm going to leave with you today listing all of our concerns and complaints about his violations, and I just thought it might help you in looking forward as to how you interface zoning and building codes.

CHAIRMAN GONZALES: Thank you, Suby.

MS. BOWDEN: Thank you very much and if there are any questions I'd be glad to answer them. Thank you.

CHAIRMAN GONZALES: Thank you. Anybody next? Again, this is a public hearing. Anybody out there want to come up and speak on behalf or against this ordinance? Anybody online?

MS. LUCERO: Mr. Chair, let's see if our IT – it looks like our IT is pulling up any speakers.

[There was no one on the line wishing to speak.]

CHAIRMAN GONZALES: Okay, J.J. has a question of Penny.

MEMBER J.J. GONZALES: Penny, I see there isn't a lot of interest for this for the county. It's very controversial within the city. They postponed it from their City Council meeting. The question I was going to ask you, who was consulted in the formulation of the County ordinance on the cannabis?

MS. ELLIS-GREEN: We have worked together as a team with Building & Development, Planning and our Legal Department to look at that. We've also had discussions with Washington State, the executive director of the Association of Counties there, Bernalillo County, Sandoval County – so we've all kind of been discussing options.

MEMBER J.J. GONZALES: Did you get a lot of comments from the public? Because I saw this advertised in the legals about two weeks ago saying it was going to be covered in this Planning Commission meeting. Did you get a lot of comments from the public in general?

MS. ELLIS-GREEN: Mr. Chair, Planning Commission Member Gonzales, we have four public comments so far. They were handed out to you. Most of them are related to the personal grow. Initially we were recommending indoor, so most of those comments were related to that.

MEMBER J.J. GONZALES: And the other question I had, how does this ordinance going to affect the planning areas within the county. I think there's about ten or twelve planning areas, like the La Cienega Planning Area. How is this ordinance going to affect the local planning areas? Do they have any say in this matter?

MS. ELLIS-GREEN: Mr. Chair, Commission Member Gonzales, yes, you're right. There are I think 13 – 12. Twelve community planning areas. They have their own use table, so again, those uses would fall under their use table for like retail store or commercial greenhouse, how they have allowed them, which is the same as medical cannabis at the moment. But if a community does not like these regulations they would have the ability to come back in and go through a process to make amendments, as long as that was noticed for the whole community. So there is that ability as well.

MEMBER J.J. GONZALES: Will County staff be available for the local planning areas to help them formulate an ordinance that is in sync with the County ordinance? Can we rely on County staff to help us out?

MS. ELLIS-GREEN: Mr. Chair, Planning Commission Member Gonzales, they won't need to come through a process if the uses that are specified in their use table are the way that they want that to be regulated. If communities do want to come through a processing, yes, we do have County staff available. Obviously, if all 12 want to come through at the same time that's going to be difficult but we are working with I think three communities at the moment to amend their plans and their overlays, and it is a process that staff actually assists with.

MEMBER J.J. GONZALES: Thank you very much, Penny.

CHAIRMAN GONZALES: Thank you, J.J. I have a question for Penny. Penny, I'm kind of curious. I guess there's some concern about this use, some of this use, as far as if a manufacturer sells to a retail and so forth, is there any kind of safeguards evolving into like hashish or anything stronger? I think what I hear out there is hashish comes from pot. There's something else out there called wax, which is made by propane. Has that ever been discussed at all?

MS. ELLIS-GREEN: Mr. Chair, no, it hasn't. The act relates to cannabis so it would be anything that falls under the act.

CHAIRMAN GONZALES: Okay. Enforcement. Is enforcement going to be covered by the Sheriffs or a land use inspector?

MS. ELLIS-GREEN: Mr. Chair, that will depend what the enforcement is. Obviously, if it's operating a business without a business license, that's something that code enforcement deals with. The odor portion of the nuisance ordinance would probably again be enforced by code enforcement. Whether or not we've got this use, that's the difficult ordinance to enforce. Noise, we have noise meters. We don't have a meter that reads smell. So that will be difficult to enforce. But that is through our code enforcement offices.

CHAIRMAN GONZALES: Another question I have is you know how they have around these days they have cigar bars. Is there going to be something where cannabis bars are going to be popping up as well?

MS. ELLIS-GREEN: Mr. Chair, yes, it's likely that there will be cannabis consumption areas. Again, if it involves smoking it needs to be indoor in a standalone, but if it was like edibles or something like that it can be outdoor.

CHAIRMAN GONZALES: Okay. Now I would just like to make a comment that I have received a lot of calls about personal use being kind of restrictive. Maybe I'll just leave it at that. Okay. Does the Commission have any other questions? Steve.

MEMBER KRENZ: I have a question here. I'd like to talk about this document. I'm wondering, where did this document come from?

MS. ELLIS-GREEN: Staff created it.

MEMBER KRENZ: These properties that are listed as potential cannabis buffers. I assume that that term is being used because they're not being designated as an establishment or a consumption area. It's just some generalized term?

MS. ELLIS-GREEN: Mr. Chair, Planning Commission Member Krenz, no. These documents were created, the maps were created to give an idea as to whether or not a 200- or a 300-foot separation between non-residential uses you could have one retailer or consumption area in a general area, or whether there would be an opportunity for multiple. So staff put those together. The indication there, the blue properties that are outlined are just taken as non-residential properties. They are not retailers. They are not consumption areas. It's an example of what could happen. Obviously, if those property moves that buffer area moves.

All it's doing is showing you an area of non-residential use, a possible piece of property, and a 100-, 200- and 300-foot buffer area. When we were at the Commission, a Commissioner asked how far is 200 foot, on a street, how many houses is that? Obviously in the city, where you've just got storefronts, that may be more separation between stores. Like you might get five or six stores. If you can see some of those maps it might just be two or three stores that separate, because in the county in general we have larger lot sizes. And the area is measured from the actual facility, which in general from the state says it's the building. It's not the property boundary; it's the building. So they were produced just for a few sample areas to show that we wouldn't be prohibiting multiple uses within a commercial or non-residential area or traditional community area.

MEMBER KRENZ: Okay, the reason I'm following up on this is I just want to make sure of a couple of things. So the owners of these properties, they have not applied to the County for a cannabis use or production?

MS. ELLIS-GREEN: Absolutely not. No.

MEMBER KRENZ: They have not spoken to the County about potentially being any kind of cannabis use or production area?

MS. ELLIS-GREEN: I have no idea if people have called and said we may be looking at a piece of property in the county. Again, these maps are put for reference purposes only. They are not –

MEMBER KRENZ: Yes, I understand that. But here's the thing. This is a public document. You know what's going to happen here is as soon as the public sees this document they're going to be saying, Oh, so and so over in Cerrillos is going to be a cannabis production or consumption area. That's what's going to happen here. Now, I know your intent is probably not to do that, but I just want to get down in the record specifically that these properties that were selected as illustration were just randomly selected and do not in any way indicate action by these properties moving forward.

MS. ELLIS-GREEN: They were randomly selected. They are not approved for any use. We are not changing zoning on a piece of property. They were selected as being existing – maybe they sell, I don't know, bicycles. And what the intent was was for you to see what a 200- or 300-foot separation looks like at the Agora Center or at Bisbee Court, or one of those four areas. So we can certainly amend that map before it goes forward again and make sure that we put disclaimers on that map, but they were shown for informational only.

MEMBER KRENZ: Thank you.

CHAIRMAN GONZALES: Thank you, Steve. Any other questions from the Commission? Rhea.

MEMBER SERNA: I have a question for staff. It was similar to Commissioner Gonzales' question with regards to the research that has been done in order to create this ordinance. So I'm wondering with regard to the cannabis consumption areas where these are restricted to just indoor use, could you provide me with some examples from other states that already have approved recreational cannabis. And it would be helpful to have specific examples of specific municipalities who have limited cannabis consumption to only indoors.

MS. ELLIS-GREEN: I don't have them right here with me. Robert is looking up some of those now.

MEMBER SERNA: Okay. Thank you.

CHAIRMAN GONZALES: While we're waiting, Penny, I have a question. I'm just curious how much the Fire Department is involved in this and it might be more through CID. But for example, due to the possibility of flammable materials and stuff, are the Fire people going to require like firewalls and maybe sprinkler systems in some of these buildings?

MS. ELLIS-GREEN: Mr. Chair, any of these businesses will need to be reviewed by Fire and would need to meet those standards. So when we look at something like manufacturing, the way that we would regulate that would be in our industrial areas or planned development areas. Those require community water and therefore a pressurized water system. The other areas they allow are the larger residential areas. So

hopefully in those areas you'd have a big separation between a neighboring use, but in those areas there will be extensive fire protection requirements because many of those areas don't have pressurized fire. And we will be working with our Fire Department. So any application for non-residential that comes in right now is reviewed by our Fire Department and this would be no exception.

CHAIRMAN GONZALES: Okay. Thank you. Also, on that note, do we have any – as far as – is there any issues about when they're cleaning stuff or washing stuff, is there going to be any issues about them putting down into the septic tanks or into the sewer system? When they're washing out or something?

MS. ELLIS-GREEN: Mr. Chair, I don't know. I don't believe that the State Act has addressed that. They have addressed water use but they have not specifically addressed anything to do with wastewater.

CHAIRMAN GONZALES: I guess if they were washing out they'd wash out some seeds outside and they'd probably grow again somewhere else too. Okay, any other questions?

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

CHAIRMAN GONZALES: Rhea, please do.

MEMBER SERNA: For a cannabis retailer, would that business be allowed to co-locate with an existing retailer? For example, a gift shop or a gallery?

MS. ELLIS-GREEN: Mr. Chair, Commission Member Serna, yes. I believe so. It would depend whether or not the State had any other regulations for their issuance of licenses. I do believe that they couldn't be located where you sell alcohol. I believe I read that. They cannot be. Yes. So if you're selling cards, then yes, if you get the license from the State. We wouldn't have anything that prohibited that, but the State does prohibit you selling cannabis if you also sell alcohol.

MEMBER SERNA: Thank you.

CHAIRMAN GONZALES: Penny, I have another one here. In this post-pandemic era here, is there anything, any discussion made about delivery? Of them actually delivering their product?

MS. ELLIS-GREEN: Mr. Chair, we call that a courier. Sorry. We're looking on our pages but it looks like where we put them has just been wiped. So we did look at ordinances in Colorado. I believe we also looked at some ordinances in California. Lucy did a fair amount of the research so she's trying to find which areas.

MS. LUCERO: Mr. Chair, while staff is doing research, I think we're still in the public hearing portion of the meeting. It looks like there are a few people who are calling in. If anyone would like to speak, in order to unmute yourself you will need to hit star 6, if you're calling in. And if you're on via the computer then you'll just need to unmute yourself on the computer.

[There were no online participants wishing to speak.]

[Duly sworn, Cid Isbell testified as follows:]

CID ISBELL: I'll step up. Cid Isbell, Madrid, New Mexico. We're planning on obtaining a vertically integrated license and I have a curiosity around the limitation of having a retail location, being able to co-locate a retail location and a consumption area. So if there's a buffer zone, you won't be able to do that. So I have a question about that. The other comment I would have is about limiting outdoor grow. One of the huge benefits of being in New Mexico is you can grow outdoors for a good

portion of the year and if you're in a rural location, limiting an outdoor grow would be pretty devastating in terms of energy usage and that sort of thing. So thank you.

CHAIRMAN GONZALES: Thank you.

MS. ELLIS-GREEN: Mr. Chair, staff has looked at co-location between retail and consumption on the same premises and if the State issues your licenses for that you could do that. This is between separate buildings. So that would be like a vertically integrated business of retail and consumption. And then the next retail or consumption, or retail and consumption would need to have the separation. If that makes sense.

CHAIRMAN GONZALES: Okay. Thank you. I have one more question here. Was there any discussion about for outdoor growing, the height of plants? Is there a height limitation?

MS. ELLIS-GREEN: Of the plant?

CHAIRMAN GONZALES: When they're growing their plants outside? I was just curious. It hasn't been discussed at all.

MS. ELLIS-GREEN: No, we didn't discuss plant height limitation.

CHAIRMAN GONZALES: Okay. Thank you.

MS. ELLIS-GREEN: Mr. Chair, I'm just hearing behind me, if you did point towards the option that you can grow outdoors as long as it's not visible. We pretty much know it will get to like eight foot, around about eight foot, so you're looking at the highest point of the plant growth.

Mr. Chair, Planning Commission Members, we're actually having a hard time finding our data. We put it on a shared transfer drive and I guess we just got hit with a transfer drive wipe from the IT Department. So we will research that again, but we did look at California and Colorado requirements.

ROBERT GRIEGO (Planning Manager): Mr. Chair, Commissioners, we did get a response directly from the Colorado Regulation folks and we asked them that question in regard to does Colorado have regulation regarding consumption areas. And they indicated that they are allowed, the consumption areas are allowed for hospitality – so in answer to your question in regard to the regulations in Colorado, they do allow hospitality businesses to – for consumption areas, and there are consumption areas outdoors in Colorado.

CHAIRMAN GONZALES: Any other questions of staff from the Commission?

MEMBER KRENZ: Point of order, Mr. Chair.

CHAIRMAN GONZALES: Steve.

MEMBER KRENZ: I'm wondering how exactly we're going to act on this. Are we going to ask for a motion on the originally written ordinance and then discuss these two sections, 10.22.8, as an amendment to that motion? Or are we going to start by discussing these 10.22.8 sections and then move to the full ordinance?

CHAIRMAN GONZALES: I was thinking that we just make a motion to include either alternative one or two, or come with our own.

MEMBER KRENZ: Okay. So one motion then would cover both?

CHAIRMAN GONZALES: Does that make sense to you guys?

MS. ELLIS-GREEN: Mr. Chair, if I could ask if we could have the motion on the ordinance, and then the personal use options. The hours meeting the new regulations for the Sunday sales, and then also the separation issues. So there are four

different items. It can all be done together, or if it's easier, you can do the individual changes first – the personal, hours, and separation, and then the rest of the ordinance. However you feel comfortable doing that.

CHAIRMAN GONZALES: Okay. Thank you. What's the pleasure of the Commission? How do you guys want to do it?

MS. LUCERO: Mr. Chair, I believe that we have to close the public hearing before we can move on to a motion, and I would just recommend that maybe you do one more call to see if there's anyone on line or through Webex that wants to speak.

CHAIRMAN GONZALES: I agree. Thank you, Vicki. Anybody out there that wants to speak on this project or on this ordinance? We need some more input. Please step forward, sir.

[Duly sworn, Roger Griffith testified as follows:]

ROGER GRIFFITH: My name is Roger Griffith. Hello. I'm interested in being a marijuana producer. I've been looking at this and researching it for quite some time. And I really appreciate the Commission reviewing this in advance of the licensing being opened on September 1st and getting all your ducks in a row, so to speak. I had an observation that occurred to me while I was listening to the earlier testimony, particularly that of the condominium owner. And I think she – I'm not sure if it would be really possible, what she describes, but it's really something that would be appalling if it would come into your condominium association.

So I think everyone realizes that it's something we want to protect about. But I did notice something as I was reading through the draft ordinance. There seems to be possible the distinction between a producer, somebody that's essentially like a nursery person, they're growing a plant, they're watering it. There's dirt; there's soil. And a manufacturer that's using solvents and other things that could be dangerous. It's a distinction I think you need to bring up, so there seemed to be some confusion in the language. It says a manufacturer is anyone that sends out something for testing, and producers have to do that as well. So I thought that it would be valuable to put in some language that distinguishes those people that use solvents and chemicals in the manufacturing process so that they are a distinct category.

CHAIRMAN GONZALES: Okay. Anything else?

MR. GRIFFITH: No, thank you.

CHAIRMAN GONZALES: Thank you. Frank, please go ahead.

MEMBER KATZ: Vicki, I'm a little puzzled about you said there's the separation of retailers, there's the personal growth growers, and then there's the hours. What was the issue on the hours?

MS. ELLIS-GREEN: As I read that section we realized that when we drafted it we used the hours that changed on July 1st from the State, so there's now Sunday morning hours are allowed for sale and consumption. So it would just say that you would support us changing the hours just to be the same as the State now has for alcohol.

CHAIRMAN GONZALES: Thank you, Frank. Thank you, Penny. Any other questions? Frank?

MEMBER KATZ: I have a motion.

CHAIRMAN GONZALES: Okay. All right. Hold on. Let me check the public. Anybody out there that wants to speak, in the public, please come forward now.

[There were no further speakers in the chambers or on line.]

CHAIRMAN GONZALES: Okay, I'm going to close the public hearing. Is there Commission discussion or do we have a motion?

MEMBER KATZ: Yes, Mr. Chair. I would make a motion to recommend to the Board of County Commissioners the adoption of the draft ordinance that has been submitted to us with the following two changes. One is that the hours would be changed to reflect the current law on the hours of the sale of alcoholic beverages, and the second would be to delete the restriction on the personal growing of marijuana for personal use, that it could be indoors or outdoors.

MEMBER MARTIN: Second.

CHAIRMAN GONZALES: There's a motion and a second. Let's have discussion. Steve.

MEMBER KRENZ: I've thought about this and especially when you brought up this section about well, how high a fence? And I'm thinking, well, how high does a marijuana plant grow? But then again, if the point of the ordinance would be to limit the visibility that could be interesting to try to figure out if it's down from a road or something like that. I have to say I'm in favor of having some sort of visual break. I think that the arguments presented by the County make sense, the pros make sense for that, rather than having no regulation at all. That's my opinion.

CHAIRMAN GONZALES: Any discussion from other Commissioners?

MEMBER KATZ: I have a comment on that.

CHAIRMAN GONZALES: Frank.

MEMBER KATZ: My problem is that this would work fine for somebody who lives on six acres, if there were these kinds of limits, but for someone who is on a smaller parcel you may not be able to have it shielded. I think that this is something that if it turns out to be a problem we could then promulgate further restrictions, but I'm not sure that see that this is going to be a big problem.

MEMBER KRENZ: Mr. Chair.

CHAIRMAN GONZALES: Steve.

MEMBER KRENZ: You know, what you just said brings up kind of another interesting point. How specifically does the County figure out the difference between an individual grower and a commercial use of this activity? A commercial grower

MS. ELLIS-GREEN: Personal growth, an adult is allowed six plants. Per entire household there's a maximum of 12 plants, whereas the micro-growers I think are up to 200 plants, and the larger growers have more than that.

MEMBER KRENZ: So your definition is based on the State law.

MS. ELLIS-GREEN: That is correct.

MEMBER KRENZ: Thank you.

MEMBER SERNA: Mr. Chair.

CHAIRMAN GONZALES: Rhea.

MEMBER SERNA: Just one more question. It's more of a clarification that I misunderstood, I think. Under what circumstances then are growers of any size and any type of category, what type of growers can grow outside and where can they grow outside?

MS. ELLIS-GREEN: The proposal for commercial producers, so those that need a license from the State would be that they either grow indoors or they grow outdoors in the zoning districts that allow at the same time as dairy farms, which is our Ag-Ranch, Rural, and Rural-Fringe. So they're the larger lot sizes. Personal, if you delete the section as is on the motion then that means that personal grow can be indoors or outdoors, but per property you're limited to 12 plants.

MEMBER SERNA: Thank you.

CHAIRMAN GONZALES: Thank you, Rhea. I'd just like to note that I've seen some areas where they've had some tall plants, and then when they get too tall they bend them over or hold them down, and that makes them into a long plant and the stem shoots out. So it's going to be interesting. Okay. We have a motion on the table, right?

MS. ELLIS-GREEN: Motion and a second, I believe.

CHAIRMAN GONZALES: Okay, I guess the question I have – the motion that we had, Frank, was it also including alternatives one or two? Or was it the original?

MEMBER KATZ: No, my motion on the personal grower is that that section be deleted, so that there not be a restriction, it could be indoors or outdoors. And I didn't propose adopting anything to change the 200-foot limit.

CHAIRMAN GONZALES: Okay. I think I got confused there.

The motion carried by majority [6-1] roll call vote as follows:

Charlie Gonzales	Aye
Frank Katz	Aye
J. J. Gonzales	Aye
Steve Krenz	Aye
Leroy Lopez	Aye
Susan Martin	Aye
Rhea Serna	Nay

6. Petitions from the Floor

None were offered.

7. Communications from the Committee Members

Member Katz thanked staff for all of their hard work during the pandemic in keeping the committee going, and expressed his appreciation at seeing everyone again.

Chairman Gonzales expressed his pleasure at being at the refurbished chambers and recalled visiting the County building as a child.

8. Communications from the Attorney

Mr. Prucino agreed that it was good to be back to meeting in person.

9. **Matters from Land Use Staff**

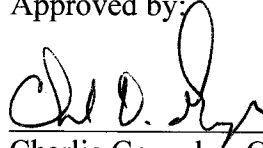
None were presented

10. **Next Planning Commission Meeting: August 19, 2021**

11. **Adjournment**

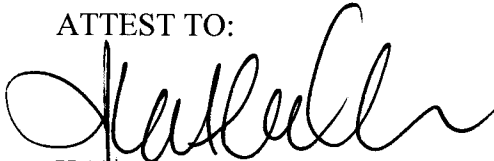
Upon motion by Member Krenz and second by Member Martin, and with no further business to come before this Committee, Chair Gonzales declared this meeting adjourned at approximately 5:23 p.m.

Approved by:



Charlie Gonzales, Chair
Planning Commission

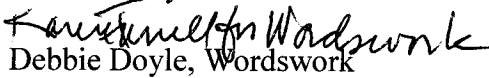
ATTEST TO:



KATHARINE CLARK
SANTA FE COUNTY CLERK



Submitted by:


Debbie Doyle, Wordswork

SFC CLERK RECORDED 08/23/2021



BUILDING STANDARDS

MIN. LOT SIZE: 1.00 AC±
MIN. HEIGHT: 24 FT.
BUILDING SETBACKS: TO BE SHOWN ON SITE DEVELOPMENT PLAN

REQUIRED FOR DEVELOPMENT ON EACH LOT.

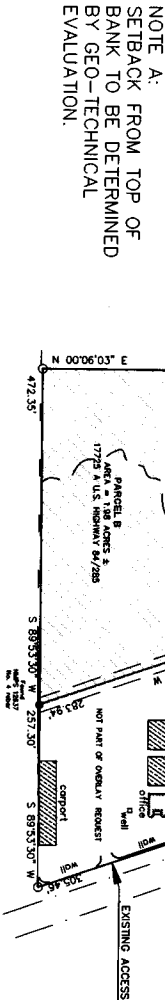
TRADITIONAL COMMUNITY-COMMERCIAL OVERLAY DISTRICT. BUSINESS, SERVICE AND COMMERCIAL ESTABLISHMENTS SHALL NOT EXCEED 5,000 SQ.FT OF MAXIMUM FLOOR AREA.

LEGEND

AREA INCLUDED IN REQUESTED RURAL COMMERCIAL OVERLAY

Commercial Overlay Use list	Approval Designation	P = PERMITTED USE C = CONDITIONAL USE
Agricultural Production Storage and food processing facilities, business, service, and commercial establishments not to exceed 5,000 sq.ft.	P	
Kennels, animal shelters/veterinary hospitals	P	
Animal feed stores, tack shops, farm equipment sales	P	
Daycare and childcare services	P	
Cemeteries	P	
Public utility structures	P	
Agricultural Production. Storage and food processing facilities, business, service, and commercial establishments not to exceed 15,000 sq.ft.	C	
Treatment, processing, assembling, renovating, merchandising, or warehousing of raw material, goods, merchandise, or equipment shall be conducted within an enclosed building or within an area completely		
Building for manufacturing purposes not to exceed 25,000 sq. ft. in floor area	C	
Building for manufacturing purposes shall be located less than 300 feet from any residential structure, except for a resident caretaker dwelling	C	
Manufacturing site shall not cover an aggregate area of more than 40% of such site	C	
Manufacturing activities conducted in accordance with State and Federal environmental standards	C	
Salvage yards for scrap material, including automobile bodies provided that all activities are conducted within an enclosed building or within an area completely enclosed by an opaque fence or wall not to exceed 6 feet in height.	C	
Outside storage of salvage materials or automobile bodies not to be stacked higher than the surrounding fence or wall and shall not be visible from any nearby road or surrounding area. Site shall not exceed 1 acre	C	
Commercial stables, rodeo arenas, polo grounds and riding academies	C	

UNDERLYING ZONING IS RESIDENTIAL COMMUNITY. THE ABOVE RURAL OVERLAY USES PERMITTED, ACCESSORY OR CONDITIONAL ARE ALLOWED ON THE UNDERLYING RESIDENTIAL COMMUNITY DISTRICT.



NOTE A:
SETBACK FROM TOP OF BANK TO BE DETERMINED BY GEO-TECHNICAL EVALUATION.

JAMES W. SIEBERT AND ASSOCIATES, INC.		ROYAL CITY/MUNIQUE		SCALE 1"=100'	DATE JULY 2021	SHEET P-5
115 SOUTH STREET • SUITE 100 • BIRMINGHAM, AL 35203-1700 (205) 961-4000 FAX (205) 966-1113		RURAL COMMERCIAL OVERLAY SITE PLAN		DATE 02/29/21	BY JWS	

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

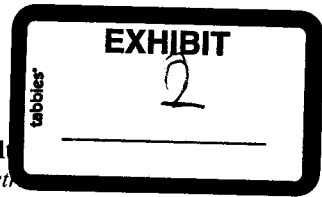
Rudy N. Garcia
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Katherine Miller
County Manager



MEMORANDUM

DATE: July 15, 2021

TO: Planning Commission

FROM: Penny Ellis-Green, Growth Management Department Director

ITEM AND ISSUE: An Ordinance Amending the Santa Fe County Sustainable Land Development Code ("SLDC"), Ordinance No. 2016-9, to Enact Comprehensive, Countywide Zoning and Other Regulations for Cannabis. – Supplemental Memo

SFC CLERK RECORDED 08/23/2021

ISSUE:

This Ordinance was presented to the BCC on July 13, 2021 on a request to publish title and general summary.

Two items were discussed at that meeting as follows:

Separation between retail and consumption uses.

The draft ordinance includes a 200 ft. separation between any cannabis retailer and/or cannabis consumption area. The reasoning for this is that the County has a number of vibrant but small retail/nonresidential areas. The 200 ft. separation requirement prevents an area from becoming solely a cannabis retail/consumption area, thereby fundamentally changing the nature of the nonresidential area and crowding out other business.

At the BCC meeting a Commissioner brought up a concern that this number may be too low and a 300 ft. separation may be more appropriate. Staff produced some sample maps of non-residential and traditional areas indicating possible locations of retail and/or consumption uses to indicate possible separations (please note: these are NOT actual cannabis uses, they are shown for reference only).

Personal Growing for Personal Use

For reasons of safety, water use, and odor, staff proposed that the draft ordinance include a requirement for indoor growing.

Lack of prescriptive standards may increase neighbor-to-neighbor disputes or calls for enforcement of Santa Fe County Noise Control and Public Nuisance Ordinance

RECOMMENDATION:

Staff requests that the Planning Commission make recommendations on these two issues as part of the ordinance review.

SFC CLERK RECORDED 08/23/2021

Santa Fe County
Growth Management
Department
Planning Division

July 12, 2021, Cannabis Parcels Buffer Lines Madrid Area

Santa Fe County
Sustainable Land Development Code
Zoning Map
Potential Cannabis Buffers
Cerrillos Area

Legend

Santa Fe County

Parcels

Cannabis Buffer Parcels

Cannabis Parcels 100 ft. Buffer Line

Cannabis Parcels 200 ft. Buffer Line

Cannabis Parcels 300 ft. Buffer Line

Principal Structures

- RESIDENTIAL
- MOBILE/MANUFACTURED HOME
- OFFICE
- COMMERCIAL
- BUSINESS
- INDUSTRIAL
- UTILITIES
- RELIGIOUS
- GOVERNMENT
- SCHOOL
- CELL TOWER
- OTHER

SLDC Zoning Map, Base District Outlines

- A/R, Ag/Ranch (1 du/160 ac)
- RUR, Rural (1 du/40 ac)
- RUR-F, Rural Fringe (1 du/20 ac)
- RUR-R, Rural Residential (1 du/10 ac)
- RES-F, Residential Fringe (1 du/5 ac)
- RES-E, Residential Estate (1 du/2.5 ac)
- RES-C, Residential Community (1 du/ac)
- TC, Traditional Community (1 du/0.75 ac)
- CN, Commercial Neighborhood
- CG, Commercial General
- IL, Industrial Light
- I, Industrial General
- PI, Public/Institutional
- MU, Mixed Use
- PD, Planned Development

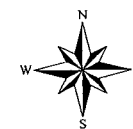
Community Overlay Zoning Districts (O-CD)

Rural Commercial Overlay Zone (O-RC)

Turquoise Trail Environmental and Resource Protection Overlay Zone

Airport Noise Overlay Zone (O-AN)

- 55 DNL
- 60 DNL
- 65 DNL



300 150 0 300 Feet



Santa Fe County
Growth Management
Department
Planning Division

July 12, 2021, Cannabis Parcels Buffer Lines Cerrillos Area

SFC CLERK RECORDED 08/23/2021

Santa Fe County
Sustainable Land Development Code
Zoning Map
Potential Cannabis Buffers
Bisbee Court Area

Legend

Santa Fe County

Parcels

Cannabis Buffer Parcels

Cannabis Parcels 100 ft. Buffer

Cannabis Parcels 200 ft. Buffer

Cannabis Parcels 300 ft. Buffer

Principal Structures

- RESIDENTIAL
- MOBILE/MANUFACTURED HOME
- OFFICE
- COMMERCIAL
- BUSINESS
- INDUSTRIAL
- UTILITIES
- RELIGIOUS
- GOVERNMENT
- SCHOOL
- CELL TOWER
- OTHER

SLDC Zoning Map, Base District Outlines

- A/R, Ag/Ranch (1 du/160 ac)
- RUR, Rural (1 du/40 ac)
- RUR-F, Rural Fringe (1 du/20 ac)
- RUR-R, Rural Residential (1 du/10 ac)
- RES-F, Residential Fringe (1 du/5 ac)
- RES-E, Residential Estate (1 du/2.5 ac)
- RES-C, Residential Community (1 du/ac)
- TC, Traditional Community (1 du/0.75 ac)
- CN, Commercial Neighborhood
- CG, Commercial General
- IL, Industrial Light
- I, Industrial General
- PI, Public/Institutional
- MU, Mixed Use
- PD, Planned Development

Community Overlay Zoning Districts (O-CD)

Rural Commercial Overlay Zone (O-RC)

Turquoise Trail Environmental and Resource Protection Overlay Zone

Airport Noise Overlay Zone (O-AN)

- 55 DNL
- 60 DNL
- 65 DNL



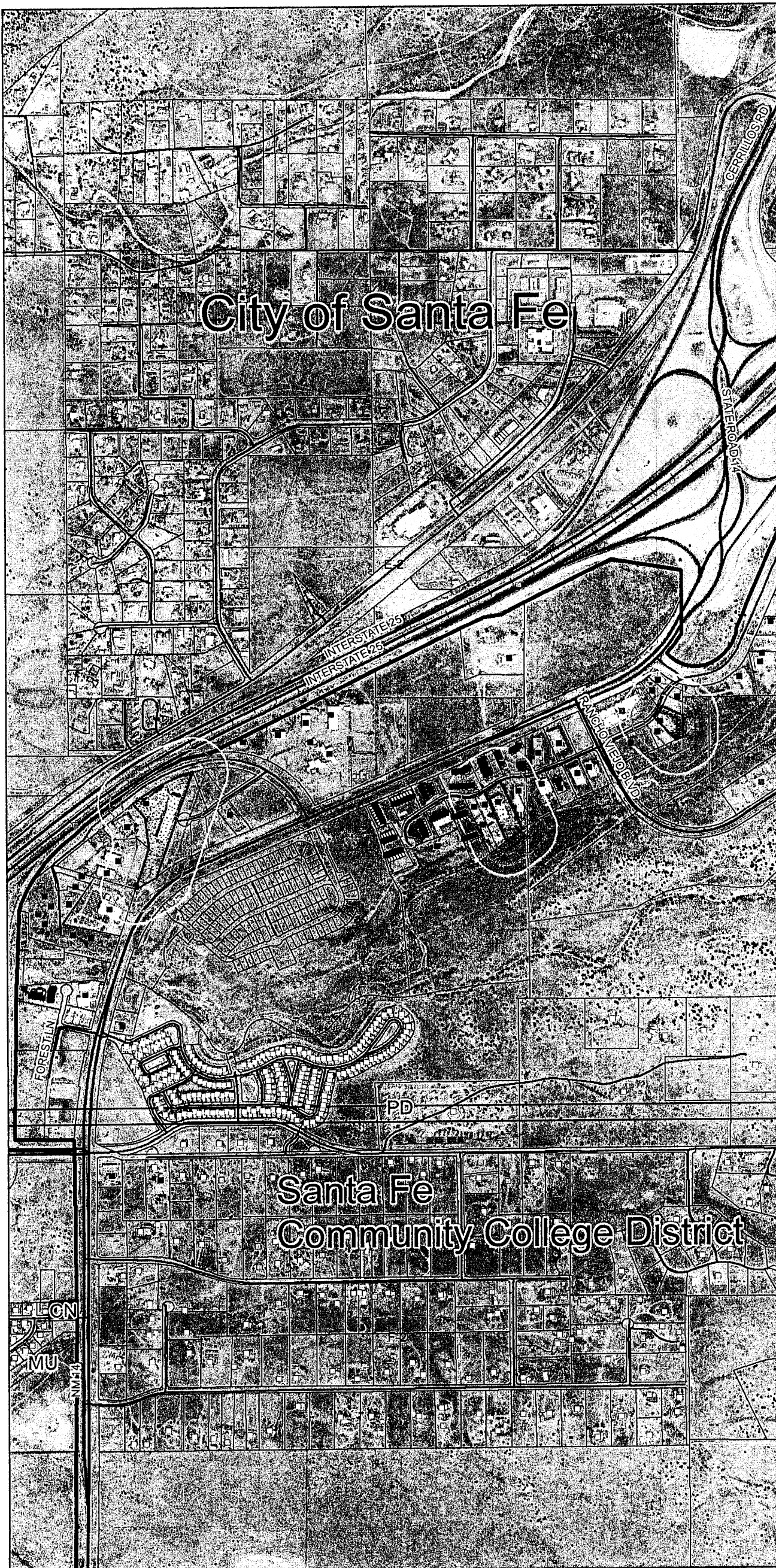
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Santa Fe County
Growth Management
Department
Planning Division

July 12, 2021, Cannabis Parcels Buffer Lines Bisbee Court Area

SFC CLERK RECORDED 08/23/2021



Santa Fe County
Sustainable Land Development Code
Zoning Map
Potential Cannabis Buffers
Eldorado Area

Legend

Santa Fe County

Parcels

Cannabis Buffer Parcels

Cannabis Parcels 100 ft. Buffer Line
Cannabis Parcels 200 ft. Buffer Line
Cannabis Parcels 300 ft. Buffer Line

Principal Structures

- RESIDENTIAL
- MOBILE/MANUFACTURED HOME
- OFFICE
- COMMERCIAL
- BUSINESS
- INDUSTRIAL
- UTILITIES
- RELIGIOUS
- GOVERNMENT
- SCHOOL
- CELL TOWER
- OTHER

SLDC Zoning Map, Base District Outlines

- A/R, Ag/Ranch (1 du/160 ac)
- RUR, Rural (1 du/40 ac)
- RUR-F, Rural Fringe (1 du/20 ac)
- RUR-R, Rural Residential (1 du/10 ac)
- RES-F, Residential Fringe (1 du/5 ac)
- RES-E, Residential Estate (1 du/2.5 ac)
- RES-C, Residential Community (1 du/ac)
- TC, Traditional Community (1 du/0.75 ac)
- CN, Commercial Neighborhood
- CG, Commercial General
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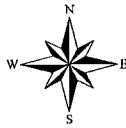
Community Overlay Zoning Districts (O-CD)

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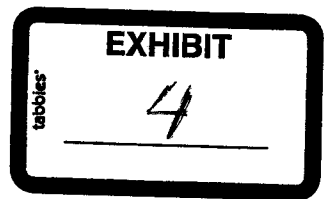
- 55 DNL
- 60 DNL
- 65 DNL



500 250 0 500 Feet



Santa Fe County
Growth Management
Department
Planning Division



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2009-11

AN ORDINANCE TO PROHIBIT EXCESSIVE, UNNECESSARY AND
UNREASONABLE NOISE AND PUBLIC NUISANCES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE
COUNTY OF SANTA FE:

Section 1 – Title. Sections 1 through 10 shall be known as the Santa Fe County Noise Control and Public Nuisance Ordinance.

Section 2 – Definitions.

- (1) "Idling speed" means a speed at which an engine will run when no pressure is applied to the accelerator or accelerator linkage.
- (2) "Noise sensitive unit" means any building or portion thereof, vehicle, or other structure adapted or used for the overnight accommodation of persons, including, but not limited to, individual residential units, individual apartments, trailers, hospitals, and nursing homes.
- (3) "Person" means any individual, any public or private corporation, association, partnership, or other legally recognized public or private entity.
- (4) "Plainly audible" means unambiguously communicated to the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech which are distinguishable as raised or normal.
- (5) "Sound producing device" means:
 - (a) Loudspeakers, public address systems;
 - (b) Radios, tape recorders or tape players, phonographs, television sets, stereo systems, including those installed in a vehicle;
 - (c) Musical instruments, amplified or unamplified;

- (d) Sirens, bells;
- (e) Vehicle engines or exhausts, when vehicle is not on a public right-of-way, particularly when the engine is operating above idling speed;
- (f) Vehicle tires, when caused to squeal by excessive speed or acceleration;
- (g) Domestic tools; including electric drills, chain saws, lawn mowers, electric saws, hammers, and similar tools, but only between 10 p.m. and 7 a.m.
- (h) Heat pumps, air conditioning units, and refrigeration units, including those mounted on vehicles.
- (6) "Vehicle" means automobiles, motorcycles, motorbikes, trucks, and buses.

Section 3 – Findings and Policy.

- (1) The Board of Commissioners for Santa Fe County finds that excessive sound can and does constitute a hazard to the health, safety, welfare, and quality of life of residents of the county.
- (2) The Board determines that while certain activities essential to the economic, social, political, educational and technical advancements of the citizens of the county necessarily require the production of sounds which may offend, disrupt, intrude and otherwise create hardship among the citizenry, the Board is obliged to impose some limitations and regulation upon the production of excessive sound as will reduce the deleterious effects thereof.
- (3) It is, therefore, the policy of the Board to prevent and regulate excessive sound wherever it is deemed harmful to the health, safety, welfare and quality of life of the citizens of Santa Fe County. This ordinance shall be liberally construed to effectuate that purpose.
- (4) The Board further finds that the existence of public nuisances can result in visual and environmental blight, and unhealthy, unsafe and devaluating conditions.
- (5) NMSA 1978, §3-18-17(A) (1965) (as amended) permits a County "by ordinance [to] define a nuisance, abate a nuisance and impose penalties upon a person who creates or allows a nuisance to exist." The Board determines that it is necessary to control and limit harmful visual and environmental property blight that can adversely impact the character of a neighborhood, public health, safety and general welfare of the citizens of Santa Fe County.

(6) It is, therefore, the policy of the Board to regulate and abate public nuisances deemed harmful to the health, safety, welfare and quality of life of the citizens of Santa Fe County. This ordinance shall be liberally construed to effectuate that purpose. Provisions of this ordinance are to be supplementary and complementary to state law and other governing law, including, without limitation, other county ordinances (*see, e.g.*, Santa Fe County Land Development Code Ordinance 1996-10, Art. VII, Sec. 5 and Santa Fe Oil and Gas Ordinance No. 20008-19, Sec. 11.23), and nothing herein shall be read, interpreted or construed in any manner to limit any right of the County or private parties to abate any and all nuisances as may otherwise be permitted by law.

Section 4 – Administration and Enforcement.

- (1) The Sheriff of Santa Fe County shall administer, supervise and perform all acts necessary to enforce this ordinance, with the exception of Sections 9, 10 and 12 hereof which shall be administered, supervised and performed through the County Land Use Department.
- (2) Upon citation of a person for a violation of this ordinance, the person issuing the citation may seize as evidence the sound producing device which was the source of the sound. The sound producing device, if seized, shall be impounded subject to disposition of the issued citation and determination by the court. It is the intent of this ordinance to avoid such seizures, except where the person being cited has received two previous citations within the previous six months for the use of the same or similar sound producing device. The previous citations may, but need not, occur on the same date as the citation which prompts the seizure.

Section 5 – Sound Measurement.

- (1) If measurements are made, they shall be made with a sound level meter. The sound level meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified in ANSI Standard 1.4-1971. For purposes of this chapter, a sound level meter shall contain at least an A weighed scale and both fast and slow meter response capability.
- (2) If measurements are made, personnel making those measurements shall have completed training in the use of the sound level meter, and measurement procedures consistent with that training shall be followed.

(3) Measurements may be made at 25 feet of the exterior boundary of a noise sensitive unit which is not the source of the sound, or within a noise sensitive unit which is not the source of the sound.

(4) All measurements made pursuant to this ordinance shall comply with the provisions of this section.

Section 6 – Sound Prohibitions.

It shall be unlawful for any person to produce or permit to be produced, with a sound producing device, sound which:

(1) When measured at 25 feet of the exterior perimeter of a noise sensitive unit which is not the source of the sound, or within a noise sensitive unit which is not the source of the sound, exceeds:

(a) 60 dBA at any time between 10 p.m. and 7 a.m., or

(b) 75 dBA at any time between 7 a.m. and 10 p.m., and the sound exceeds the levels identified in paragraphs (a) and (b) of this subsection for five consecutive minutes or ten minutes in any one-half hour period, or when intermittent sounds exceed the identified levels ten or more times in any one-half hour period.

(2) Notwithstanding any other provision of subsection (1) above, prohibited sounds shall not exceed 15 dBA above the levels identified in paragraphs (a) and (b) of subsection (1) of this section for any duration, except as may otherwise be provided herein.

(3) If the noise source is an idling vehicle licensed to travel upon public roads of the state, the noise source shall not be allowed to exceed the levels identified in paragraphs (a) and (b) of subsection (1) of this section for more than 15 consecutive minutes between 10:00 p.m. and 7:00 a.m. and 20 minutes between 7:00 a.m. and 10:00 p.m. At no time may the sound from an idling vehicle, when measured in accordance with subsection (1) of this section, exceed 15 dBA more than the levels established therein, except as may be otherwise provided herein.

(4) If a measurement of the sound is made, subsection (1) of this section shall supersede subsection (2) of this section and shall be used to determine if a violation exists.

Section 7 – Sound Exceptions.

Notwithstanding Section 6, the following exceptions from this ordinance are permitted:

- (1) Sounds caused by organized athletic or other group activities, when those activities are conducted on property generally used for those purposes, including: stadiums, parks, schools, churches, athletic fields, race tracks, and airports; provided, however, that this exception shall not impair the Sheriff's power to declare the event or activities otherwise to violate other laws, ordinances, or regulations.
- (2) Sound caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, whether or not the work is performed by a public or private agency upon public or private property.
- (3) Sounds caused by sources regulated as to sound production by federal law, including, but not limited to, sounds caused by railroad or aircraft.
- (4) Sounds caused by bona fide use of emergency warning devices and alarm systems.
- (5) Sound caused by blasting activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 9 a.m. and 4 p.m., excluding weekends, unless the permit expressly authorizes otherwise.
- (6) Sounds caused by industrial or construction organizations or workers during their normal operations.
- (7) Sounds created during agricultural operations.
- (8) Sounds made by activities by or on direction of Santa Fe County or any other public or private utility in maintenance, construction, or repair of public or utility improvements in public rights-of-way, easements, or property.

Section 8 – Sound Variances.

Any person who is planning the use of a sound producing device which may violate any provision of this ordinance may apply to the Sheriff for a variance from the provision:

- (1) The application shall state the provision from which a variance is being sought, the period of time the variance is to apply, the reason for which the variance is sought, and other supporting information which the Sheriff may reasonably require.
- (2) The Sheriff shall consider:
 - (a) The nature and duration of the sound emitted.

- (b) Whether the public health, safety or welfare is endangered.
- (c) Whether compliance with the provision would produce no benefit to the public.
- (d) Whether previous permits have been issued and the applicant's record of compliance.
- (3) A variance may be granted for a specific time interval only.
- (4) The sheriff shall, within ten days, deny the application, approve it, or approve it subject to conditions.
- (5) The Sheriffs decision may be appealed to the Board of County Commissioners. Notice of appeal should be delivered to the County Manager. The Board shall review the application at a regularly scheduled meeting *de novo* and deny the application, approve it, or approve it subject to conditions.
- (6) The Sheriff may at any time before or during the operation of a variance granted by the Sheriff revoke the variance for good cause. The Board may at any time before or during the operation of any variance revoke the variance for good cause.

Section 9 – Acts Declared a Public Nuisance.

- (1) Abandoned property. Any deteriorated, wrecked, dismantled or partially dismantled, inoperable and/or abandoned property in unusable condition having no value other than nominal scrap or junk value, which has been left unprotected outside of a permanent structure from the elements. Without being so restricted this shall include deteriorated, wrecked, dismantled or partially dismantled, inoperable, abandoned motor vehicles, abandoned mobile homes, trailers, boats, machinery, refrigerators, washing machines and other appliances, plumbing fixtures, furniture, building materials and any other similar articles in such condition.
- (2) Breeding place for flies, rodents and/or pests. The unhealthful accumulation or stockpiling of manure, garbage, tires, debris or discarded items which is a potential harboring place and breeding area for flies and rodents.
- (3) Burning of any excrement, chemical or plastic substances, or any liquid or substance in violation of Federal or State dischargeable substances statutes or County ordinances on any property. This includes the burning of any tires, rubber products, asphalt shingles, plastic, tar paper or any substance which may cause a black, hydrocarbon, toxic, or noxious plume of smoke.

- (4) Combustible materials. Any dangerous accumulation upon any property of combustible refuse matter such as papers, sweepings, rags, grass, dead trees, tree branches, wood shavings, wood, magazines, cardboard, etc.
- (5) Dead animals. For the owner of a dead animal to permit it to remain undisposed for more than seventy-two (72) hours.
- (6) Disposal or dumping. The accumulation of garbage, refuse, waste, trash, rubbish or building materials upon any property outside an approved landfill.
- (7) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard
- (8) All disagreeable or obnoxious odors or stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches, including smoke and fires, except the odors from existing agricultural lands.
- (9) The pollution of any public well, stream, lake, canal, or body of water by sewage, dead animals, dairy waste, industrial wastes, agricultural wastes, or other substances.
- (10) Any building, structure, or other place or location where any activity is conducted, performed or maintained in violation of local, state, or federal law.

Section 10 – Public Nuisance Prohibitions and Enforcement.

It shall be unlawful for any person who is the owner of property to cause, permit, maintain, or allow the creation or maintenance of a public nuisance as described in Section 9 hereof on such property. For purposes of this ordinance the owner of property means the person in control of the property, or the owner's representative, an agent or attorney-in-fact of the owner. Enforcement of a violation of Section 9, and administration, supervision or performance of actions taken pursuant to Section 12 shall be through the County Land Use Department.

Section 11 – Exceptions.

This ordinance shall not apply to practices operating under a conditional use permit issued by the County.

Section 12 – Removal of Public Nuisance.

(1) Whenever the County finds that a person has caused, permitted, maintained or allowed the creation or maintenance of a public nuisance, the County shall give or cause to be given written notice of violation of this ordinance by certified mail to the owner of property on which the public nuisance is situate that the public nuisance must be permanently removed within fifteen (15) calendar days of notice being sent.

(2) The owner of property may elect to have the County remove the public nuisance if the County, in its sole discretion, determines that it has sufficient staff and resources to complete the removal. The owner of the property may be required to reimburse the County for the removal and related administrative costs.

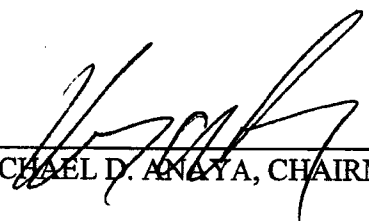
(3) The County may apply to a court of competent jurisdiction for an order or orders to compel removal of a public nuisance.

Section 13 – Additional Remedies.

The provisions of this ordinance shall be cumulative and non-exclusive and shall not affect any other claim, cause of action, or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend, or modify any law, ordinance, or regulation relating to noise or sound but be deemed additional to existing legislation and common law on such subject.

Section 14 – Penalties. Any person found guilty of violating this ordinance may be punished in accordance with NMSA 1978, § 4-37-3 (1975) (as amended).

PASSED, ADOPTED AND APPROVED this 21 day of October, 2009 by the Santa Fe County Board of County Commissioners.



 MICHAEL D. ANAYA, CHAIRMAN

ATTEST:

Valerie Espinoza

VALERIE ESPINOZA, COUNTY CLERK

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

Stephen C. Ross
STEPHEN C. ROSS, COUNTY ATTORNEY



SFC CLERK RECORDED 08/02/2009 RECORDED 11/05/2009

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 9

I Hereby Certify That This Instrument Was Filed for
Record On The 5TH Day Of November, 2009 at 11:13:20 AM
And Was Duly Recorded as Instrument # 1582401
Of The Records Of Santa Fe County

Marcella
Deputy _____
Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, NM

Penny Ellis-Green

From: Anna C. Hansen
Sent: Thursday, July 15, 2021 9:05 AM
To: Penny Ellis-Green
Subject: Fw: Growing Cannabis at home

Santa Fe County Commissioner Anna Hansen
District 2
505.986-6329 • office
ahansen@santafecountynm.gov

From: Linda Kastner <puppause@yahoo.com>
Sent: Thursday, July 15, 2021 9:02 AM
To: Anna C. Hansen
Subject: Growing Cannabis at home

Warning:

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

Dear Anna,

I just read about the concerns of some county residents about growing home use cannabis. May I suggest waiting to see if there is actually a problem before passing legislation. Perhaps make a commitment to revisit the issue next year and see if any of the resident's concerns materialize.

Siempre,
Your loyal constituent,
Linda Kastner

SFC CLERK RECORDED 08/23/2021

From: James Gollin <jgollin@gmail.com>
Sent: Thursday, July 15, 2021 10:53 AM
To: Anna C. Hansen
Subject: Re: County Planning Commission To Hold Public Meeting on Cannabis Today

Warning:

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

Anna,

Thanks for being a voice of sanity in this discussion. It seems to me that many here in the County (and also in ABQ) just don't understand that cannabis is now legal, does not need to be stigmatized, those of us who enjoy it don't need to be stigmatized any longer, and it can and should be treated like other regulated substances and plants. IE 100% we should be allowed to grow it outdoors, using natural sunshine and even occasional rain. Yeah, maybe some limits if someone has 12 mature plants on a tight balcony skunking out their neighbor's balcony, but I assume there's already some regulation about bothersome smells in tight areas, and for those of us with larger properties, neighbors will see and smell nothing. There's NO problem with multiple establishments on the same block. Look at the various beer taprooms at the Railyard, 2nd St, Violet Crown, Bosque, and a new one opening owned by the Opuntia guy. That creates a draw, where people can park once and visit multiple establishments to get what they want. And no, we won't look like Trinidad with a dozen shops per block, that's due to prohibition in NM and TX, where people drive, cross the border, shop, and return. That could potentially happen on the NM TX border, but not here. I'm hoping that there will be a generous policy towards consumption sites, so we can ie park at the plaza, inhale safely in a coffeeshop courtyard, then walk to the Lensic for a show or to the Plaza for a concert. So much better than smoking in our cars, and better for the public than making people smoke openly on the streets by giving them no other choices.

Naysayers need to chill out and not let their fears rule us all.

Best,

Jim

SFC CLERK RECORDED 08/23/2021

From: Aaron Perls [<mailto:aaronperls@gmail.com>]
Sent: Wednesday, July 14, 2021 11:01 AM
To: Anna C. Hansen <ahansen@santafecountynm.gov>
Subject: Outdoor Personal Cannabis Cultivation

Warning:

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

Commissioner Hansen,

I'm writing to you as a resident of Santa Fe county and your district to voice my opposition to what I understand is a proposed regulation on personal cannabis growing that would limit it to indoors only. This is absurd. Not only is this wasteful, and environmentally harmful - using unnecessary artificial lighting and climate control - it is elitist, and enforcement of such a rule would only lead to more unnecessary and counterproductive interactions between law enforcement, and the communities they are supposed to be serving.

I hope you will oppose this and any other similarly regressive proposed rules.

Aaron Perls
Santa Fe County
aaronperls@gmail.com

SFC CLERK RECORDED 08/23/2021

Penny Ellis-Green

From: Anna C. Hansen
Sent: Wednesday, July 14, 2021 4:48 PM
To: Penny Ellis-Green
Subject: FW: Proposed county ordinance.

From: James Bolleter [mailto:jtbolleter@gmail.com]
Sent: Wednesday, July 14, 2021 4:24 PM
To: Anna C. Hansen <ahansen@santafecountynm.gov>
Subject: Proposed county ordinance.

Warning:

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

SFC
CLERK
RECORDED
08/23/2021

I just read that Santa Fe county is proposing a ban on growing marijuana outdoors in the county. This has to be one of the most insane proposals ever in Santa Fe county. Whose idea was this? Staff or a commissioner? Please answer these questions for me so I make sure every one of my friends vote against these people. If you vote for this, you will loose my support.

James T Bolleter

Suby Bowden

From: Suby Bowden
Sent: Thursday, July 15, 2021 3:30 PM
To: Suby Bowden
Subject: FW: Regarding Potential Buyer "Gray Matter" at the Paper Tiger Space

From: Suby Bowden <suby@sb-associates.net>
To: Suby Bowden <suby@sb-associates.net>; Theresa Martinez <theresapmartinez@hotmail.com>; Del & Kathleen Mulder <delmulder@hotmail.com>; kathleenmulder@msn.com <kathleenmulder@msn.com>; Francesca Yorke <francescayorke@hotmail.com>; Laura Sinkler Weber <laura.sinklerweber@gmail.com>; Laura Sinkler Weber <laura.sinkler.weber@icloud.com>; Jonathan Lowe (jlowe11@comcast.net) <jlowe11@comcast.net>; Bob Gaylor <Bob@sb-associates.net>; +Robert Gaylor (gaylorrobert@hotmail.com) <gaylorrobert@hotmail.com>; Suby Bowden <suby@sb-associates.net>
Subject: Regarding Potential Buyer "Gray Matter" at the Paper Tiger Space

Hello Owners of the Guadalupe Center,

I am troubled as an architect, and a business owner in 333 Montezuma, by the idea that a new potential buyer repeatedly stating that he is choosing the Paper Tiger location to maximize marijuana sales to the High School for the Arts teenagers, Medical marijuana sales, or recreational marijuana sales, to teenagers are not considered to be legal under current laws or the Governor's proposed laws. I appreciate John and Paul notifying us before selling the Paper Tiger to "Gray Matter".

Our building is not zoned under City of Santa Fe Land use zoning to allow greenhouses for marijuana in our district.

But most of all I am troubled, after listening to the possible buyer, by his total lack of understanding of the damage that would be caused by 60% humidity to our building....not only to his space, but also to our spaces, and our mutually shared structure and exterior of our building. There are no building codes for cannibus growing within the City of Santa Fe.

Mr. Gray made presentations indicating his intent to use the existing wall and ceiling surfaces of the Paper Tiger, therefore I realized how little he knew about our existing building conditions, none of which were designed to withstand 60% humidity.

So I thought I would pull a series of articles for us all to learn from...at the bottom of this e-mail. You will see in the 5 articles below that 60% humidity is considered equivalent to a public pools humidity. And you will see that even less than 60% humidity causes severe mold and severe corrosion problems.

In addition, Mr. Gray did not realize that all the HVAC are on the roof, therefore all of the odors coming from his HVAC units will float into other units as well. I also studied the existing Paper Tiger HVAC which provides only three HVAC units, none of which were designed for 60% humidity. Therefore the HVAC will not function properly.

He also said he would only clean his own filters once a year, when they actually should be cleaned monthly with that much odor and moisture. Plus the HVAC units should be analyzed to determine if they can even withstand such humidity, versus replacing the Paper Tiger units with alternate larger units.

SFC CLERK RECORDED 08/23/2021

The existing walls and ceilings at the Paper Tiger are gypsum board. Gypsum Board absorbs moisture, it is not designed to deflect moisture.

Therefore all of his ceilings and shared walls with gypsum board finishes will absorb the moisture and odor.

To deflect moisture, cement wall board used in showers would be required to be installed throughout the Paper Tiger walls and ceilings (Laticrete or Durock or Red-Gard).

There are also 5 wall infills between Paper Tiger and the neighbors in the atrium. All of these would have to be required to be waterproofed.

The existing steel trusses are not painted with steel paint products, and therefore the paint will peel, and the steel will rust, caused by 60% humidity.

The floor is concrete, with no slope in the floor, therefore all the moisture from watering the plants that drips onto the floor will roll to the lowest point, and cause moisture build-up again in the adjacent walls of the structure.

I also pulled out the floor plans to determine which adjacent tenants share walls with Paper Tiger.

The adjacent walls are

1. The Atrium, upstairs and downstairs including the stairs themselves
2. The NM Gas Company, downstairs
3. Francesca's art gallery east wall, currently rented by the realtors, downstairs.
4. Jonathon's studio, upstairs and all of his tenants upstairs
5. And the three exterior walls of the Paper Tiger, all owned by us all..

The fact that the proposed Buyer does not know any of this information shows even further his lack of understanding of potential impacts of 60% humidity on the Condo Association.

I therefore consider the potential for Grey Matter to move into the building to be "a great annoyance to the other owners",

which is not allowed under our covenants.

I am grateful to Paul and John for notifying us before selling the space to an illegal use in our district.

I send this to all of you to consider before making your decision.

I do not support the proposal for "Gray Matter" to purchase the Paper Tiger space.

Suby

<http://www.rmmagazine.com/2017/05/01/the-danger-of-marijuana-grow-operations/>

<https://iibec.org/wp-content/uploads/2012-10-smoot.pdf>

<https://www.protradecraft.com/podcast/residential-grow-rooms-7-minutes-bs>

https://www.smithsonianmag.com/smart-news/growing-ounce-pot-indoors-can-emit-much-carbon-burning-full-tank-gas-180977240/?utm_source=smithsoniandaily&utm_medium=email&utm_campaign=20210315-daily-responsive&spMailingID=44624953&spUserID=MTA5OTg4NDM5NzQzMgS2&spJobID=1961249491&spReportId=MTk2MTI0OTQ5MQS2

<https://www.marijuanapropagation.com/cannabis-led-facility-design.html>

Suby T. Bowden

Suby Bowden + Associates

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Office Phone: 1-505-983-3755, ex. 109
Cell: 1-505-690-1764

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