

FINAL COPY
Torrance County Board of Commissioners
Regular Commission Meeting
October 09, 2024
9:00 AM

Commissioners Present:

RYAN SCHWEBACH – COUNTY CHAIRMAN
KEVIN MCCALL – COUNTY VICE CHAIRMAN
SAMUEL SCHROPP – COUNTY COMMISSIONER

Others Present:

J. JORDAN BARELA – COUNTY MANAGER
MICHAEL GARCIA – COUNTY ATTORNEY
LINDA JARAMILLO – COUNTY CLERK
GENELL MORRIS – ADMINISTRATIVE ASSISTANT I
DONALD GOEN – COUNTY P & Z DIRECTOR

1. Call Meeting to order.

Ryan Schwebach, County Chairman, Calls the October 09, 2024, Regular Commission Meeting to order at 9:00 AM.

2. Pledge led by: Ryan Schwebach – County Chairman

Invocation lead by: Kevin McCall– County Vice Chairman

3. Changes to the Agenda:

J. Jordan Barela- County Manager: Defer agenda items 5A, 12J and 13A.

4. PROCLAMATION: None

5. CERTIFICATES AND AWARDS:

A. Presentation of the Employee of the Quarter for the Second Quarter of 2024. - **Deferred**

6. **BOARD AND COMMITTEE APPOINTMENTS: None**

7. **PUBLIC COMMENT and COMMUNICATIONS:**

A. **PUBLIC COMMENT (Comments limited to two minutes.)**

Deanna Lopez-County DWI Program Coordinator: Today is Family Engagement Day at the Moriarty Elementary School where we will have a booth set up. You'll also have a booth set up this Saturday, October 12th, at the Pumpkin Chunkin' which we are also a sponsor of. The gates will open at 8 am and end around 4 pm. Saturday, October 19th, we'll be having a free bingo in Mountainair at the Doctor Saul Community Center from 2 pm to 4 pm. On Friday, November 22nd we will be having a free bingo in Moriarty at the DWI Memorial of Perpetual Tears from 6 pm to 8 pm. We are currently working with Estancia, Mountainair, and Moriarty Schools to plan dates for upcoming events. I will put these flyers in the back if anybody is interested. Thank you.

Debbie Mayberry: I am happy to announce that we have a new Agricultural 4H agent, Angela Hurst.

Angela Hurst - Agricultural 4H agent: I am from Oklahoma, and as Debbie said, I'm the new Agriculture and 4H Extension agent. I'm happy to be here, and I'm happy to get to work with 4H.

Sterling Donner – Boy's Counselor: An update about the Boys' Council and Girls' Council at EVCA. We have about 70 kids in the program. Some of those have been in the program for four years. On the girls' side, it has grown from about six or seven girls to about 50 girls. We've seen an incredible response from the kids. They are creating bonds with each other. On the boys' side, we've got brand-new groups. The boys' Council has been there for a couple of years, and the boys are opening up with each other. They rely on each other, standing up for each other when things are going bad at school. We're seeing a huge positive change in the kids. Hopefully, we can get started programming with the County soon. We've been doing it through FLAME, free of charge, working through donations for

snacks and everything, and at a certain point, we hopefully get into the other schools through Torrance County contracts with CYFD. Thank you.

***Comments by Zoom**

Ian Philabaum – Innovation Law Lab: I'm going to play a recent recording from Spanish)

Tiffany Wong - Innovation Law Lab: The following is a translation of the recording we just heard. Cordial greetings to you. My name is Julio Cesar. I am from the Dominican Republic. I direct this to anyone who may be interested. I am detained in the Torrance County prison. I came to this country to seek asylum, and now they have held me in prison for more than three months without any response about anything. ICE officers arrive at the center. They talk to whomever they please. For the rest of us, when we address them, they speak badly to us, and they respond that they have nothing to talk to us about. At the center, specific officers treat us like animals. They put us to work in the kitchen. One takes the work to distract one's mind because they lock us up every two hours like animals in a room. When you go to the kitchen, the chefs want to exploit you with work. They tell us that we can't sit even for a minute, as if we were slaves. Their threat is that they will return us to our room, and they will make a report against us that will prejudice our process. I'm tired. I am a father of a family, and there are hundreds of people here like me. It is inhumane abuse. I have never set foot inside a prison. I came to this country to ask for asylum, and they put me in prison. I want this to reach the right person. We are tired. This is an abuse of human beings. What do they do to us immigrants? They separated me from my younger brother, released him, and left me in prison without any answers, I would like for this to echo the deportation officers' abuse of power against us immigrants. Thank you very much and blessings to you.

Anne Schropp: The Carter Foundation was formed in the 1980s with several humanitarian goals, such as Habitat for Humanity, and eradication of certain diseases in tropical countries, ironically, things for which ivermectin works. One of the biggest projects has been protecting voting rights in undeveloped and underdeveloped countries. The staff is trained and has learned from experience in

countries like Rwanda, Nigeria, Venezuela, and Brazil, how to keep election workers and voters safe and ensure honest and fair ballots. In short, they are vital to what we Americans distinctly call banana republics. Now they have had to bring what they have been doing in those dangerous places home to the United States of America, Torrance County, due to the addition of voting rights protectors and we got our very own representative from the foundation to observe the certification of our voting machines and help our poll workers try to stay safe. I am ashamed that the American voting process has descended to this level. I and most of you have ancestors who fought in wars for democracy. I'm proud of my ancestors who fought or worked in other ways in World Wars One and Two. My father-in-law was a fighter pilot during the Korean War. I can only imagine their horror at seeing what their America has become. The people who work our elections are our friends, our family, and our neighbors. Anyone in Torrance County who has any concerns about their safety during the election process should be humiliated by every citizen and stay in their lane. Let's not embarrass Torrance County any further. Thank you.

Rick Dean: To speak to the conditional use permit you'll be talking about, I hope that we can continue to keep from issuing these until we can figure out some of the water situations and that the state has time to figure out the cannabis laws, so we can try to regulate some of this. I also have a question about how you give a conditional use permit for one address and how can they go to a different address. I know Mr. Goen and I have spoken about this, and he hasn't had time to properly check it out, but it appears we've had 24 greenhouses go up in less than three days. Those are not on the conditional use permit. We must keep an eye on this stuff, I definitely will, because it's unsightly. If we continue to, especially when it comes to additional cannabis grows in Torrance County, keep holding off on those until the state has a chance to help us out with rewriting the laws. Thank you.

Samuel Schropp-County Commissioner: I'd like to read a statement into the record that pertains to comments. I want to clear something up. None of what we hear in public comments at this meeting, or past meetings is testimony. No one has sworn to tell the truth, and there are no penalties for knowingly or unknowingly making false or misleading statements at a previous meeting during public comment. Jessica Martinez said that one of her clients, quote, "had a bone sticking out of his ankle, and nothing was being done for him." Close quote. At a previous

meeting, three immigration advocates claimed that their clients had, respectively, thyroid cancer that was not being treated, a diagnosed diabetic that was not being provided with medication, and another had a seizure, and the cause remained undiagnosed and untreated. I referred all these claims to Congresswoman Stansbury's staff, but without a HIPAA release, there is no way to investigate these claims. Some of the immigration advocates are attorneys, and I assume they are licensed to practice law in New Mexico, they are remiss in their representation of their clients, and there are sanctions for them. Each one of these immigration advocates should have immediately printed out a New Mexico HIPAA release, made another appointment with their clients, and had them sign for the release of their medical records that would enable the attorneys to appear in Federal Court to petition for a court order for the release of the detainee's medical records. Those records would then be reviewed by a medical expert and an appropriate act taken in Federal Court to obtain a court order for the appropriate treatment. Instead, the people representing those detainees come to these chambers and read statements that should be reviewed by the New Mexico Bar Association for ethics violations and inadequate representation.

I intend to go through the minutes of previous meetings and refer those names to the New Mexico Bar Association for review, to those who were here making public comments regarding the TCDF. You are wasting your time, our time, and, more importantly, the time of your clients. Congress has mandated that there be 36,000 beds available for detainees who meet certain criteria for further vetting, closing the TCDF and the other detention facilities will not change any of the policies which are creating the backlog and resulting suffering of detainees denied habeas corpus or their Fifth and 14th Amendment rights. Forcing the TCDF to close will be a hollow victory, which none of the immigration advocates should be proud of but will look good on fundraising letters. The slogan dignity, not detention is just as foolish a slogan as defunding the police or abolishing ICE. The theory of incarcerating does not apply to asylum seekers if the immigration advocates are serious about making change, then join with the deep pockets of the Southern Poverty Law Center and the American Civil Liberties Union. They gather sworn testimony and medical records and sue the leaders of the House of Representatives, the US Senate, and the Biden administration in federal court to force those parties to reform the immigration system. Thank you.

B. DEPARTMENT UPDATES AND COMMUNICATIONS

8. APPROVAL OF MINUTES

- A. **COMMISSION:** Request approval of minutes of the September 25, 2024, Regular Meeting of the Board of County Commissioners.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve minutes of the September 25, 2024, Regular Meeting of the Board of County Commissioners.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED.

9. APPROVAL OF CONSENT AGENDA

- A. **FINANCE & PURCHASING:** Request approval of payables.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve payables.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

10. ADOPTION OF ORDINANCE/AMENDMENT TO COUNTY CODE:

- A. **FINANCE:** **(PUBLIC HEARING)** Requesting adoption of Ordinance No. 2024-02, an ordinance Superseding Torrance County Ordinance No. 2020-05, the Torrance County Financial Reserve Ordinance, to amend language in the current ordinance for better clarification, tracking, and calculating of Financial Reserve requirements.

Action Taken:

Ryan Schwebach – County Chairman: Motion to move into public hearing.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

9:24 AM

The County Attorney swears in – Misty Witt and Mr. Burpo.

Misty Witt-County Finance Director: This is an ordinance that was adopted in 2020 regarding the finance reserve in correlation with the PILT Funds. We've been working with Mr. Burpo to get this ordinance language clarified. It was very unclear and hard to track. Mr. Burpo is on Zoom as well for specific questions. In your packet, there is a copy of the new suggested reserve ordinance with the changes highlighted in yellow. There are only additions, nothing deleted.

Mr. Burpo – Torrance County Financial Advisor: There are four changes. Two definition changes in the term County reserve. We added the word minimum so that your 2/12 requirement is the minimum that can be in the Reserve Fund. The second thing was to make it a segregated account within the General Fund. Right now, the funds are commingled. They're not set aside. This will allow the Finance Director to create a new line item, those funds will be segregated. In turn, give your accounting treasurer some variable investment options. A little bit longer term so they're not just General Fund override money. The third change we made is in the funding procedures. One thing we said is that if you put money in and it's grown and it's more than 2/12s of your General Fund, you're allowed to do that, and that becomes your new baseline every year. The fourth thing is a new section that allows the County Commission to put additional funds over and above the 2/12s should those funds not be readily available or needed by the Commission.

This ordinance was passed in 2020 before the two big Pattern Industrial Revenue Bonds that have in the past been enacted and are under construction and operation. I thought that would give you some latitude if you wanted to add additional funds to this segregated account. Those are the four basic changes to the order.

Kevin McCall-County Vice Chair: I can appreciate the changes.

Ryan Schwebach-County Chairman: Is there anybody else who wishes to speak on this matter? Is anybody against it? (no response)

Samuel Schropp-County Commissioner: To clarify, the previous wording was ambiguous about what was required of the Commission and required of Finance. This clears that up. The wording is unambiguous and much more transparent in this version of the ordinance.

Ryan Schwebach-County Chairman: By statute, what does the reserve account have to have?

Mr. Burpo – Torrance County Financial Advisor: You are required to have 3/12 of your General Fund in the Reserve Fund and 1/12 of your Road budget in a Reserve Fund. This is separate. What you've done is set up a separate account to take care of your PILT Revenues, and you're segregating them under this newly revised ordinance, you're segregating them outside of the General Fund.

Ryan Schwebach-County Chairman: The purpose of this is to let the public know why we put this in place back in 2020. I remember the County was hurting for money due to various reasons, then the PILT Funds were coming in. The Commission, at the time, chose to create this fund to have extra reserves for the County and the citizens of the County for basic services. It can be removed with a unanimous vote by the Commission, and the funds can be used. That's why this is a public hearing and ordinance. That is the purpose of this so that everybody knows what is in place. I agree with the changes. It makes sense.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve changes to the Ordinance 2024-02, which supersedes Torrance County Ordinance No. 2020-05.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

Samuel Schropp-County Commissioner: Mr. Burpo and I were talking yesterday, and I relayed to him that it's the Commission's wish that economic development take place in Torrance County. Mr. Burpo said that in Sandoval County he had set up a similar account. Mr. Burpo asked me to bring that up here to bring that to your attention now as we move forward in the future.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve out of public hearing

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach
– County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

9:30 AM

B. FINANCE: Request approval of Ordinance No. 2024-02, an Ordinance Superseding Torrance County Ordinance No. 2020-05, the Torrance County Financial Reserve Ordinance.

Ryan Schwebach-County Chairman: Passed in the public hearing.

11. ADOPTION OF RESOLUTION:

A. GRANTS: Request approval of Resolution 2024-36, entering into a grant agreement with the NM Department of Transportation (NM DOT) for Transportation Project Fund Control No. HW2LP50062, in the amount of \$574,652.85, and approval of the 5% Torrance County grant match totaling \$30,244.89, for a total amount of \$604,898.00 with a termination date of June 30, 2027.

Amanda Lujan - Grants Administrator: This is a request to enter into this grant agreement with the Department of Transportation to fix Appaloosa Road. It's 2.4 miles. It will start at Abrams Road and go to Charlie Breckenridge Road. It would be a three-inch overlay to improve the road. For this grant, it's monetary. Roads always have that extra funding in their budget.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach
– County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

B. FINANCE: Request approval of Resolution 2024-37, FY 2024-25 Budget Adjustments.

Misty Witt-County Finance Director: Schedule B of the Budget Adjustment within your packet, will have a breakdown of what we are adjusting. We received a donation from the Sheriff's Department, so we're adjusting the budget to add that donation so they can spend those funds. That is the first line. The second line is the election grant that we received for 18,000 so we would like to adjust the budget to reflect that. And then all the adjustments within fund 416 are for the new Fire Department position that you created at the last Commission Meeting. You will see that there's a cash transfer down at the bottom of the schedule, transferring that from the general fund into the fire department to cover that in position.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

C. CLERK: Request approval of Resolution No. 2024-38, amending Resolution No. R-2024-15 to move the polling location in Willard, NM, from the Willard Community Center to the Willard Fire Station due to recommendations from Disability Rights New Mexico.

Linda Jaramillo-County Clerk: On September 17, we were sent a report from Disability Rights of New Mexico on some of our polling places that were not in compliance with accessibility for the disabled. They were the Manzano Community Center, McIntosh Senior Center, Torreon Community Center, Tajique Community Center, and the Willard Community Center. Except for the Willard Community Center, all the rest of them, with the help of the people in these locations, are helping us to bring them back into compliance. But with this one in Willard, it was such short notice to fix all the issues, so they recommended moving it to the Willard Fire Station. I talked to the people in Willard. I talked to the Willard Fire Department and the County Fire Department. It's good to go. We need this resolution because I can't just change polling places without your permission. This resolution will change the current location to the Willard Fire Station. then it'll be published in the paper, and that'll take care of the legalities.

Action Taken:

Ryan Schwebach – County Chairman: Motion to approve.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

12. APPROVAL

A. PLANNING & ZONING: (PUBLIC HEARING) Appeal of the decision by the Planning & Zoning Board to deny the Minyong Chen application for a Conditional Use: Commercial Greenhouse Operation. The subject property is described as Tract A-4-1 within the SE4, T.6n., R7E., NMPM.

Action Taken:

Ryan Schwebach – County Chairman: Motion to move into public hearing.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

County Attorney Swarn in - Chris Lee, Suzanne Dome, Georgiana Cooper, Jason Holton, Clayton Gardner, Haily Love Melcheck, John Humphries, Pat Davis, Johnny Romero, Lucy Lawrance.

Chris Lee – Representative for Minyong Chen: We are appealing the decision made by the previous Zoning Board. Our client, Minyong Chen, and the current property owners, Jeffrey Eckles, and Yinzi Cui. Torrance County Planning and Zoning Board's made the decision to deny a conditional use permit for a commercial greenhouse operation. The applicant cannot start the commercial agriculture operation without this conditional use approval and the ability to pursue their business venture. The decision will also hinder the current owner's ability to sell the land at Riley Road now, and in the future, without the approval to conduct large-scale commercial farming in the designated Agricultural Preservation District. The Planning and Zoning Board has failed to demonstrate how the conditional use approval would hurt existing agricultural operations in the area, making it incompatible with the surrounding properties. This is our reason for the appeal found in number four in the original denial. It was determined that the commercial greenhouse operation at this location would hurt values in the area.

We believe this decision by the Zoning Board is not supported by factual evidence. Land value is higher if you're allowed to legally use your property with unnecessary restrictions on land use and farming community. This endangers the value of all properties. We have a misjudgment by the Zoning Board, and the decision of the Zoning Board was not supported by factual evidence. Another notice of the decision was that the odor and light effects could not be satisfactorily addressed. These issues were addressed in the original application. These were glare, shade cloth covers which will be used over the hoop houses to prevent glare, maintaining a visually unobtrusive presence. He does use an upgraded version that's economically more viable for him, and he doesn't have to do as many repairs as compared to the black plastic cloth that you see in some of the buildings in the County.

Odor: the facility is in the center of the property, and all processing and packaging is completed in the warehouse. The warehouses are sealed, and they do have odor mitigation practices and standard operating procedures to limit air and odors leaving the building. We have attached an odor control plan to this appeal, showing their carbon fans. Due to these findings, we feel that there was a misjudgment by the Zoning Board. We have a couple of examples, Green Leaf Gardens on June 5 of this year, for light pollution, was to install the six-foot opaque fences, which is ruled by the state, and then supplemental light during nighttime operations will just be to cover the greenhouses. Their odor control was that each greenhouse is equipped with fans to exhaust odors and planting Fringe Trees close to the residence to effectively absorb odors. Magnum Opus on May 1, 2023, stated there would be no glares on adjoining properties from our facility. With environmentally friendly cultivation, there will be minimal odor and sound to adjoining properties with the use of carbon filtration systems, which we also stated.

Our compatibility with surrounding land use in proposed cannabis cultivation facility is a commercial agricultural operation. Torrance County Zoning Ordinance, Section Nine, Agricultural Preservation District AP 40 is intended for agriculture and agricultural-related uses. Permissive uses on this land include the cultivation and harvesting of plants and croplands, making the conditional use for commercial greenhouse operations compatible with the current design of the bordering properties and their land uses. In conclusion, the decision by the Torrance County Zoning Board was not supported by factual evidence. We believe the Zoning Board applied a standard of concern instead of demonstrating injury, and due to this misjudgment by the Zoning Board, we request that the denial be reversed.

Samuel Schropp-County Commissioner: Will the carbon filtration systems be on the hoop houses, or solely on the warehouse?

Chris Lee – Representative for Minyong Chen: They will also put these in the hoop houses.

Ryan Schwebach-County Chairman: This is not built now? We're still in the permitting process, correct?

Chris Lee – Representative for Minyong Chen: Yes, there's been no building on the land. We're in the stages of the permitting process to finish the completion of the purchase.

Ryan Schwebach-County Chairman: For the carbon filters and the light coverings, how is that enforceable?

Chris Lee – Representative for Minyong Chen: It is only enforceable after completion. To get licensure, they must attest to these things. Then the state of New Mexico will randomly inspect their facilities. They inspect them before operation and once a year, randomly or anytime there's a complaint about a facility, the state shows up and does an inspection.

Ryan Schwebach-County Chairman: This is within the permitting process, within the state that this is a requirement, both the light pollution and the fencing.

Chris Lee – Representative for Minyong Chen: The fencing or the light pollution is not necessarily a standard. It is just a common practice within the industry. They will upgrade their coverings to limit light pollution.

Ryan Schwebach-County Chairman: There is no enforcement. No statute requires it.

Chris Lee – Representative for Minyong Chen: The rules are that they can't pursue state licensure without approval from the County, a business license, and Zoning approval. They're not even allowed to pursue a state license without the County permit first.

Ryan Schwebach-County Chairman: Again, I ask, how is that enforceable? Is it on our ordinance?

Michael I. Garcia-County Attorney: If it's a conditional use, and I'll defer to Mr. Goen on this as well, my understanding is that if an applicant or an owner or operator violates the conditional use there is a mechanism to enforce the violation on a conditional use permit.

Donald Goen-County P & Z Director: That is correct. Torrance County Board of Commissioners could revoke that conditional use permit.

Ryan Schwebach-County Chairman: Are these within the permit? Are there conditions with the filters and the light screening?

Donald Goen-County P & Z Director: Under the conditional use, it says, the odor effects and light glare. The stated steps are the ones that they intend to take to address those concerns. It does say that they need to be addressed.

Ryan Schwebach-County Chairman: Spelled out within the permit, not just addressed, but with what was just stated here.

Donald Goen-County P & Z Director: It doesn't specifically say this type of cover or air filtration.

Michael I. Garcia-County Attorney: I believe we can make those terms of the conditional use permit.

Samuel Schropp-County Commissioner: That would be enforced at the County level?

Michael I. Garcia-County Attorney: Yes.

Samuel Schropp-County Commissioner: As we've seen, CCD has very poor enforcement powers.

Donald Goen-County P & Z Director: This isn't just a blanket yes or no. One of the options is that either the P & Z Board or the Commission has the option, if you were to decide to approve with conditions. This would give us a little more leeway in what we could do as far as ensuring compliance.

Donald Goen-County P & Z Director: I read the permit application and the findings. They're running the same permit without any conditions of mitigation,

other than their word. The CCD says that it's an honor system, and it's self-policing, which has been ineffective.

Michael I. Garcia-County Attorney: Mr. Lee, is there anybody else that you brought to testify in support of your appeal?

Chris Lee – Representative for Minyong Chen: A question at the previous hearing was, where is the actual applicant? Mr. Chin is here today. We have an interpreter if someone would like to ask him direct questions, but for the most part, with the language barrier, I will handle most of it, unless you would like to speak with him directly.

Michael I. Garcia-County Attorney: Is there anybody who wants to speak in opposition to the appeal?

Donald Goen-County P & Z Director: I have a letter that was handed to me this morning.

Michael I. Garcia-County Attorney: We need to have that he's put in the record because it's not sworn.

Suzanne Dome - Resident: I emailed you ahead of time to give you the sources that I use in the creation of my current document and the light and odor mitigation protocols that are suggested by industry experts. The reason for their appeal states that “unnecessary restrictions on land use in a farming community endanger the value of all the properties in Estancia Valley”. The entire purpose of zoning ordinances is to protect the nature and quality of the land, prevent pollution, and stop large industries from encroaching on residences. The ordinance in question, Section 21D which was last revised on April 23, 2008, was correctly interpreted. The application and appeal contain vague, misleading, or contradictory information and some simple false claims. One such false claim is that the facility will be in the center of the property. That’s 42, 70 x 30-foot hoop houses five feet apart, plus the existing structure, three 50 x 160-foot metal warehouses, parking, and a dumpster. Their diagram, on its own, proves that the buildings will not be centered, as the applicant claims, and the applicant has not indicated they are buying more land than the known parcel. The buildings would be 10 feet away from one property line and 60 feet from another.

Do we know if they plan to purchase more land and expand the business? There's nothing stated in either the application or the appeal. I would even question the

way they intend to fit their buildings into the space based on the sizes and numbers of buildings they're proposing. I also must question their horticulture method; the application only mentions vague technologies. Their representative claimed in the August 7 meeting, which would be in the Zoning meeting recordings, that they came in to talk to Zoning. They described pots over trays so they could recycle the water. Then in the appeal, they're describing suitable agricultural soil, which implies they're putting it in the ground.

That brings back concerns over water quantities, and chemical usage, and raises questions about exactly how they plan to construct the hoop houses. They also attempted to compare their business plan to two others that were previously approved, neither of which are even comparable. One was only five hoop houses, and from what we know, there's nothing else up right now, besides a warehouse. The operation is more comparable to a feedlot with all the inherent problems. In terms of property values, there's plenty of readily searchable data showing the property values drop around industrial sites. Inflation is a larger factor in price increases and most of the positive data concerns businesses inside city limits rather than the land surrounding rural grow sites. The applicant specifically cites their odor and light mitigation as reasons they should not be denied. I have found lots of data to the contrary, and this is what I sent you in my email.

Carbon filtration is not for growing areas. It's only effective with regular maintenance and warehouses and processing facilities in a larger scale system. The system listed in the appeal would not be adequate for greenhouses or hoop houses, and it is advertised specifically for smaller spaces. The proper system for removing volatile organic compounds and odors from greenhouse exhaust is removing it before it goes out. It is a fog system; it uses fog to drag the VOCs out of the air and neutralize them before that air is vented. That's the only way to control that smell. Also, the chemistry of it is not great. They mentioned the Chinese Fringe Trees. Honestly, I had to laugh at that. These are extremely fragrant flowering trees. There's no evidence anywhere that they absorb the smell. They flower briefly from May to June, they're very smelly like a magnolia. There's nothing that says that they absorb anything. Moreover, the application also says they intend to use hoop houses, specifically, which are not suitable for any odor-control systems due to their design, they're just too drafty. You can't seal them; you can't pressurize them.

For light mitigation, they proposed shade cloth and a fence, which is completely inadequate for blocking bright lights, according to experts in light pollution. Only closable curtains that block the light completely from the inside are truly adequate

to stop that nighttime glare from leaving the actual greenhouse. It is well known that light pollution disrupts wildlife, and livestock can also suffer from light pollution and from not having enough nighttime darkness to rest. It stands to reason that any livestock in the area would potentially suffer from having this nightlight across the road. On top of the overall issues with light pollution, the types of bulbs can be hazardous and not necessarily proper for hoop houses, so it should be thoroughly considered which kind of bulbs are involved. High-intensity discharge bulbs are a fire hazard, and LEDs are linked to health issues in humans. Overall, the suggestion that shade cloth and fences could stop light pollution is incorrect. The applicant claims they're losing a stake in a business opportunity, but they have not purchased the plan yet.

In the original zoning meeting, their representatives stated the applicant would not purchase the land if they could not acquire all the permits. They could just find other land. There's no reason they must purchase that land, and it is not high stakes for the applicant, yet all they have paid are some preliminary fees. No land, no construction, and no stakes. Residents, on the other hand, have a huge stake in their established homes and farms. We face the potential for lost business, dry wells, and sickened livestock, and it would be an undue burden on the residents and farms to have to haul water if the hoop houses do deplete the local water table for any length of time. I ask again for a hydrological study. The biggest difference between this application and previous ones is that this time the residents became aware and came forward. We have a comprehensive land use plan, a legally binding document required by the state that directs the County to preserve the nature of the neighborhood, conserve County land, and protect water resources. In previous approvals, it appears almost no one showed up, and perhaps they just didn't know until it was too late. This time the residents have gone out of their way to prove that this project is completely inappropriate for this land parcel, and with the data that I've provided today, I encourage you to preserve the Zoning Board's denial, to protect and conserve our neighborhood as it is.

Samuel Schropp-County Commissioner: Are you an adjoining landholder?

Suzanne Dome - Resident: Yes, I am on Riley and Langley. My ranch is directly across the road.

Samuel Schropp-County Commissioner: If you're not quite familiar, this land is bordered East by Riley Road, bordered on the north by Torrance Heights Road, and then bordered on the south by another residential landholder. There are several residences adjoining this property and domestic wells there as well.

Michael I. Garcia-County Attorney: The witness said she had sent you emails.

Suzanne Dome - Resident: I sent emails to our three Commissioners and Mr. Goen, including the bibliographies, and the sources that I used for the light and odor control.

Michael I. Garcia-County Attorney: For the record. It's okay for the witness to send it to Mr. Goen, but because it's a quasi-judicial proceeding, you all can't be reading it. It's something that a lot of people in the public aren't aware of, how the quasi-judicial process works.

Ryan Schwebach-County Chairman: I am aware of it, and that's why I did not read it. There are a lot of emails I have not opened.

Suzanne Dome - Resident: That's probably something that needs to go up somewhere on the public page.

Samuel Schropp-County Commissioner: Since this is in my district, Mr. Garcia cautioned me about having any contact with the people will be here today.

Georgiana Cooper - Resident: At the last meeting, nothing changed. I have contiguous property boundaries with this Riley Road greenhouse operation that's going in. From their diagram, five to 600 feet from where they will have their porta potties would be the location of my line compared to where they are. Were zoned Rural Residential out where we are, there's nothing compatible with us being an industrial operation, especially one that has the potential of putting out contamination.

We all know that we have a windy valley, and things can be spread around by the wind. Going down 542 I saw black plastic flying in the breeze over the last few days. I find that what each of us has stated before, I feel that there's harm to the corn that grows very close to them. This corn is used to sustain the local cattle population. Cattle give you milk and beef. What they want to put in is not sustainable for any of us. It is federally still illegal, which makes you wonder how they will operate there, considering banks don't deal with illegal entities like this. Are they insured for the harm that they're going to cause to the people that are in the surrounding area into the valley? This reflects on all of us. We have narrow roads, which with the big trucks, if you're going opposite directions, you're very close to each other. To get away from the trucks as you go down the road, of

course, it's been trimmed up a bit. We were hitting sunflowers with a side mirror, so that was unsafe, and I was concerned for my health. I don't think I want my grandchildren or great-grandchildren to come to my house. I'm concerned about my neighbors, they have children. The location they have chosen is very close to residences there, it's dangerous. My main point is that what they are doing is not sustainable for the population, and for our livestock, and it's dangerous.

Jason Holton - Resident: I have some additional information I would like to pass out, (see in packet). Thank you for letting us present this info today regarding the Minyong Chen, commercial greenhouse, conditional use appeal. My wife and I own 480 acres adjacent to this property and will be directly affected by any activity that may happen on this property. The applicant, Minyong Chen, and the current property owners Jeffrey Eckles and Yinzi Cui, feel they have agreed by the Torrance County Planning and Zoning Board's decision to deny their conditional use permit for a commercial greenhouse operation. I believe the applicant has yet to provide sufficient evidence to overturn the Planning and Zoning Board's decision. As a property owner, I feel sorry for the situation Eckles and Cui are in. No one wants to fight to sell their property. However, the county had already set forth guidelines for how all property in the County can be used, and the proposed use for the potential buyer, Minyong Chen, was found by the Torrance County Planning and Zoning Board to not be compatible with the existing use of the surrounding properties. The surrounding properties mostly consist of residential housing, livestock grazing, and one nearby irrigation pivot that has been slowly transitioning to livestock grazing over the last few years.

In the appeal, the applicant says that they had addressed the issues of glare in their original application. For reference findings number five, six, seven and eight all relate to glare from the original application. They said, "glare, shade cloth covers will be used over the hoop houses to prevent glare, maintaining a visually unobtrusive presence." In the appeal, they then added, "The state requires a six-foot opaque fence for the cultivation license approval." While this might address some issues with glare during the daytime, it does not address the issue of light pollution or glare at night. New Mexico is so proud of its beautiful nighttime views. In 1999 a law was passed called the "Night Sky Protection Act," also known as the New Mexico statute, Chapter 74 Article 12, this statute currently only addresses light pollution originating from outdoor lighting fixtures at the time of its writing and adoption, I believe that light originating from indoor sources were not as prevalent as outdoor lighting. However, as lighting technology has improved and more indoor growing operations have arisen, the statute has not been updated to address the fact that indoor lighting that is allowed to exfiltrate the

confines of the building in which they are placed can have a major impact on the night sky. Simply placing shade cloth covers over a hoop house and erecting a six-foot opaque fence will have very little effect on reducing the light pollution or nighttime glare from a hoop greenhouse, as can already be observed from other similar operations in the area. The only way to prevent any nighttime light pollution or glare is to prevent any meaningful light from exiting the structure, be it a completely sealed structure with no windows, light-blocking curtains, or some other similar medium that will not let light pass.

Furthermore, when it comes to odor, the applicant states, "The facility is in the center of our properties, and all processing and packaging will be completed inside the warehouse. This will limit odor drift to neighboring parcels." Then attached a facility odor mitigation policies document with the documentation for the fan infiltration system they plan to use. Others here have already or will be addressing the technology they are proposing to use for the warehouses. I will leave it up to them. As for the statement about the facility being in the center of the properties, the Eckles have three properties for sale, and based on the wording, it would be safe to assume that all three are involved here. The conditional use is only for the centermost property where the grow facility will be located. However, the applicant's documentation shows that the warehouses and greenhouses will be 60 feet from the western property boundary on a square 30-acre lot. Unless the directly adjacent western property, which is currently owned by Stanfill, Andrew, and Mary Trust from Albuquerque, which is also for sale, then the grow and processing facilities are nowhere close to being located at the center of their properties. Stanfield, Andrew, and Mary's trust are not listed in the appeal as an aggrieved party, so it would be logical to assume their property is not involved. I handed out a map showing where the applicant's property is located, labeled all property that are included in the sale to the applicant where the hoop greenhouses and warehouses will be located on the property, as well as marked all houses in the area.

To further add, the applicant never addressed the odor concerning the hoop greenhouses. In the original application or their appeal application, because they have yet to properly address the odor release from the hoop greenhouses, they have still failed to make a valid argument to completely overturn findings number five, six, seven, and eight. Now, why is odor such an important issue? Given the rural location of this property, odor affects our sense of smell and taste. As ranchers who have livestock, we need to be in tune with our surroundings for us to properly care for our animals. We use all our senses to identify when there might be an issue on

our property or surrounding properties, issues that might cause harm or even death to our animals.

Biosecurity is a very important aspect of our daily lives. 24/7 365days. Wildlife can pose a very real danger to the animals we are in charge of in the case of odor, it is very important to be able to identify when a skunk may be in the area and then to gage where the skunk may be or how close it may be based on the smell alone. Surely, I do not need to explain why skunks are not welcome on the farm, ranch, or near home. Over the last month, as the winds have begun to change, we have noticed the scent of skunk coming through our swamp cooler on an almost nightly basis. We do our due diligence as ranch owners in charge of animals that live outside and search to identify where a skunk might be. We have yet to positively identify the location of a skunk. Over this period, we have set traps to try to catch them when they come up close with no luck. This is such an issue. Just yesterday,

I was talking with my neighbor John Meadows and his sister about the smell of skunks at night. They both stated that they had noticed the odor and had also been setting live traps without catching a single animal in them. They were stumped as to why the traps remained empty and the skunk odor persisted. After explaining that cannabis has a very similar odor as a skunk we came to the most logical conclusion, a commercial cannabis grow operation six miles southeast of us along Highway 542 is the most likely culprit, as that is the direction the wind has shifted to blow from in the evenings. This grow operation has been seen to leave their hoop greenhouse doors open at all times of day and night and has absolutely no filtration on the hoop greenhouse portion of the operation as can clearly be seen from the road. We have this new cannabis grow operation that is already affecting the ability of established local ranchers and properly identify when hazardous wildlife may be on their property, endangering their livestock and pets.

I reiterate that Mr. Chen and his representative have yet to address how they will properly mitigate the odor from the hoop greenhouse structures they plan to erect. If this grow operation is allowed to go in as it currently stands, we will have another source of skunk, like odor, and from another direction, closer than any others, in essence, making it near impossible to properly identify when there may be a skunk on our property throughout most of the year. That is why this applicant has yet to properly address how they will not negatively affect the adjoining property, surrounding area, established homeowners, ranchers, and farmers, who also must abide by the very same zoning ordinances, lest you be reminded whenever the wind blows, so go our affairs.

Samuel Schropp-County Commissioner: You said you had spoken with John Meadows. I rode with John Meadows. Are you familiar with the well at Higdon Place?

Jason Holton - Resident: Yes, to my knowledge, they have had at least one, maybe two wells that have dried up in the last year or two. We spoke about their process of trying to drill a new well. This is fairly close to where this operation wants to go. They went down 260 feet. Had very little flow, hit a cavern, and then they were afraid to go any deeper, out of risk of damaging their drill stem.

Samuel Schropp-County Commissioner: Do you recall the Higdon place being for sale? Do you know why the Higman place is no longer for sale?

Jason Holton - Resident: Yes, they pulled it off the market because the livestock wells went dry, and they wanted to rectify the issue before putting it back up for sale.

Clayton Gardner - Resident: I know the State Legislature and Zoning are talking about some of these issues. Mr. Lee, at the Zoning meeting, acknowledged there were lots of issues in Torrance County that need resolving, and he's consulting for Minyong Chen. He acknowledges there are issues. I think denying it will be great. Postpone, indefinitely, is a way to look at this as well, to see what's coming down the line. The zoning we have right now, and we have the power already. It was brought up in our zoning meeting. It's supposed to protect agriculture. Agricultural Preservation is to protect the open character of Torrance County. Multiple hoop houses and a warehouse do not protect the open character of Torrance County. Therefore, they do not protect agriculture. Furthermore, the State Engineer's Office has recognized this as a commercial product, because you need commercial water rights to grow cannabis. I don't need commercial water rights to have a livestock well. I don't need commercial water rights to have an irrigation well for farming, but you do need commercial water rights to grow cannabis. I think within our zoning, that's two big things. I think it should be brought up just because we're going in the unknown. How do we enforce all these things? We've shown already that there's no enforcement. That's a big problem. If it goes through Cannabis Control, we've already given Denae Banali a license to grow here.

It was acknowledged at the zoning meeting that there are lots of Chinese that have the same name. Minyong Chen is indicted by a multi-county grand jury in connection with large-scale illegal marijuana operations. Maybe it's a completely different guy. I'm not saying it is or not, but he has the same name. This guy was

growing way more marijuana than he was supposed to in Oklahoma. I read a news article about it. We must approve this before we know anything about our applicant, that's unfortunate. I think that's a terrible way to go about something.

Samuel Schropp-County Commissioner: A clarification. The OSC website on cannabis water use differentiates between hoop houses and marijuana that grows like your alfalfa or your silage corn. One requires irrigation, and the other requires commercial.

Clayton Gardner - Resident: New Mexico Cannabis Regulation Act defined in sections one through 42, 26-2c- 1 through 26 1-2c- 42 NMSA 1978 was enacted on April 20. 12th, 2021 requiring that an applicant requesting to produce cannabis for sale, demonstrate the legal right to a commercial water supply.

Samuel Schropp-County Commissioner: On the OSC website, they do differentiate between outdoor and indoor grows, and the permits that are required.

Hailey Love Melcheck - Resident: I did have a lot to say today, but a lot of my community members here have already covered it. I want to second some of the opinions that they have and the facts that they've found. I want to bring up the first point that hasn't been raised today. On page 85 of the Planning and Zoning Ordinance meeting, which says about the right of appeal, and it clearly states in Section 25 appeals, item B, the application must be in within 14 days after the decision in which the subject of the appeal shall not be considered by the County Commission. If you look at the dates of the actual notifications and applications, they were passed there to date or 14 days, the 14th day did fall on Labor Day. I don't know what the regulations are then, but I know that if I pay my bill after it's due, then I must make provisions myself to pay before any other dates that are going to prevent the correct date from being logged as counted. Based on that, I'm not sure why this isn't being rejected as an appeal, straight out, because it clearly states that the appeal shall not be considered by the County Commission. Moving forward, I don't know the regulations on that.

Michael I. Garcia-County Attorney: It goes to the day after the holiday.

Hailey Love Melcheck - Resident: I didn't know if it was or not, so I thought I'd raise that because it hadn't been mentioned before. There was a lot of terminology that was unfamiliar to me. I'm not from here. I've chosen to live here. This is my home. My dad is American. My granddad is American. My two children, my husband's American. Even though I'm not, I still feel that my heart is here. I'm

going to be speaking a lot from the heart. The terminologies that are brought up in the documentation for the appeal, which Mr. Lee read today, are all very specific, and they answer the questions that need to be answered in the format that they need to be answered. It's very logistical, but a one-sentence description of how they're going to deal with odor was brought up in the Planning and Zoning Department meeting as concerns from not just the department, but also from the community, and they haven't been addressed yet in this application. In this appeal, much further than they were done in the application. If you look at the wording, already mentioned exactly the statements that have changed, and there's no further information that I have done copious research on and have informed myself. Suzanne's documentation provided gives us all the legislation that is out there that needs to be followed. Minyong Chen's appeal and what Chris Lee presented earlier, don't speak to any of that, any of the information that is out there or any of the concerns that have been raised.

P & Z Ordinance document, which says it shall not approve any conditional use permit unless satisfactory provision has been made concerning the following. It lists six items, the first one being access to the property and property structures, automobile, and pedestrian safety. Even if I stop there, nothing in this appeal, even though it was raised as a concern in the Planning and Zoning, addresses that item. Provision has not been made considering this. I, myself, who lives 5 miles from the exact location of where the site is, would like to know what their plan is for automobile and pedestrian safety. I have two young children and pets; we have already lost one pet on Riley Road. I don't want to lose my children next. It's my responsibility to take care of my children and their safety, but it's also the County's responsibility to take care of pedestrian safety, and this is how they do it, through these policies. This has not even been mentioned in any documentation that has been provided so far by the applicant.

Traffic control has not been addressed in any way, shape, or form. There's no new information that's been given other than suggestions that they would have the trucks run in operational hours, which I assume is 9 to 5 business hours or thereabouts. There are no provisions that have been laid out or provided to the Planning and Zoning Commission Committee about how they will maintain the roads and for safety. The narrow road was already mentioned and the passing of vehicles on that road. As it is right now, it is quite precarious. I drive down that road daily, multiple times, sometimes, and for the safety of my children as these trucks pass, not at the 35 miles per hour speed limit, which is what is zoned for that area. They are going at 50, 60 and 70, I've gaged them. They know they don't go slow. It's a long road. It's a six-mile road. We live halfway down. There's nothing

to slow them down unless they're coming onto the property. The safety of my children and pedestrian safety hasn't been addressed at all.

If we're going to satisfy the Planning and Zoning conditional use permit this has not satisfactorily been addressed or considered in any way, shape, or form. It goes on to talk about emergency access off the street, parking, loading areas, refuse and service areas, the waste in liquid waste facilities, soil limitations, and public health that's been addressed by some others in my community here today, the main thing the economic, noise, glare, odor effects and conditional use on the adjoining properties. It only talks about the Planning and Zoning documents of adjoining properties. I'm not an adjoining property, but I am in the neighborhood, close enough for all these things to affect me. Therefore, I feel like I can stand here today and speak to these things.

The Night Sky Protection Act regulates outdoor lighting fixtures and raised all the concerns that I had there with the policy being 20+ years old. It doesn't address the inside building that is now going to cause of the glare. If anyone here has seen or knows this area, has been on that property, or is close to that property, look around. There are already night issues from the currently grow houses and the large-scale operations that are already out there but that have not addressed. By adding an extra sentence in the application or in the appeal process, saying that they will use these more economical versions of the cover. I don't care if it's economic or not. I want to know if it's doing the job. It is not doing the job, because what's out there is not doing the job already. The conservation of the nighttime life clearly states that it's the County's responsibility to enforce this Nighttime Sky Protection Act, and in doing so, the Zoning ordinances need to step in. That's where it goes straight back to this point that satisfactory provision has not been addressed.

It's not in the appeal and it's not in the application, but it's this state statutes of the fact that we are overrun and oversaturated by marijuana right now, and if we don't take a pause and time to think, at least, which is what I tell my children all the time, take a pause time to think. Everybody needs to think and work on what information we have, which is very limited on this application, yet all of the people in the community here have provided copious concerns and evidence today to support their views. Then how are we knowing that we aren't just opening our doors to more organized crime, more trafficking, which is what we've done so far? Not to anyone's necessary fault, because no provisions were put in place, but because this happened at such a speed, it overran faster than anyone could expect. That's why pausing or taking the time out on making decisions going forward, not just on this parcel of land or the parcel of land that's going to be heard

later, but in general, in anything affecting Torrance County, because we were the ones that were up on the news report last week when it was advertising, what's going on in the County and it looks bad for the County.

My neighbors in the previous Commission meeting mentioned the amendments that need to be considered in the Planning and Zoning documentation. I want to repeat it here today because I think it's important. What John Humphreys has said was that Santa Fe County has an entire chapter devoted to cannabis and its a strategic development plan. We need a strategic development plan. We need to

do that, before letting more businesses and companies come into play now. Doing that before we've even had a chance to develop that and decide what should be done going forward is only going to be detrimental to everyone in the community. Lisa Gardiner also mentioned the document, I wanted to second something that she had said because it was exactly how I felt, which is that if we don't pass an ordinance, we don't approve any more applications until there is an enforcement of cannabis laws at the state level. We need legislation that recognizes federal background checks because currently, as it was just raised, we don't know who this gentleman is and you don't know who your neighbor is going to be when they move in, and there aren't those federal checks.

It goes back to the main issue that I have, which is the safety of my children. If this was any other regular agricultural farming entity, whether small or large, they would not require digital surveillance systems. They would not require security line systems. They would not have armed guards, and that is what you're bringing into the neighborhood. Aside from other things. The questions that I have about the applicants, and they're here today and present, which I feel haven't been addressed, is that they've picked up the Green Leaf Gardens and the Magnum Opus Farms, which were previously granted permission for conditional use. Neither of those two that they quoted has anything to do with this case. They're irrelevant and need to be dismissed, for that matter. They've plucked these passages out and put them into their appeal. Nothing has been addressed because it discusses the Chinese Fringe Plants in those areas. It doesn't tell us if, this was ever done. Was it ever tested? Was it successful? Where's the data to prove this? It doesn't even state that this is what they plan on doing themselves. It just plucks a sentence out, puts it in, and doesn't clarify that they plan on using this system to defer some of the odor which, you're just masking the odor. You're not removing the odor.

The last thing in their appeal, in their conclusion, says the decision was not supported. Actual evidence that we believe that the Zoning Board applied a standard of concern instead of demonstrating injury, and due to this misjudgment, we request the denial of the reversal. Speaking to that point exactly, there are no factual evidential pieces provided in the application, even though that was what was requested at the Planning and Zoning meeting. Further information was requested, and they've had the opportunity in this appeal to provide further information to satisfy the concerns that both the community and the Planning and Zoning Department had, but they've not been demonstrated or used. Also, my legal understanding is that it's not the Planning and Zoning's responsibility to demonstrate the injury. It's the applicant's responsibility to prove their responsibility of taking the provisions. Going back to the earlier 2.1 guidelines, they haven't provided satisfactory provisions for these concerns. Even though they say that it's concerns instead of factual evidence, and it's a misjudgment. I don't see where the misjudgment is when it clearly states all these things haven't been addressed. Thank you.

Samuel Schropp-County Commissioner: When did you buy your property?

Hailey Love Melcheck - Resident: Two years ago, I wasn't around when all the other hoop houses were going up. It was raised in the Planning and Zoning meeting and saying, where were you all when we were making these decisions? Well, I decided to buy my house on this beautiful piece of land, and here we are today.

Samuel Schropp-County Commissioner: In those two years, has that well been used for agricultural purposes?

Hailey Love Melcheck - Resident: It's been dormant the whole time. There has been no use. Others around us have already reported wells drying up. My well is drying up. It dries it up daily. I would take four hours to do a full cycle of washing to allow the water to build up again. That's the situation a half mile down the road. The OSC even specifies this in its documentation. Whatever happens over on that site is going to affect my house. There's no getting out of that, and whatever happens on my property is going to affect others surrounding the area. I may not be adjoining the property, but putting something in that site is going to directly affect my property, eventually, if not quicker and speed up the process of us needing a well, requiring a well, and potentially not even being able to sustain ourselves, and the well not even fixing the problem. Therefore, we must bring in water. We can't afford that. We could barely afford the property that we moved into. We're getting to a position where we're good. One thing I haven't droned on about today was the

land value, and that's what came up, and there's not enough evidence. I've been trolling the internet; I've been doing my research. We need studies to be done on the effects of land value because, yes, it may increase the land value of the price of the land that is being paid, extensionally, more than what it's valued at, but it doesn't. No evidence has been presented in either appeal today to say that land value is increasing in the adjoining and local areas. The only data that's available is out of state, and that takes time to get we've only had this appeal for seven days, and we've not had enough time to delve into that even further. It takes time to get information from the other agencies that we need to speak to. Whether you make the decision to uphold this based on just this one passage alone or if you defer and delay, that's where we need to get the questions answered, but also to make that strategic plan that is required. Thank you.

John Humphries - Resident: Thank you for this opportunity to respond to the appeal application from Minyong Chen. My family has farmed and ranched in Torrance County for more than a century. My wife and I live at 331 Riley Road, one mile south of the proposed facility. The warehouses and hoop houses will be visible from our house. I believe the Planning and Zoning Board's decision to deny the conditional use permit was appropriate and well justified by the provisions of the zoning ordinance. I find the bullying and threatening tone of the applicant's appeal to be annoying and to represent an attempt by the applicant to scare the Commission into overlooking the weaknesses in their arguments and gaps in their application. I want first to address their reference to the two cannabis applications previously approved by the Planning and Zoning Board. The County's past failure to protect some residents from harm does not abrogate or diminish its responsibility to protect other residents. The prior permit approvals are irrelevant to this application.

In the original application, the applicant falsely states the facility will be in the center of the property when the submitted diagram clearly shows that at the western boundary of the property, just about as close as they could get to Georgiana Cooper's House, who has significant health risks from odor and volatile organic chemicals released from cannabis growing and processing. That siding is likely designed to allow future expansion with additional hoop houses and warehouses filling the property, as we have seen with other operations in the County. During the Zoning Board's hearing, the applicant's representative admitted that the applicant could secure multiple cannabis permits for the same property and therefore expand well beyond what's envisioned in this initial proposal. The Agricultural Preservation District zoning is intended to preserve the open character of the area. A provision the applicant conveniently leaves out when citing the

ordinance, a description of a parcel filled with densely packed hoop houses and warehouses can hardly be described as open character.

This is just one reason why commercial greenhouses are conditional and not permitted use. In this appeal, the applicant proudly highlights their odor mitigation policy and practices. It's a nice piece of creative writing. Any of us in this room could have drafted something like it sitting at our kitchen table. The critical question is, are there any real-life examples where something like this is working to prevent the pervasive odor that characterizes every large commercial grow operations already here in the county? The applicant essentially says, "Trust me, it works" without offering any evidence. When the applicant has been indicted in Oklahoma for fraud and operating another cannabis facility. It's not so easy to trust. We all know that soft-sided hoop houses are not airtight. You can't keep odors from escaping them, especially when you throw them together in a couple of days like we've all seen these operations do.

My neighbor, Suzanne Dome, has provided detailed research documenting the shortcomings and inappropriate nature of the proposed filtration system. I won't repeat that, but I will say that if the Commission isn't convinced by Suzanne's critique that the concern about odor is sufficient to deny the conditional use permit, then you should at least postpone any decision until we've had an opportunity to visit this mythical odorless pot farm described by the applicant if such an operation exists. I will also note that the applicant makes contradictory statements about odor. In one instance, they say that the control mechanisms, "will be more than sufficient to mitigate odors." They highlight the placement of the facility at the center of the property will limit odor drift to neighboring parcels. If the filtration system is truly more than sufficient, then you should be able to park your hoop house five feet from my bedroom window without any worry. The applicant complains that the Planning and Zoning Board didn't provide any evidence that having a pot farm next door will reduce the value of your property, and then they make unsubstantiated claims of their own about higher land values. If we need more than the smell test to support the obvious with some sort of data, then postpone deciding on this appeal until we can hire a professional appraiser to conduct a formal assessment of property value surrounding existing and proposed commercial cannabis operations in the County.

At the planning and zoning hearing, I noted that traffic on Riley Road often travels at speeds exceeding 60 miles per hour. The addition of a commercial facility with many vehicles entering and leaving will present a significant hazard. Nothing in the application or the appeal mentioned any plans for widening the road or creating

turnout lanes, etc., or to mitigate this hazard to residents and other existing road users. The guidelines for conditional use permits in Section 21-d it specifically mentions traffic control as a concern that should be considered by the Commission and addressed by the applicant. If the applicant does complete the purchase of this property, it will come with water rights, but it's not clear that the Office of the State Engineer knows that those rights have not been used in many years. The current and previous owners may not have met the requirements for demonstrating beneficial use to maintain those rights. Before making any decision to approve this conditional use permit, the Commission should exercise its authority under Section 23 of the Zoning Ordinance to refer to the Office of State Engineer for a formal review. Finally, I want to respond to the applicant's broad assertion that because "permissive uses on this land include the cultivation and harvesting of plants and croplands that this makes a commercial cannabis operation compatible with surrounding properties." It's not that the proposed facility is incompatible with the agricultural activities on neighboring properties, although some of my neighbors have described ways that it would be incompatible and impair a good rancher and farmers operation. The issue is that the proposed facility, which will likely have onerous odors and armed security guards, is incompatible with a relatively high density and proximity of homes, including those occupied by elderly residents and young children. The two closest homes are 1,000 feet and 1,500 feet from the proposed facility, and both have elderly residents. Two additional homes with multiple young children are located between 2,000 and 2,500 feet from the proposed structures.

Mr. Lee, we are aggrieved by you're wasting our time with fictional claims of being able to make stumps smell like roses. Aggrieved, when you get to go home to the house in Albuquerque at the end of the day. Mrs. Cooper will be faced with the stench outside her door.

Michael I. Garcia-County Attorney: Would you please direct your comments to the chair?

John Humphries - Resident: Okay, Mrs. Cooper faced a home invasion and robbery a few years ago. She will be faced with the worry of having dozens of strangers coming and going daily less than 1,500 feet from her house. Aubrey and Paisley Melcheck will no longer be able to play outside with their dog, Brutus, without concerns for their health and safety. At the Planning and Zoning meeting, Mr. Lee came forward and apologetically spoke about the unfortunate fact that we have bad actors here in the County who are giving cannabis operations a bad name. Now we know that his client has been indicted for fraud in Oklahoma, and he's

helping to try to get Mr. Chen a foothold here in Torrance County. I think, rather than aggrieved, the word that Mr. Lee was looking for when he drafted this appeal was ashamed, but he wasn't honest enough to put it on paper.

Thank you, Commissioners, for this opportunity to speak to the appeal of the Planning and Zoning Board's decision to deny this application was well-founded and supported by provisions of the ordinance. I urge the Commission to either uphold the board's decision and reject the appeal or to postpone indefinitely to allow the Commission to gather more accurate and complete information. Thank you.

Michael I. Garcia-County Attorney: Mr. Lee, did you have any rebuttal?

Chris Lee – Representative for Minyong Chen: Yes, please. Some things were brought up in the appeal not being addressed. The appeal itself is to address the reasons for the denial. Some of these things are already covered. They don't plan on having a large crew. Their farming crew will be small. The large trucks will not exist. They'll do wholesale. There'll be regular-sized trucks for transportation. They do have to fit rules for transportation with cages and locks and things for moving their product legally by state records. The only large trucks that should be going through there during the build-out. Firearms are not allowed on licensed premises. I've heard a lot about armed guards. They're not allowed. The state does not allow firearms on any licensed cannabis premise. We don't plan on doing the Fringe Trees. Those aren't things that we were going to do, or that the client was going to do, those were just pulled up on precedent from previous approvals to show that we had met the conditional use relative to others.

Samuel Schropp-County Commissioner: The trees that you state are effective in mitigating odors are not going to be used.

Chris Lee – Representative for Minyong Chen: I put those in there because a previous person who got approved put that on their application as their way for mitigating, we're not doing that. I was just showing an example of a previous approval that their method of odor reduction would just be the Fringe Trees, showing that our odor reduction techniques will be more technical and wouldn't just be trees on the edge of the property.

Kevin McCall-County Vice Chair: Do you have an example of these carbon filters being on the hoop house?

Chris Lee – Representative for Minyong Chen: We have people run these as part of our compliance program. We are not just here to apply for his conditional use. We are in compliance and licensing consultants for the cannabis industry, and this is one of the methods of compliance that we use. There are ordinances in other municipalities that require that there must be odor reduction. We work mostly out of Albuquerque. This is drawn up and approved by the city as a means of odor reduction within facilities. That is what we currently use. Some people could build out from that and build more extensive setups within their air handling units. This is the standard that we use to reduce odor within these buildings.

Kevin McCall-County Vice Chair: Tell me more about your shade cloth. I know, you need sunlight to make it grow, but you also got to stop the light at night. What percentage of shade cloth can you elaborate a little further?

Chris Lee – Representative for Minyong Chen: I cannot. We were discussing this as an issue that was brought up before with my client. They see them waving in the wind and not covering the facilities. This is a valid argument that the citizens have. Our client says that he will use a better, stronger material that stays on the hoop houses. I can't speak to the exact kind material we just talked about. For him using a better product in the long term is better because it's less maintenance. I cannot elaborate on the exact percentage of light that gets through. If you would like, I could ask him to elaborate on that.

I want to introduce Pat Davis. He's also an agent in our company and the president and founder of the company. If he would like to address these concerns as well.

Pat Davis: I'm here today on behalf of the WEEDS company that works on this. In my history, as a police officer, I sat in hundreds of quasi-judicial zoning hearings as a City Councilor in Albuquerque. In 2019 the Governor appointed me the head of our Legalization Commission to evaluate these issues. We worked with the Association of Counties, the Municipal League, and others to develop that. Our company is a consultant to the state of New Mexico. We've consulted half a dozen counties on their local ordinances. I don't know how many cities and currently consulted the state of Texas and so I think we're well versed in looking at this. I don't mean to cast any aspersions, but Commissioners, I think your question is well-suited and it's appropriate for this. I think the challenge is, as one of the speakers mentioned that Santa Fe County, for example, has a very long and extensive ordinance as it relates to cannabis, but it's because they have their building code, separate from the state CID building code. With all due respect, the

questions you're asking are questions that CID must apply based on the zoning approval this County gives. The applicant has given examples of how they plan to operate. The technical mechanical M1 layers the way mechanical engineers must stamp to meet the standards you set are determined by CID in Torrance County. Ditto for the light control. They have a standard in the International Building Code. There's a cannabis section the state uses.

What the applicant in this case has said is we will use the highest and best standard available based on your approvals. They've made recommendations and tried to pull from prior approvals this Commission made to guide their application, but just like the state cannabis law, the State Engineer can't evaluate water use until the Commission tells them how large of a site they can use, the type of shade clothes, and the type of air handling, which governs humidity. All of those are sort of next in line, I do think, for what it's worth, having done this in a lot of places, and having been a City Councilor who wrote these rules and Elected Officials who've done a lot of these hearings, everybody here is right to be anxious for all the reasons they've raised.

Torrance County adopted the model policy from the Association of Counties three years ago when this was started. A lot has changed, as we know, CCD is struggling with enforcement on their end, and other counties have introduced updates to their ordinances that have given them more authority earlier in this process. Torrance County, because its ordinance is so unrestricted, has become an inviting community for people who want to get into this industry from other places. I think Torrance County probably should look at updating that ordinance with some of the new tools that are available through the cannabis regulation update that was passed last year at the Legislature, and model ordinances from other Counties that have addressed some of these concerns. This applicant applied under the rules, based on the law at the time they applied, which kicks all these technical questions to the state.

Samuel Schropp-County Commissioner: For those of you in the gallery, Torrance County is a designated dark skies area. I spoke with the superintendent of Salinas Mission to find out exactly what that meant. It doesn't carry the force of law, but we are recognized as being a place that is conducive to astronomy. Salinas Mission has about 200 people in attendance for their astronomy and events. I woke up at 12:45 last night thinking about this stuff that we're going to do. I happened to walk outside because I knew the Northern Lights are active right now, and when I looked to the north, I could see the pink glow of the Northern Lights. The dark skies are something that we shouldn't just discount.

Kevin McCall-County Vice Chair: That's why I'm asking about the shade. What is the shade?

Pat Davis: I think, as Mr. Garcia alluded to, and as the Planning Director alluded to, I think this Commission can and should use its authority under the conditional use to compose specific conditions, not just to say an odor control plan, not just to say a covering, I would defer to the attorneys, not my job. I've had lots of municipal attorneys spend lots of money to undo stuff that I did up there. I won't make them do that, but I think you could approve this today with conditions that would let the attorneys craft a technical response to that, meaning it must have X percent of light not visible from so many feet, after sundown. You could, I would believe, craft all those standards, including odor control.

In other jurisdictions. Yes, these technical pieces are used in greenhouses. But again, it goes according to size. It helps the applicant determine how big they can grow. It's mitigated not by how many plants they want, but by how big an odor control is necessary. If you have an odor control standard, for example, that Santa Fe County uses that says odor may not be detected within 500 feet of a property line. For example, it's not whether it's close to somebody's kitchen, but how far away from the applicant's property line they may be able to adjust to that. I think you could do those in the conditions. If you intend to have zero light pollution, you could make that a condition and have the applicant work out through their building permits with CID. That's been my experience with these looser yet less developed ordinances until something could be done better. I think you could do that in your conditions today, and it's my understanding the applicant is willing to do that if you can give them some direction.

Johnny Romero: I'm here to represent Farm Bureau as the President asked me, he had to leave. Even though we can't speak for all the Farm Bureau, we do have roughly 350 members. About 180 are active. We're not here to speak for everyone, but we are speaking for quite a few. I'm going to touch on a few things, because everything's been covered. I sat on the Planning and Zoning Board for seven years. There are words in all these terms, like, may be approved. It doesn't say that you guarantee that they follow everything that they are approved for. The people here that have lived here all their lives, people that invested everything to live here. We must protect it. These places come and go. They come in; they leave their problems. I'm not saying that they're particularly going to do it, but you guys have one tool that will help this situation right now because our state decided to approve this thing without putting things in place to control them. Law Enforcement cannot

control these people, not at the state level, not at the County level. They don't have enough manpower to stop what's going on. You have two already that were found guilty in court, and they still can't do anything. We don't need any more of that. Turn it down, because that tool is for your people. Regardless of what the law says you have people here that say we don't want it. Thank you.

Lucy Lawrance – Resident: I'm against this because, as the gentleman before me said we've got to protect who was here and when I came here almost 50 years ago. I could see the Milky Way. I could see things. Now I can't go for a drive. You see all these dots everywhere. It's all these greenhouses, and we're already struggling with water, and now you want to bring in more industry, it just makes no sense to me. Thank you.

Ryan Schwebach-County Chairman: Anybody else that wishes to speak?

Samuel Schropp-County Commissioner: What we are asked to do today is essentially rule from the bench, which, in my 24 years as an expert witness is a very rare thing. Is there a provision in this proceeding for us to deliberate about it, check what facts have been presented to us, and then rule?

Michael I. Garcia-County Attorney: It's not ordinarily how it works. The Commission can affirm, reverse, or modify what the P & Z Board did. You're not bound by their decision in terms of what state law has provided cannot treat cannabis as a different crop than corn, alfalfa, or anything else. Santa Fe did that. In terms of conditions, you can put conditions on things. That ranges anywhere from conditions on light to odor reduction, and I think even to setbacks. We can do that. In terms of deliberating the thing that you must avoid again because it's quasi-judicial. You can't, like, go out and do your internet research on it, you must rely on the evidence that's submitted by the parties. You can defer, if you want to, and ask for specific information from the parties to answer your questions in terms of the specifics such as, how you would mitigate the light, and the specific mechanisms. In terms of deliberating. I think maybe if you wanted to take a week or so, or two, till the next hearing nothing that stops you from doing that. But again, you can't confer with anybody outside of the process.

Samuel Schropp-County Commissioner: We can review the minutes, we can review the evidence presented, and we can defer it this time, review everything that's been presented to us, modify, approve, or do not.

Michael I. Garcia-County Attorney: Yes, to be specific, we could call it a continuance because we're not deferring the actual hearing. We're just continuing the hearing to the next meeting. The caution is to avoid anything that's ex parte.

Samuel Schropp-County Commissioner: For those of you who have a vested interest in this, the County can be accused of taking it if we don't do this right, and that would cause a lot of problems for us. As I said, it's very rare in my experience to rule from the bench. Mr. Garcia said his clerks would bring over, and give a synopsis, and the judge would make his decision based on that. In a matter of this importance, I don't think we should rule on this today.

Ryan Schwebach-County Chairman: We have yet to go to a discussion about it. I still have a few questions. Do all hoop houses go before the Planning and Zoning Board?

Donald Goen-County P & Z Director: For all commercial greenhouse operations. It's the distinction that was made between whether it's to be a hoop house operation, a solid metal building operation or just a commercial greenhouse. The ordinance as it stands now, which, of course, is an item that's further down in our agenda here today, was that the way that it had been addressed in the past was that there were very few areas where it was considered to be a permissive use, and namely, D1 D2, in the commercial zones, there were a few others now that there were also type one and type two subdivisions, which applies to your residential subdivisions where the activity was prohibited. In types three, four, and five subdivisions, the way that it was stated a conditional use may be required. Now I'm not going to sit here and say that I have asked for conditional use 100% of the time when that was the case, but I'd say close to that. For the first, two years plus, it was several inquiries a day, and I couldn't tell you how many I had stopped, because they were either in residential subdivisions or adjacent to. Almost 100% I've asked for conditional use permits.

Ryan Schwebach-County Chairman: In the case of this conditional use, why?

Donald Goen-County P & Z Director: Two main reasons for that was because of the way that the land had been subdivided because it did fall within the types three, four, and five. Also, one of the factors that I take into consideration when I'm evaluating the different locations is the proximity of residential development. Those were the two factors in this instance, were the way that it was in a subdivision and the proximity of residential development.

Ryan Schwebach-County Chairman: By going to the P & Z Board, that is a conditional use, it must go before the P & Z, posted, and advertised, right?

Donald Goen-County P & Z Director: Yes, we post the property at least two weeks prior, and then we also send out letters and notifications to all the adjoining property owners, posting it to the website, posting it out here at the corners of the building, etc.

Ryan Schwebach-County Chairman: Where are we at with the water permit, with this application?

Donald Goen-County P & Z Director: I'd have to look at the packet and see what was included in there, historically, at this site, there were HHR bulk water sales, it was a commercial water permit at that time. Now, as far as how long it's been since that's been active, I don't know that. It would have been included in the original application.

Pat Davis: The applicant doesn't disagree that there is currently commercial water on the property. The State Engineer when it comes to cannabis, because, as you pointed out, there's a special application for cannabis. They won't review the applicability of that or the specific use without a zoning approval that tells them the size. There's a calculation they use. As part of the application process, speaking with the Director, everyone agreed that there was a commercial property that satisfied the standard of the County, so we don't have to present a copy of the application, because the director considered this. We all agree it is there.

Donald Goen-County P & Z Director: In looking at the application, there isn't a specific document in there. As Mr. Davis just stated, that was because it being under the purview of the OSC as far as the specific water rights that would be determined by them. One of the things that I do have to note is that under the current legislation that they have, it is legal for them to haul their water, in which case there would not be water rights established. If any applicants came forward that they intend to haul their water, they're in negotiations with whatever water company pending, the outcome of their conditional use permit. They don't have to show the establishment of water rights before the conditional use is granted.

Samuel Schropp-County Commissioner: In the OSC cannabis use, the OSC allows, but they strongly discourage it long term.

Donald Goen-County P & Z Director: When the CCD does come in, if that is the method that they're using, the licensee must be able to show that they have gotten their water from a vendor that is licensed to sell it for commercial purposes. Otherwise, they're in violation. Then the CC does whatever they do from there.

Kevin McCall-County Vice Chair: I have concerns over what I think the number of employees there is. We are talking about a commercial building, and there are two porta-potties in use. This is concerning. What agency is dictating our porta potties for X number of employees?

Donald Goen-County P & Z Director: That would come into play after the granting of the conditional use permit. As you see, it would be determined by the size and the scope of the operation. That is one of the regulations that OSHA has where, if they're not present, they're insufficient, you would report that to OSHA, and then they would investigate.

Samuel Schropp-County Commissioner: In pulling together different agencies to try and get this under control, the Division of Environmental Quality is under their purview, and the New Mexico OSHA division works sub to the DEQ. There are regulations to cover that, and permits would be needed for any septic systems or any of that stuff.

Michael I. Garcia-County Attorney: I suggest that the applicants probably have to agree with this work. If we continue this for two weeks, applicants could get with Don and me about proposed conditions that they might be willing to agree to, it's not something that you all would have to decide on today, but they and Don could try to address conditions that would also address the concerns for the surrounding residents and people in the public and then bring those conditions back for another public hearing.

Ryan Schwebach-County Chairman: We can overturn the decision of P & Z now, in which case the permit moves forward, or we can uphold the decision of P & Z, and then what is the process?

Michael I. Garcia-County Attorney: If we uphold the decision of the P & Z, then the applicants can appeal to the District Court.

Donald Goen-County P & Z Director: In reference to his suggestion, I won't be here at the next meeting.

Ryan Schwebach-County Chairman: I'm personally not in favor of a continuance for multiple reasons. The purpose of this going to the P & Z is because, and I'll be the first to admit, our ordinance is not as strong as it should be. We were dealing with the situation that has come in here. How many greenhouses have we had in this valley up until the legalization of cannabis?

Donald Goen-County P & Z Director: Before that would have just been Bonnie's and Tagawa's, just the two.

Ryan Schwebach-County Chairman: My point is, is that our ordinance was put up in a situation where we had no idea what was coming and the effects, plus some pros and cons. Is cannabis taxed at the point of production? That's an agricultural product. It probably isn't. It's at the point of sale. I don't need an answer. The point of a P & Z Board is to look at land use. How it's been developed. Our ordinance is not flat out, it takes board interpretation. The question is whether they interpreted that this would have adverse effects, not within what our ordinance was designed to do, in the intent, whether it's explicitly stated or not, what was the intent of the ordinance within the history? That's how I looked at this.

Samuel Schropp-County Commissioner: I agree with that. There is precedent for using that kind of judgment.

Ryan Schwebach-County Chairman: This is the first one that has been appealed that has come before this Commission. I'm struggling with our ordinance, legally, how it's written, along with intent, that's where the P & Z Board comes in.

Samuel Schropp-County Commissioner: The P & Z Board didn't do an adequate job of verbalizing or memorializing. Why they deny the application. We've heard today from all the opponents that the P & Z Board ruled correctly based on the effects on neighbors, the effects on odor, and the effects on the way.

Ryan Schwebach-County Chairman: Would it be prudent if I had a private word with you, Mr. Gacia?

Michael I. Garcia-County Attorney: Yes, that's okay. We can take a recess.

Ryan Schwebach-County Chairman: What were the exact reasons for denial from the P & Z Board?

Donald Goen-County P & Z Director: That's listed in the findings, it calls out the reasons and cites the sections of the ordinance. Item number four, determining a commercial greenhouse operation at this location would have a negative effect on land values in the area. Section Two: purpose, the provisions of this ordinance are designed to promote the health and general welfare of the County, to secure safety from fire, flood, and other dangers, to protect local water use, and water resources to facilitate adequate provisions for transportation, solid waste management, water, and wastewater system, schools, parks, and other community requirements to conserve the value of property. Number five, it was determined a commercial greenhouse operation at this location would have a negative effect on existing agricultural operations in the area. Section nine, Agricultural Preservation district intent. This zoning district is intended to protect and preserve areas of suitable agricultural soil for agricultural and agriculture-related uses. The Standards prescribed for this district are intended to preserve the open character of the area and thereby protect the business of agriculture. Number six, it was determined the application did not satisfy section 9.c.4, conditional uses. 9.c.4, large-scale commercial processing of agricultural products. Seven, it was determined the odor and light effects could not be satisfactorily addressed. Section 21.d.4 the economic noise, glare, and odor effects of the conditional use on adjoining properties. Number eight, it was determined a commercial greenhouse operation at this location was incompatible with surrounding properties. Then section 21.d.5, general compatibility with adjacent properties.

Kevin McCall-County Vice Chair: What point and how do we put conditional uses on them? Is there a meter that'll even detect the smell at 500 feet? I'm going down that road to put some heavy conditions on it. I'm not an expert in that regard, to get to know light pollution and smell pollution.

Michael I. Garcia-County Attorney: I don't know the answers to those things. That would be something for the applicant to provide, at some level of detail, and for the opponents to refute, if they wanted to. I just don't know the answer to those technical questions.

Ryan Schwebach-County Chairman: Looking at the findings, in my opinion, I do not believe that these operations fit into a type three subdivision. I do not believe that the negative effects on land values can be accurately determined, it's an assumption. Based on existing operations, I think it's safe to assume that it's more plausible. I do not believe that a commercial greenhouse falls in line with our Agricultural Personation District. I do think that they have legal water here, and if they don't, it can be hauled so I think that's an issue. I equate this to

permitting confined animal units and agriculture, whether it be a dairy or feedlot. They have very strict guidelines on where they can place it based on existing resident structures, and zoning, and this is within the same as what I'm saying on this map, it is close enough to residential or intended residential development for me to uphold the P & Z decision.

Samuel Schropp-County Commissioner: I agree with that, based on what has been presented to us here today,

Action Taken:

Ryan Schwebach-County Chairman: I make a motion to uphold the P & Z denial.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

Action Taken:

Ryan Schwebach-County Chairman: Motion to move out of public hearing.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

11:55 AM

B. PLANNING & ZONING: (PUBLIC HEARING) Appeal of the decision by the Planning & Zoning Board to deny the Quick Grow, LLC, application for a Conditional Use: Commercial Greenhouse Operation. The subject property is described as Tract A within the SW4, Section 32, T.6N., R.8E., NMPM known as 70 Akin Farm Rd N.

Action Taken:

Ryan Schwebach – County Chairman: Motion to move into public hearing.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

11:56 AM

Samuel Schropp-County Commissioner: Recused himself, due to living near the location.

County Attorney Sworn in – Feng Ping Chen, Chelsie Fukes, Todd Smythe, Haley Love Melcheck, Clayton Gardner, Bryan Melcheck, John Humphries, Johnny Romero, Jason Holtom, Hui Zhon.

Feng Ping Chen: I'm here to explain the appeal. The running appeal applicant is Quick Group LLC, mailing address in the operation address 70 Akin Farm Rd. north Estancia, NM 87016. According to the original P & Z ruling under number four, it was determined a commercial greenhouse operation at this location would have a negative effect on the land value in the area. I believe, without empirical data, this is not true of the Market Report. The local board of users mostly report on the Farm & Ranch CMA, the average value. Before June 29, 2021, it was \$2,191 per acre. Then, after the land was legalized for the recreational use of cannabis, the land value went up to \$5,704 per acre. This is indicative of the land, was not affected by this operation. Finding number six, it was determined the application did not satisfy the conditional use, not being a large-scale commercial processing of agricultural products. That is not our case. In our application, there is to be no commercial processing of agricultural products period. The next item under finding number four, section two, purpose: the provision of the ordinance is designed to promote the general welfare of the County, to ensure safety from fire, flood, and other dangers, to protect livestock, local water resources, to facilitate adequate provision for transportation, solid waste management, water and wastewater system, school, park in the other community requirement to conserve the value of the property.

The application is to ensure the essentials of section two purpose, regarding the water use for this application. The maximum daily use of this application is to be approximately in a maximum amount of 8000 gallons of water per day, 365 days per year. It comes up to 2,920,000 gallons per year. Per acre foot, over 325,851 gallons, is translated into 8.96-acre feet. The right for consumptive, for this application, is 119-acre feet. If you divide it by 8.96-acre feet they come out to be 7.5% which is only using the maximum up to 7.5% of the allocated water rights. It's even less than 10% allocated to this location. The operation with a professional design the water monitoring system and alarm system implemented is so that we will not cause any fire, flood, or other damages. This operation will not create

wastewater. The watering of the plants is done by hand to each part of the plants. The pot sits on a water collection pan on the concrete floor. Therefore, there's no wastewater created.

All spent material will be collected in trucks and dumpsters and shipped outside of treatment. Septic tanks will be installed subject to approval, and the inspection of local and state authorities will be provided. The requirements from schools, parks, and other communities will also be followed since we don't want to do any infrastructure. Development or construction, I believe, has no impact on environmental issues. The operation of the application will not hurt the value of the land. The empirical data already shows the value of land will increase in the future. According to finding number five, it was determined the Commercial Greenhouse operation at this location would harm existing agricultural operations in this area. Section nine, Agricultural Preservation District, (AP-5, AP 10 & AP -40) intent. This zoning district is to protect the preserved areas of suitable agricultural soil for agricultural, agricultural-related uses. The standard prescribed for this district is intended to preserve the open character of the area and then thereby protect the business of agriculture. This application is to operate within indoor cultivation warehouses without windows. The warehouses sit on a concrete floor. The party's plans are to use the potting pressure mixture soil and fertilizer and other related materials from Garden material suppliers such as Walmart, Home Depot, and then other specialized shops. No local soil will be used during the operation order. Spent material will be collected in dumpsters and then towed away by truck, once they are full. The application will use less than two acres of land, although the 160 acres of land have already been purchased, which means we have a reserve of 98.75% of the open space for the open character of the area 158 acres of open space.

This soil will be kept intact and there's no blockage of the open character of the land. Finding number seven determined the odor, and the light effect could not be satisfactorily addressed. Section 21 defaults, that for the economic noise, glare, or odor effect of the conditional use to adjoining properties would be the light effect from the hoop houses operation; therefore, the application is to be revised to do only, metal warehouses. We will not do hoop houses; hoop house operation is eliminated. This will eliminate the light effect of the operation. The order will be treated with the most advanced air filtration system to ensure the best quality of the air. Since there's no heavy equipment used in this operation, they will not have much noise. There will be no negative effect on the value of the adjoining property due to the nature of the operation. Under finding number eight, it was determined a commercial greenhouse operation at this location was incompatible with the

surrounding properties. The indoor cultivation of greenhouse operations is not incompatible with the surrounding properties. Finally, the application is to benefit the economic development of the community. The application is to employ the local population on a priority basis. Thank you very much.

Michael I. Garcia-County Attorney: Did you want to call anybody else to testify in support?

Feng Ping Chen: I think if anybody has any questions, maybe I can answer.

Michael I. Garcia-County Attorney: I neglected to ask if the board had any questions for the witness.

Kevin McCall-County Vice Chair: If I understand you right here, you are pulling back on the hoop houses.

Feng Ping Chen: It's already eliminated because of the concern about the glare and the odor of those issues. We decided to never use the hoop houses anymore. No processing, only cultivation. The original intent was to have eight metal houses with the dimensions of 60 x 100 x 8, a total of 48,000 square feet per unit, we will stop there. We will not expand more than this scope of operations. What we try to do is try to comply with the environment. We try to conserve very valuable water resources. Not only here, but it's also a worldwide situation. People are supposed to be conscious about water usage. That's why we calculate very carefully, and then we will not create any wastewater situation. We would do a self-contained unit by moving all the stuff and materials to this location. After we do the cultivation, the spent material will be shipped out for treatment. This way we will not have any impact on the soil and the environment, for this location. That's our intent. Everything is closely controlled, and we have put a lot of community consideration into our operation.

Michael I. Garcia-County Attorney: Any other questions from the board?

Ryan Schwebach-County Chairman: Not at the moment.

Chelsie Fukes - Resident: I live at 16 Barnes Road, which is immediately south of the proposed grow facility. We are directly downhill from them. My well is within direct line with our residential well which is within direct line of their facilities. My kid's bedroom windows look out at where these greenhouses are going to be going. I stand before you today as a concerned citizen, urging you to deny the

appeal of the proposed conditional use permit for commercial production. As you stated, this isn't going to be commercial use, but I don't understand how that's possible whenever he's not going to be using this for personal use. Therefore, it has to be commercial use, and if they're already misconstruing from the beginning, how do we have any confidence that they're going to follow the regulations?

While I understand that there are economic benefits, no one can look at land prices and doubt the economic gains of selling land to pot farmers, but I firmly believe the negative consequences are far away from any potential gains. Firstly, our neighborhoods, character, and property values will be compromised. The land is too expensive for anyone outside of the marijuana industry to purchase right now, and potential new farmers are being turned away from the valley because they can't afford to farm anymore. You can't make it work. This is just going to make it worse. We're heading towards a land, that's going up and the bubble's going to pop. The people who bought it aren't going to be able to pay their mortgages, and the people who should be moving into further our wonderful heritage of farming aren't able to make it. The pungent odors, increased traffic, and potential security risks will undoubtedly degrade our quality of life.

Secondly, I worry about public safety. Pot farms are often targets for theft and violence, putting our families and Law Enforcement at risk. During the Planning and Zoning meeting, it was asked if we would be protesting a strawberry farm. Strawberry farmers don't walk around with rifles. My children are concerned about being accidentally shot during a robbery of the production facilities, or our home being an easy additional target while the bad guys are robbing the pot farms outside of their window. Third, New Mexico's regulations of cannabis are not adequate. I would ask the County Commissioners to hold off on approving any more commercial operations until the regulatory enforcement side of the laws has been established and can be enforced. Without the ability to regulate the pot farms, we shouldn't be granting any use conditional or otherwise.

Our community's health and environmental concerns must be prioritized. The water and energy consumption required for marijuana cultivation will strain our resources and potentially harm our ecosystem. These commercial operations are an eyesore day and night and while they may not be emitting light into the sky because they're not in hoop houses, there're still going to be reflective impacts from these massive metal buildings. Additionally, there's no proper fire suppression, as we've learned from Washington. You bail marijuana, much like alfalfa, and even seasoned farmers end up sometimes having fires. We are miles away from the nearest fire response, and if these things go up, it's just going to spread.

I worry about the ventilation from the worker safety's perspective, even if the scrubbers prevent the air from smelling and us having those impacts. What about the workers that are going to be working there, because all that air is going to be trapped inside of those facilities, and I saw nothing about how they were going to be cleaning the facilities for the inside workers only keeping those smells from going out. Organic materials have tendencies to do really bad things, there are a lot of long-term impacts. Lastly, I'd like to mention that, according to the Cannabis Business Times, even the cannabis industry is calling on regulators to pause licensing because of extreme instability. This was issued on July 3, 2023. Across the state, we don't have the funding to regulate. While the CCB may have the rules we've seen in our backyard, they revoke the license, and then nothing can be done because the regulations aren't there. You may make a conditional use, but they violate the conditional use. You pull back the permit, there's no guarantee that they're going to stop growing because we don't have the arm of the law to implement that. I urge you to prioritize the well-being and safety of our community, deny these applications, and protect our county's integrity. Thank you.

Todd Smythe - Resident: I'd like to address this hearing about Quick Grow, LLC's appeal for a conditional use permit for a commercial Greenhouse on 70 Akin Farm Road. I would like to ask that this permit be denied this time until a more thorough investigation by the State Engineer regarding water use at this location can be done because the OSC designated this a critical management area for the valley fill aquifer. The well that will be used has not been a crop-producing well since 2018. This irrigation well is approximately 100 feet higher in elevation than my domestic well that was drilled in 1998 which lost approximately 44 feet of the water table by 2021. A new metered domestic well had to be drilled in 2022 which expelled an average of 8000 gallons annually. I feel that these operations are going to use every resource necessary from this valley to achieve their goals and destroy our livelihoods and our way of living. Their intent calls this in the initial plan to build 10 plastic hoop houses and massive metal buildings that have a cover of 62,400 square feet, or 1.4 acres of land. I quote their approximate usage was 8000 gallons at this time, I understand that these plans have changed and that the grow operation is to exclude any hoop houses, but at this time, the water amount that they were going to be using from a well that has not been producing any water for farming in the last six years, is just unheard of. I've yet to see most of these grow operations abiding by the CCB guidelines set forth, just to mention one of the rules of security title 16. 8.2. 10, the CCB states that it is up to local government and Law Enforcement to enforce your rules after licensing has been granted.

When I presented this in front of the P & Z Board, I made a comment that I have yet to see any outhouse or sanitation-filled facility on Highway 542, single grow operation was 60 plus hoop houses. Mr. Lee addressed that today, and I know you all have already determined on that project, but I do not believe that porta potties are suitable sanitation for a permanent operation, that's going to be lifelong. It's appalling to me that they believe that we are that Redneck and that stupid. It's my belief these companies have no intent on helping our economy or communities. Their cash business is at the expense of our water resources and our civil rights granted to us by the Constitution. I believe that this area should stay only as agricultural land and not be modified to a commercial area, as stated in the P & Z Ordinance, Section Nine Eight, which is the intent. I would also like to refer to the P & Z Ordinance on a subdivision. I understand this is not a subdivision. Subsection D, however, proposes that they're going to build eight warehouse-style buildings on this land. If I were to take the same land and subdivide it with six houses and call it Shady Acres, I would have to buy it by P & Z Ordinance. Section five, Water Authority Assessment, subsection 5.4 says that for a new community wells and water system, the subdivider shall submit a water supply plan for geo hydrological report that meets the following requirements. A geo-hydrological report shall demonstrate that the groundwater is sufficient to meet the maximum annual water requirement for the subdivision and is physically available and be practically recovered to sustain the development for a continuous period of 70 years. This analysis should consider the production of existing wells and shall demonstrate that wells serving the subdivision are proposed as designed and will be capable of producing the full annual demand for at least 70 years. I don't think that well is going to be able to do that.

They talk about the increase in land value since the legalization of cannabis. That might be true for their land, where they put eight warehouses. Of course, that's going to increase the land value now they have coverage. What does that do to the adjacent land value? Is there any study that says that cannabis farms increase land value? We're considered regular farmland now and in the middle of a new commercial type of land. This is an open space area, and now, with all the warehouses being proposed, it has become an industrial-type situation. The applicants claim that they will only use two acres of land for this operation. They are correct for their operation. They will use two acres of land for their license. Two acres of land. What about any other license to get added to that? Because you cannot tell me that on 160 acres, they're only going to use two acres and no more land. They're not saying that they're not going to put any more licenses on this property. The man claims that they're only using 8.96-acre feet of 119-acre feet of

water. You mean to seriously say that they are not going to eventually use the rest of that water right? They're going to use everything they can.

I read about their fire protection plan, and as Mr. Fuchs said, the closest fire hydrant is more than 15 to 20 minutes away. We have a volunteer Fire Department. They're claiming that they're not going to have any fires. They're not going to affect the ground at all. Yet they're building all these buildings on grassland at this point, which can be grazed. How can that not affect anything? As they state, "The operation will not create wastewater. As you read further down," septic tanks, plural, will be installed. If an operation is not creating any wastewater, why do they need septic tanks? In their defense, it sounds to me like they're at least going to put a bathroom and not a porta-potty. They also reference the heavy equipment, and they will not have noise created. Well about halfway on 41 and 542, facilities, there are no electrical grid hookups to these hoop houses. Right now they're running off of gas and diesel generators. If they get their operation going, and in six months they have a falling out with CNMEC, then what are they going to do? They're going to put some gas and diesel generators to pump their stuff through. They're not going to take any of this into consideration yet. This is how we must grow our operation. That's not in any Ordinance. It says that they cannot do that.

These individuals state that there will be no light pollution from this facility, based on CBC guidelines 16. 8.2. 10, Security Section L lighting it states any perimeter entry point of a cannabis-established establishment must have lighting sufficient for observers to see and cameras to record any activity within 20 feet of the gate or entry. Motion detection light systems be employed to light required areas and low light conditions. What they're going to do is they're going to put streetlights up all around this facility, as long as they're playing by the CCB. From what I have seen nobody has done that. If they play by those guidelines, that place is going to be lit up like a prison. The way I look at this, I've been in construction a long time, and you don't just get to build a building with any kind of plan. You don't get to talk about an air filtration system. You don't get to talk about fire suppression. You don't get to talk about any of this stuff without a plan. These are multimillion-dollar businesses, and the best that we can get is a pencil drawing on an overhead picture to insult our intelligence. If they want to say we're going to have clean air, show me that filtration system. I work for a man who used to sandblast lead-based tanks for water tanks all over the country. His air filtration system could have pumped clean air into a daycare. That's how clean that air came out from the lead. These people just think that they're going to have a fan. I saw a picture of their fan. I have that same fan in my big barn. That's an insult to this whole County.

They're using our groundwater, which we no longer have. If they want to put a plant out there and farm like you, you roll the dice with the elements, with the bugs, with everything that comes around. If they get a little Round-up from somebody being sprayed over there, don't know what to say about that. Happens all the time. If they want to do that kind of agriculture, then that's going to happen. It was even admitted by the state officials from the CCB that once a license has been revoked, it no longer is their problem, and they no longer have any control over these facilities. I understand that when I read these proposals from this gentleman, he's sworn to speak the truth, and he says this operation will have professional fire and monitoring watering system so that it will not cause fire, flood, or other damages to those buildings. They're not going to cause any damage. It's what he's saying. There's going to be no watershed off that building. It's causing zero flooding and no damage. If there was a fire in there, it's not going to cause any grass fires at all, is what he's saying. For fire suppression he's using his fire suppression from his irrigation well, that's supposed to be used for irrigating plants. How can you create fire suppression from that system? You can't. Where's his HVAC plans? Where's his heating, his cooling? He talks about throwing the trash in a dumpster and hauling it off. Well, based on the CCB guidelines, disposable waste cannabis and cannabis plants shall be conducted by the optical waste disposal laws, including hazardous waste disposal laws. Hazardous Waste, not trash. He can't just throw this crap with a dumpster and haul it to the landfill. He says, where we're going to an outside treatment. I would like to know where the New Mexico outside treatment plant is for cannabis products. Where's the trash going?

He's not using any ground soil. All he's using is soil that comes in a bag. Where's that trash going to go? It's going to go in a dumpster. Because we get wind in the Estancia Valley. I work for the New Mexico Department of Transportation right now, on 542 all we have is trash on the road from these facilities. That's illegal. They're littering. It blows over the fence. It's on the right of way. There's trash on both sides of the fence. Fences are blowing down. It's a mess called littering and that's illegal. What's this going to do when they don't have the DLT monitoring this, they're going to let it go. They're going to get septic tanks. I still haven't understood what one septic tank for this greenhouse would be. This greenhouse would hurt agriculture operations in this area. You cannot tell me that my house next door to an industrial facility is not going to create a negative impact on my land value. It's not going to increase my land value. Right now, as I look through applications for cannabis licenses, that's going to put one to the south of me, and my neighbor to the north of me, as soon as he gets his license, we will be surrounded by cannabis facilities pending everybody's approval.

Mr. Davis, it's not on our side. We need to control it before it gets approved. I leave it up to our Elected Officials to be able to consider this and make sure that when these things come in, we have control over them immediately. He said, "We're idiots. We're a bunch of idiots." You guys are so laughing at what you're doing to everybody here, I find an insult in that, man. We're not idiots, we're smart farmers. We're people around here who have lived here our whole lives, who have generations of people living here who are going to have to deal with this for years to come. Gentlemen, I thank you for hearing me out on this. I apologize for my passion for the situation, and I know you'll do the right thing for my family, for your family, and for any family that's growing up in this area. Yes, they're not hoop houses, but I'm arguing the fact that I will be next door to a commercial industrial area as my neighbor, I don't live in a zoned commercial area. I live in an agricultural area. There's no zoning out there that says, hey, you can build all this right here. I know you'll make the right decision.

Haley Love Melcheck - Resident: I wanted to make sure that my message was clear because it stands for this same thing. We need to put in place and develop new boards that improve the geographic distribution of these cannabis retailers. Not for this site, but for the other sites. Approving or going forward too soon means that we're not assessing the situation. The other thing I wanted to mention was about the lights and the night sky protection because that's something that I hold dear to me. It only talks about in-house lights, but they still need to have these lights outside the buildings. It goes back to the fact that we as a County that must abide by those rules, and each County has the responsibility for enforcing the NSPA, which is the Night Sky Protection Act. The Zoning Ordinance needs to meet the expectations and requirements for that, currently, they do not. We have a hole in our system that needs to be addressed. Thank you for your time.

Clayton Gardner - Resident: What I thought was interesting, got brought up today. The water, I think everybody realizes the big issue that everybody's scared of, and that's not a new thing in this County. There are lots of problems with water in the state, and in a closed basin like here, we have lots of issues. The Higdon Ranch was brought up, and the original listing was \$1.8 million, and then they lowered the listing to \$1.6 million. It went down in the value of the listing. It never sold because their wells were dry. If a well goes dry, it takes property off the market, it lowers the land value. Inherently, any facilities going in, if they lower our water resources, and they lower land value because of it, we're now getting around to one of the reasons why P & Z turned down these. I thought that was trying to come up with examples, because I researched it, and I found two places

online that showed that land values are going up because of cannabis. One was called 420 Properties. I guess we can say they probably weren't that partial, and then the other one had an icon of the marijuana plant. I guess they're probably not partial either. However, most of the studies still go back to dispensaries, and there are still very few studies on hoop houses and other structures. I think it takes you back to, if you have a commercial facility beside you, is it going to lower your land value? The arguments are very strong. With the Higdon Ranch, this may be a real-world example of how this can lower land value. Thank you.

Bryan Melcheck - Resident: A lot of points have already been made, however, starting with in rebuttal to your statement about how security guards on these premises are against the law. That's not true. That's completely false, as with the code that the gentleman three before me stated, 16.8.2.10, where it says that they are permitted, they're not required. They must comply with all laws about firearms and their weapons. My girls are at the house 24/7, they get homeschooled. It's not just where they live, it's where they learn as well. This ties into my aspect of it. It's been put forth recently with the past couple of weeks, where not just these businesses, but our County in general, has been put in the spotlight for essentially being the black eye of New Mexico because of the lax laws that are on the books, and because of the lack of not just regulations, but the ability to enforce the regulations. The head of the CCD, yes, can issue fines. Two in this County alone had \$1 million fines because they were so out of compliance. He also said we are authorized to give fines. However, we're not authorized to collect them. Those two separates million-dollar fines are still outstanding.

Another massive issue is they've been reporting that the state is completely oversaturated with these types of companies, with these types of enterprises, so much so that some of the more established legal and abiding by the rules and regulations companies are either selling, shut down completely, or minimizing by 20 to 30% because they're just so many here. All marijuana grown in New Mexico is supposed to be within the compounds of the border of the state of New Mexico. When you send it out to other areas, across state lines, that's trafficking, and that's a federal offense. If we're already oversaturated to where places are closing in the magnitude they're closing, then we're, here in Torrance County, talking about whether we should have a massive operation over here, and then another operation over here that has the potential of going with the history of how these have saturated and proliferated in this County alone. It seems reasonable to conclude that this stuff is not going to stay in the state. Senator Cervantes from Las Cruces said I didn't vote for it, but at the same time working with it, but it's horrible. It's not the idea that when this law was passed, they had for the state. Todd Stevens

with the CCD said that it's an actual imminent threat to safety and the public health.

Mr. Glasby who is with the High-Intensity Drug trafficking area, and they've got headquarters all over the country, spoke on the number of large-scale operations where they're packaging up the marijuana shipping across the country, that a lot of them are coming from the People's Republic of China. I'm quoting this from one of the actual news articles, which goes also hand in hand with the actual video interview. They're setting up hoops here. He heads up the federal drug program that provides resources to local Law Enforcement, which we all know. Even if they get the authority to do something, the Sheriff over here doesn't have the manpower to do that. He's barely got the manpower, to function as the Sheriff's Department in the first place. The legalization of marijuana has made it more difficult for our Law Enforcement partners to conduct their investigations and has provided cover for the Mexican drug cartels and the Chinese organized crime to be able to carry out their illegal activities. He also stated that of the eight major operations that we have here in just this County alone, six have direct ties to mainland China. I think we all know where that money comes from. It's been quite apparent, not just by us here in town or this County, but also by, people who are in charge of the Control Canopy Division, who are elected representatives for the state, for areas and federal agents to head up this kind of stuff. Torrance County is where they're trying to come and put a foothold to grow, package narcotics. If we're already oversaturated, it's not going to go anywhere. Thank you all for your time.

John Humphries -Resident: I live at 331 Riley Road, which is at the western end of Langley Road, and I manage a herd of cattle at the eastern end of Langley Road. The pasture where I manage the cattle is a half mile east from the property in question. I travel back and forth on Langley Road regularly, particularly in the winter. I want to point out that the appeal from this applicant did nothing to address the concerns of the Planning and Zoning Board about odor mitigation. They provided no more or new information. "Trust us, there's no odor here." We're not going to believe there's not going to be any odor. I don't find that to be a satisfactory response to address the concerns that caused the denial from P Planning and Zoning. They say that they've taken the hoop houses out of their proposal and that they're only going to be using two acres, as was stated in their application to Planning and Zoning. There's nothing that says that after they get through this hoop, they wouldn't decide to have hoop houses later and use certainly more than two acres. I also take exception to the contention that there will be no processing on-site. They have said that they're going to be growing plants in pots. Does that mean they're going to be selling potted plants, and so when they're ready

to sell the product, they're going to carry the pots out of the warehouses and put them on a truck that way, there must be some kind of processing happening if they're going to sell the product. I think that's distinguishing to say that there would be no processing.

The next thing I want to address is the contention that they calculate water very carefully. Well, I'm surprised. It's almost laughable. They gave us all these water bills as evidence for their claim for 8000 gallons per day. There's no information about the property where those water bills came from. How many plants are there? Maybe that facility where the water bills came from is only growing 100 plants. It's 8000 gallons for 100 plants at this new facility they're going to have, how many, 1000 plants? Similarly, now with their revised proposal, they started with eight warehouses and 10 hoop houses. They're eliminating the hoop houses, but they're still going to use the same amount of water that they have in the original application. That doesn't sound like a careful calculation to me. Then it's also laughable to see their list of properties. Where did this list come from? I purchased both of my properties during the time frame that this list. My property isn't there. There's nothing about the value of my property. There's no indication in this list that any of those properties are located next to an existing cannabis farm. There's no rationale for citing these property values as rebutting the argument that a cannabis operation will reduce property values.

The other thing I want to note, which has not been brought up yet, this operation is two miles from the nearest paved road, which would be 542, and most of the existing operations in the County are adjacent to, or at least very near, a paved road. They've talked about the waste will be hauled away by trucks. There will be traffic coming and going for workers and deliveries and so forth. They will be using our dirt roads, including Langley Road, which I use regularly. The County does an admirable job of maintaining Langley Road and the other roads, but when we get a little bit of rain, those roads are compromised, and we get ruts, and it can be hard to travel as someone who's managing a herd of cattle. If we get a lot of rain in the evening, I can say I'm going to wait until later in the day tomorrow to give the sun time to dry out the road a little bit before I go drive down the road. If you've got workers who are coming to this facility on a work schedule, they're not going to be able to make that change. If you've got deliveries that are coming, they're going to have to manage and get through the roads.

At the Planning and Zoning hearing. I shared that the week before that hearing, Javier Sanchez, one of our neighbors had a quarter inch of rain. Somebody came along with a hay truck and lost a load of hay in Javier Sanchez's field and knocked

over his fence. Part of what's not included in this is any provision addressing the concern about the impact on local roads that will impact the operations of other farmers and ranchers in the area and have a negative impact. It will also increase the demands on the County's budget in terms of road maintenance.

The issue is not so much compatibility with other agricultural uses on adjacent properties. The issue is that the proposed facility is incompatible with the relatively high density and proximity of homes, including those occupied by young children, as we've heard before. With that, thank you for this opportunity to speak to the appeal the Planning and Zoning Board's decision to deny the application was well-founded and supported by the provisions of the ordinance. This applicant has done essentially nothing to respond to the concerns of the Planning and Zoning Board. I urge the commission to uphold the board's decision and reject the appeal, or if you feel necessary, to postpone it indefinitely and allow the Commission to gather more accurate and complete information. Thank you.

Johnny Romero: The President of the Torrance County Farm Bureau asked me to represent them. Every County has one, and we're representing people from Torrance County, not necessarily all of them, but there are quite a few that we're representing. I'm asking you to ask this question. They're enclosing these buildings. How do the plants grow? They must put lights in there, right? Power-wise, one gentleman brought that up, when the power goes out especially when we have bad weather, how many generators are going to need to power this unit? Lights take a lot of power, you're going to have the noise, you're going to have the pollution of that generator. I understand there are a lot of farmers, but most farmers have gone through electricity. They don't use gas engines anymore. How will the County be affected by it? The County has a hard time keeping our roads up. I've lived out here for 50-some years. For my family for over 100 years, roads have always been a problem, and the County is shorthanded. They don't have the funding to keep these roads up.

Law Enforcement couldn't enforce even if you put stipulations in there. Will the water be hauled from somewhere else? Where are they hauling it from? Are those trucks hauling? Say they're hauling 4000 gallons of water. That's a lot of water. That's a lot of weight. I was in the construction business. I know what that stuff is. It's going to weigh on our roads here in the County. Can the County afford to rework these roads? One of the things I fought for heavily in Planning and Zoning is when big companies like this come into the County make them improve the roads and pavement and get them up to par with any roads that they're using before they approve them. For years and years, subdivisions here went wild, and the

County couldn't keep up with it. These people are making money, they can afford it if they can't invest in the community, that way they're not going to be here long. Law Enforcement can't enforce anything if they're following the rules, there's nobody to enforce them. The state of New Mexico has seven inspectors. They haven't even been to facilities in three or four years that have never been inspected. The way to stop this is at this point until things get better, or more ways of making sure that rules and regulations are followed. Look at your community, look at the people you must take care of, the people of your County, their health and wellbeing. Thank you.

Jason Holton - Resident: It has become apparent that you have to make your decision. You can only make your decision based on information given by the public. You can't go and start Googling to help make your decision. I want to provide a little bit of information, expanding on the building code someone had brought up earlier. I appreciate their willingness to address the issue by moving into a warehouse. However, that does not address the odor issue, which I was very vocal about in my original speech. With them being in a warehouse, there are building codes that require them to circulate outside air into their building, which means the air in the building then has to go out. New Mexico has adopted the International Building Code, 2021 as part of that IBC. As part of the IBC, it includes the international mechanical code, which Chapter Four pertains to the ventilation of this mechanical code. This is straight from their website. Chapter Four intends to provide an indoor atmosphere that protects the health and wellbeing of building occupants, and both mechanical and natural ventilation is addressed. Mechanical ventilation provides what is acceptable indoor air quality. Mechanical ventilation minimizes adverse health effects and provides an atmosphere that generally is not objectionable to occupy. With that said, there is then a table in Section 403.3, that gives a ratio of how much outdoor air has to come in to replace bad indoor air based on square footage, the type of operation, and the occupancy capacity. Even though it's a warehouse, they still have to ventilate it. Now that they hinted that they're going to grow in the warehouses, they still have to vent outdoors. I would urge you to, if things are approved, put in stipulations and conditions, put a condition in that ensure that they are properly filtering out the odor from these warehouses that they're mandated to circulate fresh air in and out.

Feng Ping Chen: Thank you. I appreciate a lot of public feedback at this point. However, some of the concerns is, are we law-abiding citizens? I'm from Taiwan originally, and at that time I was a little bit concerned about a new country, and what the new country was going to do to me. The country gives me a very, very

good impression. This is not a perfect country, but this is the best country in the world. We accept foreign cultures. We adapt to the international trend, and we are the strongest country in the world. Unfortunately, my daughter right now is Associate Director for the Democracy Fund. She's an attorney for the US Justice Department. Talking about law-abiding nature must go through education. You can have a perfect law, but if people don't have the sincerity to follow the law the law is worthless. People must trust each other. We cannot say you are not going to promise me something, and then you going ahead and do it. Impossible way in the future. That's not the way human reaction is supposed to be.

In this case, I'm from Taiwan, and then a lot of my kind are from China, politically, in a governmental sense, we are in a fighting position, but in the United States, we are treated equally. You are a normal citizen. I'm a normal citizen. We don't have any hatred against each other. We have to appreciate your mutual interaction. I was a little bit concerned that some people were saying all those Chinese those are going to be illegals. I see it's not what I'm observing in this country, this country has been very, very open to us. We have had a lot of family problems, through the years, but American people in general, help us out. I'm so applicative to this country. My daughter is a second generation. When I first came to this country, they attended three colleges, and then the question, the first question was where are you from? One day, I asked my two kids, "I say when you grew up, anybody asked you where you from?" No, they treat me like an American, nobody asked me that question. I'm so glad the country has already gone through that stage, and that's, that's how this country is so great.

When it comes to violence, because the permanent business practice is no longer higher bodyguards or night watchmen, they carry weapons instead. We replace it with an insurance policy, like a State Farm, which provides you the business laws, including robbery, theft, fire, and earthquake, you don't equip your own, civilian force that's going to get into a confrontation, somebody going to get hurt. We will not believe in that kind of practice. Instead, we buy business insurance. In this case, unfortunately, at least one insurance company has already talked to State Farm. They say they insure the cannabis operation, under the impact of the property variant. You can take an isolated incident, a certain property was listed for a certain price, and suddenly you cannot sell because of a certain reason. We can only rely on the empirical data, which is a transaction. Then one gentleman said, I'm not empirical data, MS, CMA, my trading was included, this is a free country. You can register your business trading record, or you don't have to register. We can only control our part. We cannot control other people's part. If

they don't register their transaction in the public record, there's no way we can find out. That's a privacy issue.

This is one of, among other things, one of the greatest countries in the world and is called a democracy. Democracy provides privacy for a person talking about contact, engineering, water engineering office, and calculating how much water we will be using. We visited the water engineering officer over six times to make sure the allocated water rights, were there, and then even conversions about consumptive water rights for cannabis cultivation almost down to a science. Therefore, other people say we don't know your empirical data or the water bill. Everything can be provided. We can provide you with the exact data and where that came from. We value our presentation. We don't just grab something from the air. Everything here is empirical data. Everybody is entitled to what they think because that's how science fiction movies were made. It's called Creativity. But if it's your life situation, we have to rely on experience on empirical data. I want to say that the operation may have at a certain period like one month, when we will employ 15 to 20 employees for harvest time, that will be like one month out of every four months, and then the normal time, maybe five to six employees, and then just to make sure everybody has a toilet to use that is why we will need the septic tanks. That's why we are trying to see if we can put enough septic tanks. It's not for operation. It's just for personal use.

It's a very small operation and also goes back to the law-abiding, we promise we're going to use close 60,000 square foot warehouses, and then we're going to stay there. We're not going to expand it because of a lot of consideration about resident opposition. There's always another alternative. We can go to other places, but at this point we have already purchased the property. We already got into the action. We have no way to pick up, we had to work the best to benefit the whole community, and then to make it possible. One voice was saying we're going to, we're going to hold the trash out and then put it on the street and pollute everybody. That's not true. We can draw up a plan where the waste material is going to be sent to a treatment facility. We're going to start a contract. We can propose that for approval, and then we will act accordingly. What I'm saying is, we don't have too much problem with water usage, and then another, suggestion, maybe in the future, you can ask for donations like a water resources fund, when a new company or the existing company is here, you can ask them to contribute a certain amount of money. This fund will be for the future development of water resources or even roads. This is getting political, but it's just a suggestion. Overall, there's only one world we can live in, and we will try our best to benefit each other, we just must trust each other.

Ryan Schwebach-County Chairman: Are you a potential owner-operator?

Feng Ping Chen: No, I am a Real Estate Broker. I found the property and listing. I asked if there was any local opposition or any public hearing where to go to and see if there was no opposition. That's why I recommended the purchase. But right now, I'm in a different arena. I'm a real estate broker, I have nothing to do with their operation in the future. I only help them buy the land.

Ryan Schwebach-County Chairman: Is the owner here?

Feng Ping Chen: Yes. If any, any questions we can answer.

Kevin McCall-County Vice Chair: Your proposal changed to no-hoop houses. What is your reduction in water usage?

Feng Ping Chen: I'm trying to use Murphy's Law. That's why I stay at 8000 gallons, but probably move down to 5000 gallons. I'm an engineer. We always take Murphy's Law. We always take 10% contingency or take the maximum amount of impact. I didn't go to that calculation, but since you brought it up, that's a good point.

Kevin McCall-County Vice Chair: What are you going to do with your waste?

Feng Ping Chen: I already told you. We are going to buy the product from garden material shops, like Walmart, Home Depot, and other specialty cannabis shops. We will use an outside treatment location. We will provide you with the entity after we check into it if we get approved.

Kevin McCall-County Vice Chair: Do you believe this is a commercial grow?

Feng Ping Chen: Is this a commercial grow, Yes. A personal grow only allows six plants. We are trying to stay away from our nearest neighbor by at least 500 feet, because of odor effects. We will not develop the rest of the 150 acres.

Ryan Schwebach-County Chairman: Will you put that in writing?

Feng Ping Chen: Yes, we can do that.

Ryan Schwebach-County Chairman: Will you permanently suspend water rights?

Feng Ping Chen: No, in the water rights calculation we only use about 7.5%, it could be less.

Ryan Schwebach-County Chairman: You had commented on conserving water.

Feng Ping Chen: Not water, odor.

Ryan Schwebach-County Chairman: What are the reasons P & Z denied this?

Donald Goen-County P & Z Director: Virtually identical to the last one. Finding number four, it was determined a commercial greenhouse operation at this location would hurt land values in the area. It cites section two, purpose. This is where it refers to the local water sources and the water and wastewater systems. Number five has a negative impact on existing agricultural operations. Section Nine, the intent behind the AP 510 40 did not satisfy Section 9.9.C.4, which was the large-scale commercial processing in which the odor and light effects could not be satisfactorily addressed in Section 21.D.4, the economic noise, glare, and odor effects. Number Eight was determined that a commercial greenhouse operation was incompatible with the surrounding properties that reference section 21.D.5, which was general compatibility with surrounding properties.

Ryan Schwebach-County Chairman: This is a full 160 acres that we're dealing with.

Donald Goen-County P & Z Director: Yes sir,

Ryan Schwebach-County Chairman: Where's the proposed building site within these 160 acres?

Donald Goen-County P & Z Director: It was up towards the upper left corner if I remember right.

Feng Ping Chen: At this point, it's tentatively, in that area. However, we can stay away from the neighbor. You can still adjust because we are 160 acres in length. We can adjust the location if we have to.

Ryan Schwebach-County Chairman: I'm not confident that the light pollution is addressed in writing. I understand steel buildings, but I feel we need more of a Definition.

Feng Ping Chen: The warehouse has no windows.

Ryan Schwebach-County Chairman: I need something more definitive. How much light is potentially produced within the structure, maybe only 5% can ever escape.

Feng Ping Chen: 0%.

Ryan Schwebach-County Chairman: 0%, I would like that in writing. I see no way of figuring out the smell pollution, or air pollution.

Feng Ping Chen: We can only use the most advanced filtration technology. We still need to do the research.

Ryan Schwebach-County Chairman: That needs to be in the permitting. It appears that the water is a legal right. I think the location is more of a determinant. It's very close to homes. It's been established that this does hurt neighbors.

Feng Ping Chen: I heard that if you are 500 feet from the neighbor, you are okay. Is that right?

Ryan Schwebach-County Chairman: I can't answer that question. I do not know. There's nothing in our Ordinance specifying distance from an existing property line, or anything like that, other than a building structure.

Michael I. Garcia-County Attorney: Mr. Chen, Could you state that the operation building would be located at the farthest possible setback for neighboring properties, center it?

Feng Ping Chen: Yes, we'll try to do that. We have a 160-acre plan, maybe we can adjust accordingly.

Michael I. Garcia-County Attorney: Would you agree to a condition on your permit that stated that?

Feng Ping Chen: Yes, we will agree to it.

Ryan Schwebach-County Chairman: Do you agree to no further expansion on the ground houses on this existing permit also?

Feng Ping Chen: Right now, we don't intend to expand, because it's a reality. We have so much opposition, we would rather go somewhere else. The only reason we try to have this pass is because we already purchased the land. We want to make minimum use of it.

Michael I. Garcia-County Attorney: Mr. Chen, would you agree to a condition that you would not expand the operation beyond the current application?

Feng Ping Chen: Yes, we can agree to that. We are residents. We believed in community, that's our home. We spend a lot of money to try to do this.

Ryan Schwebach-County Chairman: I have concerns about the number of residents. I also have concerns about individual private property rights. I'm not quite sure the best way to handle it. As presented, I'm inclined to deny it. That process means the same application goes through to the District Court. If it's appealed, we deny it, they appeal it. It goes to a District Court, and the Judge makes a decision, correct?

Michael I. Garcia-County Attorney: Correct.

Ryan Schwebach-County Chairman: We're faced with some harsh realities. One that it is legal to grow and its private property. We have an individual who is willing to negotiate and work with it, in lieu of issues we've discovered from previous grows. How do we accomplish that, insure under conditions?

Michael I. Garcia-County Attorney: We can set conditions for their operation as we discussed earlier, setbacks on the grow, light mitigation, odor, and things like that. If the applicant does not object to the conditions and or agrees with them, there are little grounds for appeal on their part.

Ryan Schwebach-County Chairman: Do we do that now? Do we do that later? How does that work?

Michael I. Garcia-County Attorney: It's the pleasure of the Commission. We could take some time to try to work out the conditions with Don, me, and the applicants.

Ryan Schwebach-County Chairman: In which case we would have a continuation of this hearing.

Michael I. Garcia-County Attorney: Yes, sir, which may be beneficial in terms of getting down the technical aspects of which I have to confess, I just don't know the answers.

Kevin McCall - County Vice Chair: Can conditions be put on roads, by bringing them up to certain standards?

Michael I. Garcia-County Attorney: I think you can, but it probably has to be in proportion to the actual operation, and it's pretty difficult to measure that. I don't know what the conditions would be.

Ryan Schwebach-County Chairman: The conditions I'm looking at are essentially a maximum distance away from any existing neighboring residents, a clear definition of the air filtration within the buildings, and a limit to proposed plants and the number of buildings proposed. Which would require a more detailed site plan. It would require specs on the proposed air filtration and proposed buildings themselves. At this time, once permitting is done by the State Engineer for consumptive use, we've been given proof of water use. I go back to if we allow this condition to go forward, and it's a violation of the condition, how is it enforceable?

Michael I. Garcia-County Attorney: As I understand it, we would have to bring an administrative action to the board to revoke the conditional use permit. Then it would be a question of how to enforce it, you can revoke the permit, if you found they were in violation. Then the question would be, how to make the operations cease, then it would be a Law Enforcement issue.

Ryan Schwebach-County Chairman: I would like more explanation of how that looks like within that case. Is this tied to the land and the current owner? Is it continuous if it's sold? How does that work?

Michael I. Garcia-County Attorney: The permit goes with the land. It doesn't follow the owner.

Kevin McCall-County Vice Chair: What are the heights of the buildings?

Feng Ping Chen: 15 feet.

Kevin McCall-County Vice Chair: Why so tall?

Feng Ping Chen: For plant growth.

Ryan Schwebach-County Chairman: I would like a drawing. I'm willing to defer this public hearing.

Feng Ping Chen: We would appreciate a definite requirement, so we can follow the rules. That's all.

Ryan Schwebach-County Chairman: Can you give me a definite filtration system?

Feng Ping Chen: Yes, like I said, we will use the most advanced equipment available. We will submit that to you. We will get the actual equipment for your approval.

Michael I. Garcia-County Attorney: Did you say actual equipment?

Feng Ping Chen: Yes, actual equipment. A filtration system.

Michael I. Garcia-County Attorney: It'd be an example of an actual type of equipment that's in existence.

Feng Ping Chen: Yes. We need to figure it out because we promise you to use the most advanced.

Ryan Schwebach-County Chairman: At this moment, I need stuff in writing and specs. That's why I'm offering to defer this until the next meeting to provide this information. In which case it will be a continuance of this public hearing. At that point, this Commission will decide. Does that make sense?

Feng Ping Chen: Yes.

Ryan Schwebach-County Chairman: With a site plan on exactly where the buildings are going to go, a better definition of the size of the buildings, type of structure, metal, for example, if it's a metal Mueller building with 10-foot eaves and one indoor, the specs on the water filtration, and then also there will be zero light other than when a door is Open.

Feng Ping Chen: It's not water filtration.

Kevin McCall-County Vice Chair: Also, what are you going to do with your waste, and who's going to pick it up?

Feng Ping Chen: Yes. We're going to figure it out.

Ryan Schwebach-County Chairman: I go back to enforcement. The reason we've seen it is the state has no teeth or enforcement on their existing permits. They have forced a County to try to come up with ways to make sure of what is going on. Also, I would like access to Planning and Zoning to inspect the property, on occasion.

Feng Ping Chen: We need an agreement. Because the bottom line is that the County is going to have a direct impact on what we are doing.

Ryan Schwebach-County Chairman: I understand you're making these promises with the County, which is having a direct impact, but with the existing greenhouses that are within the valley, I have yet to see a positive impact.

Action Taken:

Ryan Schwebach-County Chairman: Motion to continue this public hearing till the next Commission meeting. At that time, we will have more answers.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - abstain: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes: **MOTION CARRIED**

Action Taken:

Ryan Schwebach-County Chairman: Motion to move out of public hearing.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes: **MOTION CARRIED**

2:13 PM

C. PLANNING & ZONING: (PUBLIC HEARING) Render a decision following Remans from the New Mexico Court of Appeals regarding the

application for Conditional Use: Communication Tower submitted by Gravity Pad Partners, LLC. The subject property is located within projected Sections Eleven (11), and Fourteen (14), Township Six (6) North, Range Six (6) East, NMPM.

Action Taken:

Ryan Schwebach – County Chairman: Motion to move into public hearing.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

2:14 PM

County Attorney Swarn in – Jessie Hatch, David Benavides, Don Goen, Felicia McElhenney, Andrew Gutierrez, Adam Baca, Byron Padilla, Linda Jaramillo.

Michael I. Garcia-County Attorney: I'll give a brief introduction to the case. We have Jesse Hatch representing the cell tower company and Mr. Benavidez representing Tajique. This case involves an application for a cell tower in Tajique. This has been going on for about four or five years, Originally the Planning and Zoning Board voted to deny it. The Planning and Zoning Board then voted to grant the use, then went up to the District Court, where the District Court affirmed this board, and then it was appealed to the Court of Appeals. After the Court of Appeals processed the case going up to the court, it was noted that our record had incorrectly stated the zone where the cell tower was built as BCP, and it's actually in RCP, which is the Rural Community Preservation District. The Court of Appeals affirmed but noted that the record was incorrect in the actual zoning where it was to occur and sent it back to the District Court and then back to us to enter proper findings and conclusions of law. We're at the place where we tried to address the concerns of the Court of Appeals and enter corrected findings and conclusions. I was going through the case findings and conclusions. In addition to what you have in your packet, paragraph 12 under conclusions of law will be helpful. I've consulted with Mr. Hatch and Mr. Benavidez about it. I think Mr. Hatch agrees with what I've proposed for the conclusion of the law. I haven't given it to you all yet, but I'll read it to you. It would state applicant's application meets the requirements for a telecommunication tower and essential public utility distribution structure in the RCP zone and is hereby granted. That would tighten up the findings and conclusions.

Samuel Schropp-County Commissioner: Would you remind us of the difference between the VCR and RCP?

Donald Goen-County P & Z Director: VCP is Village Community Preservation, and what that does is that that is the original town site of the land grant, the OTS. RCP, Rural Community Preservation is the remainder of that grant. VCP is the original town site. RCP is the remainder of the grant.

Samuel Schropp-County Commissioner: In which of those two entities is this proposed cell tower?

Donald Goen-County P & Z Director: The location for this proposed communication structure is RCP, which is allowable, upon granting of a conditional use permit, in VCP it's prohibited.

Kevin McCall-County Vice Chair: Why is this the public hearing if you're clearing up verbiage?

Michael I. Garcia-County Attorney: Because it's still part of the land use application, and we're going to be setting forth what the proper zone is for it. I would ask you to adopt the findings and conclusions drafted with the correction. The addition that I just read out.

Jesse Hatch: My client, Gravity Pad Partners LLC, the original applicant, back in 2018 when the application was originally submitted, is in favor of the proposed findings and conclusions because I have lived through some of these appeals. A little bit of background and hopefully some more context to help you. In 2018 the application for a conditional use permit was made by my clients. Planning and Zoning denied it, he appealed to this body, and this body overturned the denial and granted the conditional use permit. Thereafter, the Tajique Land Grant appealed that decision. The District Court affirmed this board's decision, and then it was appealed to the Court of Appeals. During the initial applications, there were misstatements probably initiated by my client, in the identification of the zoning of the parcel as VCP zoning, which is a more restrictive zoning area. It was found by the Court of Appeals that there was no substantial evidence in the record to support that designation as VCP, and the reason for that is that it's not VCP, it is RCP, which is the more permissive zoning designation. The Court of Appeals identified two basic issues on remand that this body is tasked with determining. One is, what is the proper zone? It's RCP, and that's clear. I know that the County Manager can

testify to that. I know it's in your proposed findings. There's no question as to what the proper zoning is.

That determination essentially moots the second question, because the second question was under the ordinance, and the language of the ordinance is if this structure is a communication structure, or is it an essential public utility structure? There's vagueness in the ordinance, neither of those terms is defined in the ordinance itself. There is a reference in the Court of Appeals decision to language in the ordinance that indicates that a cell phone tower such as this one could be either an essential public utility structure, which would be permissible under either zoning designation, or it could be a communication structure which is permissible under the RCP zoning and not the VCP zoning. Because this is an RCP-zoned piece of land, it moots that second question. We have reviewed the proposed findings. We were participants in the appeals at the County, and through Mr. Garcia and his predecessor, briefed these appeal issues to the court. We as an intervening party, as the applicant's party and interest on the original application, also briefed on the issues. We have reviewed the proposed findings. We have no objection to them. We endorse them as accurate, true, and appropriate. We would like them to be approved and entered.

Samuel Schropp-County Commissioner: In reading the memorandum and many other findings of fact. A public utility is required to be on five acres, which I would take to be like an electrical substation. It's a kind of footprint for that kind of facility. There is no requirement for footprint size in a cell phone tower.

Jesse Hatch: Correct, you've identified that sort of language that the Court of Appeals homed in on. This indicates that a cell tower such as this doesn't have the same five-acre designations as other types of essential public utility structures, but it also refers to that as a potential essential public utility structure. I don't think we even need to get to that question, given that this is an RCP rather than a VCP-designated property, it's probably academic.

Michael I. Garcia-County Attorney: Conferring with Mr. Hatch, I drafted the conclusion to capture both possible types of communication towers so there won't be any questions. We need testimony in the record, for substantial evidence, if it doesn't get appealed, that this is RCP properly stated, I was going to ask Don to testify to that.

Donald Goen-County P & Z Director: Yes, this parcel is, without a doubt, within the RCP zone.

David Benavidez – Attorney representing Tajique Land Grant: I agree with about 90% of what was described in terms of how we got here. That was helpful. I want to say that the Court of Appeals certainly did not take any side or position in terms of either of these issues with what the proper zone is and what the proper uses are. They kicked it back down here for that to be laid out to this body. What the Court of Appeals wants is for this body to apply the Zoning Ordinance to this situation correctly in the way that the Zoning Ordinance would require. I have every confidence that this Commission will do that and will adhere to the letter and the intent of the Zoning Ordinance. What I mean by that is that probably one of the most innovative aspects of the Zoning Ordinance is this VCP, Village Community Preservation Zone, which only applies to the vicinity around the central area of the land grants in the County. It's one of the most restrictive zones in terms of the intent of protecting the integrity of the village community, the land grant communities. It is probably the zoning with the least amount of land in the whole County because it was intended to protect land grants in the vicinity of the central area.

I would disagree with the characterization that this is RCP and not VCP. What you should be aware of is that in the 2019 decision by this board, by the full County Commission on appeal from P & Z, there was a finding of fact that the land in question is VCP and that was correct. That was the finding of this body. Given that it's correct, the way to apply the ordinance, and because the ordinance today is different than it was at the time that we were considering this. It's correct to apply the ordinance that was in effect when this application was filed back in 2018. Given that it's VCP zoning and given that this is a communication structure with the combination of the way you apply the chart, the zoning chart that was in effect, requires a denial. There's no discretion. You don't do the things that you would do under a conditional use permit. You don't weigh a bunch of factors or weigh the importance of what's being asked for, it is a straight-up VCP plus communication structure equals denial.

The only scenario I think would give you a different result is if someone tried to convince you the Commissioners that you can get away with approving it under some other technicality. The obvious way to apply the ordinance is if you apply the ordinance in this other way, engaging some assumptions and some technicalities that may not be the correct way to analyze the situation, which could give you a different result. The problem with doing that is that it really can't be done. Approving this without defying the ordinance, without defying the purpose of the VCP zoning that's been adopted into the Zoning Ordinance, and without defying common sense. I'm saying that this project can only be approved under the

ordinance if you say no, this is not VCP, and if you say no, this is not a communication structure, that's the only way that you could approve it. Both of those are correct. The zoning map that was in effect at the time that this came up does not support the idea that this is not VCP. The zoning map that was in effect would indicate that this cell tower is in a VCP zone. Beyond that, I would like us to take more of a commonsense approach.

This proposed cell phone tower is 400 yards or less from the church in the central area of Tajique. This proposed cell phone tower is even less distant from the center of the central area of the land grant. When this County Commission adopted the Zoning Ordinance and adopted the very innovative feature of VCP for the protection of the land grant. Did it adopt that so that people visiting the church and wanting to understand the traditional aspect of the Village of Tajique would walk out of that church and less than 400 yards away, would see an unsightly cell phone tower? Is that really what was intended? I don't think so. You would have to say that this is not a communication structure. If you look at the 100 and some uses that are in the ordinance that was in play, the most obvious one that a cell phone tower fits are under the heading communication structure or facility. Communication structure facility, that's what this is.

I think someone has advanced the argument that it could be considered something else that is a much more generic or general thing, essential, public utility or distribution structure. You can see that that is a general category, and communication structure is a much more specific category within the category of utilities, and in the law, where there's a specific it prevails over the general. I don't think it's credible to say that this is not a communication structure. I do think that a straightforward application of the ordinance that was in effect at the time that this application came forward would require a denial. Unfortunately, it doesn't. It would not allow for discretion. I say unfortunately because I think governing bodies like to have discretion and like to tailor decisions to specific situations. In this case, given how the ordinances were written, it is a straightforward application law without all the factors having to do with conditional use permits. It's a straightforward denial.

I don't want anyone to try to convince you to act contrary to the Zoning Ordinance. I don't think that the Commission would want to set a precedent acting contrary to an ordinance that you all adopted. The Zoning Ordinance is a very important piece of legislation, a very important ordinance, and a very important function of County government. That Zoning Ordinance was lawfully adopted. Not just contrary to the language of the ordinance, but contrary to the intent of having this unique and

special category, VCP. What that means in the context of this particular cell phone tower proposal. To conclude, it's correct. Planning and Zoning voted four to one against this. I would very respectfully urge this body to do what the Court of Appeals asked, apply the ordinance faithfully to the situation, and uphold the Planning and Zoning Commission. Thank you.

Samuel Schropp-County Commissioner: You do not agree with what the judge stated?

David Benavidez – Attorney representing Tajique Land Grant: I do. I believe the opinion did not say whether it's VCP or RCP, and did not say whether it's a communication structure or something else. It said we can't tell, so we're sending it back down so that the County Commission to clarify those issues. I don't know if that's fair, but I believe that's a fair description of the Court of Appeals decision.

Michael I. Garcia-County Attorney: I don't disagree with that, per se, I disagree with Mr. Benavidez about what is RCP and what's not.

Ryan Schwebach-County Chairman: RCP communication structure is allowed, and this is RCP land. How was it zoned at the time?

David Benavidez – Attorney representing Tajique Land Grant: Respectfully, I think if you look at the zoning map in effect at the time, you will have to say that the location of this proposed cell tower is within VCP.

Michael I. Garcia-County Attorney: I'm going to direct the question to Mr. Goen, Mr. Goen, what is the current zoning of this property where the site for the self-powers is proposed?

Donald Goen-County P & Z Director: It is RCP. The OTS was determined per plat and deed to lineate which parcels were OTS and which ones were RCP. If you look at our GIS map, we have a zone layer. It says RCP and if you look at the property profile, that also reflects that it's within the RCP zone.

Samuel Schropp-County Commissioner: The GIS mapping has not moved those boundaries. What you're telling us is that you have a current map. Do those boundaries and that map agree with the time in 2018 this initial appeal?

Donald Goen-County P & Z Director: At that point in time, I don't have that document in front of me, so I cannot definitively say. I'd have to see how it was. I know that at one point in time, it was an arbitrary dot with a radius circle around it.

Samuel Schropp-County Commissioner: It would be a great benefit to go to the GIS mapping and would that be archived? Is that available?

Donald Goen-County P & Z Director: I would have to check with our Rural Addresser to see if he has asked.

Ryan Schwebach-County Chairman: What we're being asked, is to clarify the property and how it was zoned. I'm being told that it's not even in question. It's RCP. You're stating it is in question, why?

David Benavidez – Attorney representing Tajique Land Grant: That's correct. The decision in 2019 as a finding of fact is that the zone is VCP. It was unequivocal. It was a one-sentence statement. There was no question. For example, when this was appealed to the District Court, did the County at the District Court say, that was a mistake? It was not VCP, it was RCP. The County did not take that position on the appeal to the District Court. The County agreed by not objecting to it with the VCP designation that was in the original decision.

Ryan Schwebach-County Chairman: The original decision, the County recognizes as VCP land.

David Benavidez – Attorney representing Tajique Land Grant: That's correct.

Michael I. Garcia-County Attorney: That's not in dispute. In the original appeal process, the County thought that it was VCP.

Ryan Schwebach-County Chairman: Had the County originally thought it was RCP, they probably would have come to the commission to begin with.

Michael I. Garcia-County Attorney: It would have been appealed differently. It would have gone to the District Court without the error. It was found that the VCP designation was an error. We tried to correct that in the course of proceedings before the Court of Appeals. I think what Mr. Benavidez is arguing is that since we represented it as VCP, we can't change our position now, but I think the accurate response to that is we have an obligation to correct errors.

Ryan Schwebach-County Chairman: I was there, and remember the argument was that it was private property, and it fell in line with the zoning. There was talk of essential communication services, was the reasoning behind it. That was the optimal location, within the company and with a willing landowner. I was led to believe that other locations that would fit the tower were had been exhausted.

Samuel Schropp-County Commissioner: I would draw your attention to page six of the Memorandum of Opinion regardless of the appellate court of law, line 16. (not read aloud) Based on that and the testimony of Mr. Goen. I'm not inclined to disagree with the Judge.

Felicia McElhenney: I'm a landowner of the property that the cell tower will be built on, providing that zoning is appropriate. RCP is what the property was zoned as, and due to an error in the court process, it was referred to as VCP. I feel, very strongly, that we need to stand by what it was zoned as to start with. I value my heritage. My grandparents grew up there. They raised their family there. They were teachers at Estancia for 30 years, my family is a part of that community, and I see this as a benefit. It's something that is going to provide communication and access, not only to the immediate community there in Tajique but also to the surrounding communities. When you look at it, here's this land grant, this pristine kind of concept, idea. Nothing stops growing. It is today, 2024, and what was happening in the 1800s when this was being granted to people was for the benefit of those people and their families. I see what this cell tower is going to provide. I would like the zoning to be addressed or acknowledged in the correct way that it was zoned. Thank you.

Andrew Gutierrez: I'm the president of the Tajique Land Grant. I'm here to stand by my people and our heirs of the land grant who are opposing this cell tower right in the middle of town. It's not what we want to get up and look at every morning. We're trying to preserve our land grant and community.

Adam Baca: I own a property right there where the cell phone tower is going to be located, and I'm not for it. It's going to be approximately 400 feet from where I live.

Byron Padilla: I was born and raised here. My family's from here. I have family that's grown up in Tajique. I currently live in Albuquerque, but I do realize the difficulty of living in a rural environment without cell phone towers. I step outside of this building, and I can't use my phone. We need cell phone towers for our youth to be competitive, to not be shorted. There are a lot of kids who are getting all this

information, and they're going to be left behind. We also need to take care of our elderly. We need to have cell phones so that if you get sick, if you're hurt, you can make a call, and somebody can hear you. That's important. Our governor is trying to push real broadband that we need to so let's get this done. I think it'll be for the best. I also can speak on behalf of the family and say we are willing to understand that it's kind of a bit of an eyesore, but we're willing to work with you. If we want to paint it, we can make it look like a big Christmas tree, a big cactus. What do you want? We can work with you guys for the better of everybody.

Linda Jaramillo: I am speaking as a citizen of Torrance County and, more particularly, a resident of Commission District Three, for over 60 years. I have close ties to the people of Tajiique. I lived in Tajiique for five years and was a part of the community. My ex-husband and I bought land in the surrounding area of the Village of Tajiique. We bought the land from the Dow family estate. This was privately owned land. There were protests when we bought the land because we bought the land and subdivided it. The families in Tajiique were able to buy parcels of land where they couldn't before because of our purchasing the property.

All the mountain communities have a rich history that goes back to before New Mexico was a state. They are a traditional people and want to hold on to their way of life. What I see here is that all of this is about money and profit, which is the American way. My ex-husband and I profited. We profited from the sale of our land in Tajiique, but it also gave my friends in the community an opportunity to buy land when before they couldn't. I believe this company could have found another place for their tower, but they got the land that would give them the most profit and found a person who was willing to sell their land for a profit as well. This is within their rights.

I will soon be Commissioner for District Three, and I will have to make the hard decisions as the Commissioners will do today. All I can say to all of you from Tajiique and my friends who are here today is that if my ex-husband and I had been approached by an entity such as the one here today, I would not have allowed it. There were times when I had to tell my husband, these are my friends, we go back a long way, let's work with them. I would like to ask the Commissioners to take into consideration the lifestyle of the residents of the village and how a 90-foot tower in their community would affect them and their way of life and the adverse effects on their well-being. Thank you.

Michael I. Garcia-County Attorney: Mr. Hatch, could you give a little backdrop of the FCC regulations and the approach that is taken by the FCC on these issues?

Jesse Hatch: I can. Before I address that. Let me just address one other issue. It's been great being here since nine this morning to see democracy in action. Thanks to all of you who are here. Thanks to the Commission. I appreciate that. It's been a good day for me. Thank you.

When Mr. Benavidez was speaking to you, he said that he agreed with about 90% of what Mr. Garcia and I had presented. I think that's accurate. There are some things I think bear mentioning, and it's that 10% disagreement that we have with what Mr. Benavidez said. He talked to you about the fact that in the initial board findings and conclusions, were that the zoning was designated VCP, and he wanted to assign purpose and meaning to that. I want to have you think through with me the chain of appeals and the opinion that you have before you. That issue was argued through the appellate process. The Court of Appeals rejected that very issue in the opinion that you have before you. What the Court of Appeals said is, yes, we recognize there is a finding of fact that says this, but we find that there is no substantial evidence to support that finding, and therefore we are remanding back to the board to make the appropriate finding of fact. The appellate opinion doesn't say in plain language, it's because we know there was a mistake made, and so it should be fixed. That's my reading between the lines.

It was argued that the Court of Appeals had the full record before it. It had the benefit of the briefings of all parties. While it didn't make a ruling that said, a mistake is made, the Court of Appeals cannot find facts. It cannot say, these are the facts of the case. It was found correctly that there is no substantial evidence to support the position that the land grant has proposed to say there is a binding finding of fact that precludes all this discussion. Instead, what the Court of Appeals said is there is no substantial evidence to support the determination of zoning. The appropriate body needs to make that determination based on what the law calls substantial evidence. The only substantial evidence that you have received today on that issue is Mr. Goen's testimony. You've also heard the testimony of the landowner about what the zoning is.

To me, it's really that simple, and that's what the Court of Appeals opinion says. It's also instructive to me to note usually, when you appeal something and the Court of Appeal rules in your favor and says, I'm going to reverse what the District Court says, you leave that appeal alone. That's not what the land grant did in this case, because they recognized what the Court of Appeals is inviting you to do is correct the mistake in the zoning designation that's existed since 2018. It wasn't my client. It wasn't Mr. Garcia, on behalf of this board, that sought further review of that

Court of Appeals decision. We understood it, we accepted it, and we knew that it would send us back here to have this discussion and this important determination to find the correct facts about the zoning of this particular parcel. What the Land Grant did, when it received the Court of Appeals decision, ostensibly in their favor, is they read it, they understood what it said. They then sought certiorari from the Supreme Court of New Mexico. They wanted additional review and appellate consideration of this very issue of that finding of fact back in 2018 which precludes all of this.

The Court of Appeals rejected the cert. No and were not taking it. That Court of Appeals decision is now final, and here we are on the remand to make a very simple determination, VCP or RCP. The only substantial evidence on that point is this RCP zone property that precludes the need to even evaluate the second, which is, is this essential public utility structure? Is this a communication structure? I think that it's important for you to understand the full history of this and even the effort to appeal it beyond the Court of Appeals, where the Supreme Court said, we are not taking this appeal further. They denied the cert request, and here we are a mandate sending it back to you to make these findings.

Mr. Garcia, regarding your question about FCC regulations, there's a federal law that essentially precludes Counties from enacting ordinances that will eliminate the ability for cell structures to be erected. We tried to raise that issue in our appellate arguments to the Court of Appeals. What the Court of Appeals said to us is, we don't need to go there and here's why. The first determination that must be made is whether it is an RCP zone property. That's why we're here, and the only evidence that could be designated as substantial evidence is testimony from the County Manager, who has said what this is, it is RCP-zoned land. There's no evidence other than an argument from the council to suggest otherwise. I wanted to clarify those issues.

Samuel Schropp-County Commissioner: In addressing Mr. Baca's concerns, we can't put a number on the blue-sky factor, but these cell phone towers are designed to mitigate lightning strikes. My understanding is that the way towers are built, they will draw the lightning and ground it properly so that there are no problems with surrounding landowners or structures. Am I right in that?

Jesse Hatch: Respectfully, I have to say, I don't know the specifications. I think for purposes of this proceeding, those are questions that have already been determined and answered and were never an issue on appeal and there's no order from any appellate court to reopen those questions that were fully vetted, that were

fully addressed when this body decided to issue that conditional use permit. While I appreciate the question, and I hope the answer to the question is yes, I can't be disingenuous and say that I know.

Samuel Schropp-County Commissioner: You have answered my question that the concerns of the surrounding landowners were addressed in the original process.

Ryan Schwebach-County Chairman: You're asking us to adopt the funding of the court that clarifies that this is RCP land?

Michael I. Garcia-County Attorney: Yes. What we've done is take the findings of facts of law in 2018 and correct them to reflect the proper, accurate state of the zone.

Ryan Schwebach-County Chairman: This is what the Court of Appeals was asking us to do?

Michael I. Garcia-County Attorney: Yes.

Action Taken:

Ryan Schwebach – County Chairman: Motion to accept the corrected findings and conclusions that the land is RCP land.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

Action Taken:

Ryan Schwebach-County Chairman: Motion to move out of public hearing.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

3:06 PM

D. EMERGENCY MANAGEMENT: Presentation and Request of approval of 2024 Torrance County Community Wildfire Plan (Presentation by SWCA).

Samantha O'Dell-County Emergency Manager: For the past year and a half, we've been working on that Torrance County Community Wildfire Protection Plan. It's finally completed. We were working with SWCA Environmental Consultants to help facilitate it, and Dr. Cody Stropki is going to give a brief overview of the plan, then we're looking for the Commission to adopt the plan today.

Dr. Cody Stropki - SWCA Environmental Consultant: Before you is a copy of the Torrance County Community Wildfire Protection Plan. This plan was done in concert with the Claunch Pinto Soil and Water Conservation District, which has been the case since 2008 when the two parties entered an agreement in 2008 and developed these documents together, just because of a lot of the overlap within the community. They each have their documents that stand alone. These are kind of long documents. I would encourage you to look at it. Executive summary, page V.

The summary provides an overview of the document. A Community Wildfire Protection Plan is to provide a scale of wildfire risk and protection needs at a county level. It's a collaborative process. I was merely the facilitator. We had over 15 partners participate in the core team meetings, local officials, public members from the Land Grant communities, and our federal agency partners. We had a robust public comment period where we put this document up online for 60 days and allowed the public to provide feedback and comments, and we addressed those comments. After 60 days, we had a public survey that was sent out during this process, and we got 22 responses. That might not sound like a lot of responses, but if you look at our neighbors in Bernalillo County, I believe they only got 40 responses during that plan. I think for the population, getting that participation is pretty good. Lastly, we did put this draft plan, in front of the New Mexico Forest Service, the New Mexico Mineral and Energies, and their Forestry Division. They review CWPPS every September. They review this draft and approve it. If the Board of or the Commission approves, it as well.

This is the second time I've been able to work with the County on this plan. I helped with the 2016 plan, and I'm proud of what Samantha and her team can produce, hopefully, it will help move wildfire mitigation forward in the County. All this plan does is give recommendations to the community on what they can do to build resiliency. What it does is it opens pots of funds that normally aren't

available. If this plan is in place, this goes to everything from helping with firefighter safety to helping with bringing more water into the community, these are the types of projects we listed in this plan.

Ryan Schwebach-County Chairman: Forgive me if I don't read through the whole thing now, I'm getting a thumbs up from our Emergency Management.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

E. PLANNING & ZONING: Review of proposed revision of Torrance County Ordinance 2020-06, and request of approval for publication of title and general summary before Public Hearing.

Donald Goen-County P & Z Director: This proposed revision's primary purpose was to remove the permissive uses and also focus on commercial greenhouse operations within Torrance County. Text was added to the definitions and several of the zoning sections throughout the ordinance. I worked closely with County Attorney Mike Garcia on this. I went through it from front to back to make sure that there were no gray areas and no conflicts. I provided you with a separate reference sheet to see the changes. Nancy is working on getting that to where it's in a current viable form to where we could formalize it. Then we will have our public hearing. The black is what we have in place now and the red is the proposed changes. If you look at the actual version of what you have there, it the draft watermark. You'll see that those are struck through showing that that's being removed. This did remove all permissive use. For example, it shows cannabis lounge and retail as being under permissive use. I moved that to conditional and also in D1, which is one of the main areas up and down the 41 corridor. I moved that from permissive to conditional, which also meant that it went into conditional D2 and conditional D3. It's either prohibited or it's a conditional use. This gets us something that addresses immediate issues. We'll have the opportunity later to make other changes. Those other changes are going to require scrutiny and more research before we propose more restrictive changes. The purpose of this right now is to discuss it. I need your authorization to publish it before adoption.

Under General Provisions, operations are centered on 100 acres. One of the main complaints that I was hearing was that they were talking about these big operations. If you make it where they must be centered on 100 acres, who's going to be able to afford that? In my opinion, doing something like that would be creating a privileged class, that makes it to where the mom-and-pop operations could not operate. Section 6L is gone, in place of recreational vehicles, that states plain and simple, full-time living in an RV is not allowed except in RV parks. Part of that is to address these little villages where we were having a pop-up at one point in time when these operations were first coming in. That also addresses the bigger picture where, with my Code Enforcement Officers, they're going after somebody for living full time in an RV and, where does it say that specifically? It didn't, and now it will.

Ryan Schwebach-County Chairman: This will be applied to commercial greenhouses. We have an RV ordinance for somebody building a home.

Donald Goen-County P & Z Director: You can stay in an RV with an affidavit for up to 90 days in a year for vacationing purposes, six months in conjunction with a land development permit while you're developing a home site. Type one covers your major residential subdivisions. The smallest lots are an acre, and then a type two is where they're less than five acres. There's a different number of lots that would cover all the subdivisions like the Ranchettes, Antelope Springs, Rancho En Cantados, and Rancho Grande. That covers all of the major residential subdivisions.

Kevin McCall-County Vice Chair: No commercial greenhouse will be permitted.

Donald Goen-County P & Z Director: Prohibited. The result is that it's either prohibited, or it'll be conditional use, uniformly across the board.

Ryan Schwebach-County Chairman: It goes through P & Z every time?

Donald Goen-County P & Z Director: That's right, there are no may-be-asked-for or permissive uses every single time they'll have to apply for conditional use. That doesn't matter whether if it's in Zone A with the 40-acre minimum, straight agricultural, a conditional use will have to be applied for no matter where it is, or it's prohibited.

Ryan Schwebach-County Chairman: Explain three, four, and five subdivisions.

Donald Goen-County P & Z Director: The number of parcels and the size of the smallest parcels.

Ryan Schwebach-County Chairman: We need to get a little bit more aggressive with this till my attorney tells me differently. I think it needs to be on agricultural land only with water.

Donald Goen-County P & Z Director: The provision in the state statute says that they can haul.

Kevin McCall-County Vice Chair: How are we getting around that on types one and two?

Ryan Schwebach-County Chairman: It needs to be on agricultural land period. If they're calling an agricultural product, it needs to be on agricultural-zoned land. They could do a commercial greenhouse if they can get the water.

Donald Goen-County P & Z Director: They're either going to have their water right, or they're going to have to haul water.

Ryan Schwebach-County Chairman: Everyone needs to go through P & Z. I think we need to put language in there so that P & Z considers the type of structure, the type of filtration, and the location of houses existing, regardless of potential subdivision within a quarter mile, or half a mile. I want to put some guidelines in there that will guide P & Z.

Samuel Schropp-County Commissioner: Let's talk about filtration. You're required, if you run a body shop, to have a filtration system, all the VOCs, all the overspray paint and all the fumes from the body buddy. Can we use the EPA requirements on the filtration system, in greenhouse operations?

Ryan Schwebach-County Chairman: I don't see why not.

Samuel Schropp-County Commissioner: To be fair to people who are going to buy and start a business here, they need to know that this is what we are requiring, not an ambiguous filtration system, but a filtration system that is GPA regulated.

Kevin McCall-County Vice Chair: I'm not arguing. At our county level, we have a level of manpower, when they come in for a permit, all the check marks have already been stated at the state or federal level.

Michael I. Garcia-County Attorney: The difficulty for me is to see how we would enforce an EPA standard, I don't know if we can do that.

Ryan Schwebach-County Chairman: It requires a filtration system that meets these EPA standards, whatever that may be. We can manage what is zoned with the type of building to an extent. Based on what I've been hearing, if you have to have to grow lights in it, it needs to be completely enclosed. If it's completely enclosed, it needs to be filtered air.

Donald Goen-County P & Z Director: No hoop houses?

Ryan Schwebach-County Chairman: If those lights are on at night, then the answer is no, it has to be enclosed.

Samuel Schropp-County Commissioner: Don and I talked about a Dark Skies Ordinance; it would go there. Let's get back to what Mr. Chen was saying. We'll get appropriate filtration. I found in the private sector that industry standards are the best industry custom, and it's vague.

Ryan Schwebach-County Chairman: I think it needs to be defined. I don't know how to define it, because I don't know the system.

Samuel Schropp-County Commissioner: Todd Smythe had given me a study of biological VOCs. It's not just for the odor, but the worker safety as well.

Ryan Schwebach-County Chairman: You need to give them a little lenience if they're in the middle of 1000 acres of agricultural land. With a different volume, we have to have some common sense, otherwise, the court's going to rip it up.

Samuel Schropp-County Commissioner: Adequate ventilation, and then requiring filtration.

Kevin McCall-County Vice Chair: We've been talking about, how we can't control this cannabis issue because the state didn't allow us, local jurisdictions, and governments the ability to zone them. How far can we go?

Ryan Schwebach-County Chairman: We can go as far as we want to, to defend in a court of law. It has to be common sense because essentially, that's what's going to happen. We are changing our zoning within these structures to make it not nearly as economically appealing.

Michael I. Garcia-County Attorney: The approach should be to mitigate the effects and the adverse effects that the roads have on the surrounding properties. If you're going to do that, you have to have your measures related to that goal. You don't want to do anything that the court is going to say is arbitrary or capricious.

Ryan Schwebach-County Chairman: The state has taken this and has looked at cannabis as an agricultural product. If somebody wants to do agriculture, let them roll the dice with Mother Nature and see how that goes. I don't want to affect the existing agriculture. I also don't want to affect existing greenhouses. I think we need to strengthen our existing building code. Can we also go into, within our County, depending on what we have today to start to draw on some land district we're only going to allow X amount of plants?

Samuel Schropp-County Commissioner: Ms. Stefanic and Ms. Lord have been asking for suggestions. One of the things that I suggested was letting the County permit plants rather than facilities, you could keep mom-and-pop shops going and not have these monster grows come in. If you say, we can only have 60 facilities in the County, you could have 100,000 plants. But if you permit plants then we don't have the monster grows.

Michael I. Garcia-County Attorney: I think that it has to be at the state law level. I think if you did that at the County level, you'd be running the risk of being accused of prohibiting grows.

Samuel Schropp-County Commissioner: My suggestion to the Senator was to let the County determine by plants rather than by permit.

Kevin McCall-County Vice Chair: Would it be reasonable to say that you can't have hoop houses, or commercial greenhouses in any type of subdivision?

Michael I. Garcia-County Attorney: I don't know. If you have a greenhouse with poinsettias growing in it, would it be subject to the same restrictions?

Samuel Schropp-County Commissioner: Would we allow a grow in a subdivision period? If we're going to develop water like McIntosh EMWT are we going to develop water throughout the subdivisions? Are we going to allow that rather than commercial greenhouse operations, or we say, no commercial greenhouse operations in the subdivision period?

Ryan Schwebach-County Chairman: Makes no sense to allow.

Samuel Schropp-County Commissioner: To work so hard to get water to the people and then start blowing it through the system and screwing things up again.

Michael I. Garcia-County Attorney: To be clear. We have some subdivisions that have some very large acreage, and so in those cases, I don't know if a total prohibition would be appropriate.

Donald Goen-County P & Z Director: Rural Residential, for example, that is a two-and-a-half-acre minimum. There are parcels that are 40 acres, and 60 acres. We did one at the last meeting, where they were slicing off 120, where they divided it from one parcel into two, that it was a 160 and they went 120 and 40.

Ryan Schwebach-County Chairman: No, residential.

Donald Goen-County P & Z Director: With the time that I had available to me, and looking for a quick response, this is something that we could do right now. That was what I was referring to when I said that this is just a first step. It doesn't mean that we can't take further measures down the line. If we start making this too complicated now, four months from now, nothing's been done. We can always have time for more research, more scrutiny, and decide on our course of action from the Commissioners. If somebody else comes along and wants to do something in D1 under the current ordinance, I can't tell them that they have to have a conditional use, where, if we make this change that's proposed, that makes that a moot point, they will have to have a conditional use. I'm already seeing fewer people asking for it.

Ryan Schwebach-County Chairman: On a conditional use, it has to go before P & Z. If we don't give P & Z some teeth, something to look at the individual conditional uses, then we're going to be here with appeals all the time. We need to consciously say, one, we need to accept that marijuana will be grown here because of our Governor. That's a fact. We need to create it most legally, the most restrictive means possible that still fits within the law.

Donald Goen-County P & Z Director: If I'm going to be the primary author on this. I need a list, what are we going to do? Saying enclosed buildings only, that's easy enough, because then that's part of what the P & Z Board will be looking at is steel buildings, no hoop houses.

Ryan Schwebach-County Chairman: Let's start with the basics. First is zone. How's the land zoned? Can we change it to where it's only on commercial, if we're talking commercial growth, we'll allow it on commercial property. We'll allow it on agricultural property with conditional use. If they don't have one of those two requirements, they're out of the running to begin. Is that legal?

Michael I. Garcia-County Attorney: I think we could try it.

Ryan Schwebach-County Chairman: Let's make a list. You all work it out to bring up at the public hearing.

Samuel Schropp-County Commissioner: Six weeks ago, I called the AG Chief of Staff about what was going on. The AG had contacted Colorado AG, and they asked what they did to get this under control. They said they made it restrictive and enforced every regulation.

Michael I. Garcia-County Attorney: Colorado State law allows local governments to do that. That's what we need from Santa Fe.

Ryan Schwebach-County Chairman: We don't have the ability to regulate marijuana growth, but we have the ability for landfills.

Donald Goen-County P & Z Director: I also have enclosed buildings only.

Ryan Schwebach-County Chairman: If they have to have grow lights at night, it has to be enclosed. Zero light emissions. If you want a hoop house, you can do that. You just can't have lights. I don't want to restrict the grandmother with a greenhouse in her backyard. Let's talk a little bit about what defines a commercial.

Donald Goen-County P & Z Director: What defines commercials? I added that to the definitions. Commercial greenhouses are enclosed spaces used for the growth of plants on a large scale, with the intent of trade.

Ryan Schwebach-County Chairman: On a large scale. I think that means more definition, of what is a large scale. The state requires the conversion of water rights to grow how many plants? There's also the private grow, where you're just growing for your consumption, right? Where are those cutoffs?

Michael I. Garcia-County Attorney: I don't know if the state has a set number.

Donald Goen-County P & Z Director: They have tiers to their licenses.

Ryan Schwebach-County Chairman: Does a private self-consumption need a license?

Samuel Schropp-County Commissioner: No, six plants or less.

Ryan Schwebach-County Chairman: Only if it falls under these guidelines.

Samuel Schropp-County Commissioner: Do poinsettias or tomatoes hydroponically require a license?

Ryan Schwebach-County Chairman: Yes, if it requires a license to go with the state of New Mexico then it falls under these guidelines. We need to pay attention to it to protect our citizens. They don't regulate me on whether or not I put alfalfa or corn because it doesn't have any potential side effects. They do regulate the pesticides I use and how I use them, and I have a license for that. The state classified it as an agricultural product, but it is not a commodity, because the federal feds do not recognize it as an agricultural product. The feds recognize it as if it crosses the state line. It is an illegal substance. I think that's a huge thing because it's no different than looking at a nice-built shop. You don't know what goes on there.

Samuel Schropp-County Commissioner: Let's back up to the lights, because in talking with the Superintendent of the Salinas mission, she explained to me ordinances that are passed around the country and the world protecting that, and it's based on the Dark Skies Organization. We can adopt that as a County Ordinance. Those standards are taken care of when regulating your hoop house if you decide you're going to run lights 24 hours a day. That's a standalone.

Ryan Schwebach-County Chairman: In my opinion, that is a separate ordinance.

Samuel Schropp-County Commissioner: Instead of trying to wad all these into one thing, take it in pieces. Dark skies are going to regulate the lighting and hoop houses. It's going to regulate the lighting everywhere. Nondiscriminatory.

Ryan Schwebach-County Chairman: That's what I want to avoid. What do we do with the prison, because I want good lighting?

Samuel Schropp-County Commissioner: Yes, and they put shields and guards on so that it's contained on the property. There is modern lighting that was shielded to direct the light down and not let it stray light.

Michael I. Garcia-County Attorney: One of the things that's a helpful aspect of conditional use is that you don't have to spell out every possible restriction or condition for every possible operation. You can tailor conditions to a specific operation. For example, if somebody wants to have an indoor pot grow, they're 10 miles from anybody else, nobody can see them, then lighting isn't going to be that much of an issue. You wouldn't necessarily have to put the same condition on it. For somebody that's half a mile or the last from the nearest resident it makes sense to put that condition. That's one of the beauties of having a conditional use requirement, is that you can tailor the conditions to a particular area. At least for present purposes, echoing what Don said, I think this is a good start.

Ryan Schwebach-County Chairman: Your suggestion is, to stay with this and lean on our P & Z.

Michael I. Garcia-County Attorney: Stay with this. Don and I can provide guidance on conditions that they can adopt for a given application. We can also add to this, as things become apparent what will work and what won't. It's very hard to legislate.

Kevin McCall-County Vice Chair: I would like to see no commercial grow in any subdivision.

Ryan Schwebach-County Chairman: I agree.

Samuel Schropp-County Commissioner: I have to agree with that.

Ryan Schwebach-County Chairman: I think we need to leave commercial grow to commercial zone property and agriculture property.

Donald Goen-County P & Z Director: When you're saying agriculture, are you just talking zone A, or you're talking AP five, AP 10, AP 40?

Ryan Schwebach-County Chairman: What is AP?

Donald Goen-County P & Z Director: You have zones that are zoned as agricultural, and those have a 40-acre minimum. Then you have Agricultural Preservation with a five-acre minimum, a 10-acre minimum, and a 40-acre minimum. A is less restrictive than an AP 40.

Ryan Schwebach-County Chairman: I'm looking more at the size of the acreage. It needs to be on a larger acreage.

Donald Goen-County P & Z Director: That's why I was asking for the distinction. If we say, only allowed in zone, AP 40, A or the D zones, then with the commercial with the conditional use. That will knock out the AP fives of the AP 10s because we have had several of them go in those zones.

Samuel Schropp-County Commissioner: Don has proposed some changes as a beginning, and we don't have to rewrite the whole book today.

Ryan Schwebach-County Chairman: I would like, to pull off the residential to commercial.

Kevin McCall-County Vice Chair: I agree.

Linda Gallegos - Torrance County Chief Deputy Assessor: We're talking about regulating parcel size. For instance, if an entity purchased 40 acres that are in the condition use and their grow only sits on five acres, then we would be assessing the commercial rate on the five acres, and then the other 35 may be deemed agricultural or vacant and assessed at those particular rates. Are you suggesting that maybe the whole 40 acres, if that's what they own, and that's what the property sits on, is or should be valued at the commercial rate? That's what I'm seeing is going to be an issue.

Samuel Schropp-County Commissioner: Is the whole footprint of a Walmart Supercenter assessed at the same rate or as the building footprint at one in the parking lots at another?

Linda Gallegos - Torrance County Chief Deputy Assessor: That's what I'm asking. Are we going to use the whole area as commercial or just that area that is producing the so-called crop?

Ryan Schwebach-County Chairman: How would you assess a Walmart building?

Linda Gallegos - Torrance County Chief Deputy Assessor: The building would be assessed as a commercial improvement in the parking lot would be assessed as an extra feature identified as a parking lot and assessed as such. The property itself, as well as the land that it sits on, also has a valuation.

Ryan Schwebach-County Chairman: You have a one-acre building, on two and a half acres, got two and a half acres of land that is assess commercial, the parking lot is assisted a different value than the building itself.

Linda Gallegos - Torrance County Chief Deputy Assessor: Yes, because there's different value in a parking lot versus commercial improvement.

Ryan Schwebach-County Chairman: We have five acres of greenhouses on 40-acre parcels. The entire thing is commercial property.

Linda Gallegos - Torrance County Chief Deputy Assessor: That's what I want to clarify.

Ryan Schwebach-County Chairman: That is how I would zone it and look at it. That would be my intent. It doesn't mean that they can use the entire 40 acres.

Linda Gallegos - Torrance County Chief Deputy Assessor: Therein lies my concern, if they take it to protest and say, I want to protest the classification of my property, because even though it is zoned as commercial, we're only using a portion of that which should be assessed as a commercial rate, where the rest of it, we might throw some cows on there just to get the AG rate, the special method evaluation. That's my concern. I'm thinking that if we're clarifying the ordinance, it has to also sit within the ramifications of the statute that set out for assessment, for our Assessors. I don't want there to be a conflict between what we're doing in-house versus what the state is mandating.

Ryan Schwebach-County Chairman: I hear what you're saying. Details like this can be tweaked before we finalize.

Michael I. Garcia-County Attorney: I think so.

Action Taken:

Ryan Schwebach-County Chairman: Motion for approval.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:
MOTION CARRIED

F. PLANNING & ZONING: Review of proposed adoption of the Rural Addressing Ordinance, and request approval for publication of title and general summary before Public Hearing.

Ruben Gastelum - Rural Addressing, GIS Analyst: We've tried to revise the current ordinance by removing some of the language and making it clearer. The procedure is for issuing addresses in conjunction with Planning and Zoning on their permits.

Donald Goen-County P & Z Director: I'll give you an example. They were saying that we needed to address pre-plated lands and then back somewhere else. Number six says that we won't issue an address without a permit, and it says here that the address shall not be issued until after the permit. It's a contradiction. We removed a lot of those contradictions. We have suggested an addressing committee. I've never seen a real addressing committee. Have seen some form by the Commission for certain actions, and that's to eliminate roads from maintenance so they can people to block them off and have other access. It was removing conflicts, removing gray areas.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:
MOTION CARRIED

G. GRANTS: Ratification of Memorandum of Agreement with New Mexico Department of Health to provide primary health care services in underserved areas as part of the Rural Primary Healthcare Act for a total of \$101,124.00 with a termination date of June 20, 2025.

Amanda Lujan - Grants Administrator: This is a grant that we've had for several years. It is to provide funding to the Mountainair Health Clinic, and it

funds much of their primary health care as well as some of their diabetes prevention and education programs. It's a three-year grant we renew every year.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

H. ROAD: Request payment approval of an unauthorized purchase to Inland Kenworth for \$41.77 for a purchase of a hose for the Kenworth Water Truck.

Misty Witt-County Finance Director: This was a purchase that they made without a purchase order in place. It was an emergency, a hose broke on a truck at a job, but they didn't follow the emergency procurement process.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

I. EMERGENCY MANAGEMENT: Request payment approval of unauthorized purchase to CINTAS for \$232.41 for the stocking First Aid Cabinet in the CID/Emergency Management Building.

Samantha O'Dell-County Emergency Manager: This is a cabinet that's been in the building since before I started. I'm not sure how long it's been there. It was being paid previously by the Sheriff's Department. There's a communication issue that occurred and this is now an Emergency Management responsibility. I learned this after the invoice, which is why it did not have a PO.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach
– County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

J. EMERGENCY MANAGEMENT: Request acceptance of 2024 State Homeland Security Grant Program (SHSGP) Funding for \$290,300.00 to upgrade Dispatch (\$240,300) and Torrance County Sheriff's Department handheld radios (\$50,000) to be compatible with State 700 Radio System. -
Deferred

K. SHERIFF: Request payment approval of an unauthorized purchase to the New Mexico Department of Public Safety for \$10.00 for an instructor certification fee.

Reecie Eckard – Sheriff's Executive Assistant: This was a miscommunication between DPMS, DPS, and New Mexico County support \$10 fee for training for one of our Deputies.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach
– County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

L. SHERIFF: Request payment approval of an unauthorized purchase to Tavenner's Towing in the amount of \$399.50 for a Motor Vehicle Accident that occurred on September 13, 2024.

Reecie Eckard – Sheriff's Executive Assistant: This was regarding a fatal accident that happened, and Taverners needed to tow the vehicle. We now have an open PO to take care of these kinds of things in the future.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

M. SHERIFF: Request payment approval of an unauthorized purchase to the Radar Shop

Yearly in the amount of \$1,523.00 for the inspection of all Radar and Lidar Units.

Reecie Eckard – Sheriff's Executive Assistant: We usually have the inspections occur in October, but they moved it up on us. They are out of Kansas, so we had to take it when they they're available for us and we did not have an open PO for them.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Kevin McCall-County Vice Chair: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

N. FINANCE / PROCUREMENT: Request approval of multiple vendor contract award for RFP #TC FY24-25-02, to provide Girls Circle Facilitator Services (Recommendation of the award to Braycon Company LLC & Serena Ortiz)

Misty Witt-County Finance Director: We went out to RFP for the Boy's Council, and Girls Circle from the Juvenile Justice Program. We did get a couple of responses for the girls' circle, which is why we're recommending multi-vendor awards that will also allow us the capability to expand programming in other schools. We have more than one or two girls' contractors.

Lindsay: I've been facilitating girl circles with Torrance County for the last three years, starting in the 2021-2022 school year. I'm looking forward to continuing. I started with seven girls at EVCA, and it's grown to 47 girls. Last year, we had all of these seventh and eighth-grade girls at Estancia Middle School with incredibly

positive feedback, and we were in Moriarty Elementary last year. Fifth grade, is overwhelmingly positive feedback from the girls who wish to continue into middle school, so I hope to follow them into sixth grade at Moriarty Middle School this year. This is a great program. I've seen tremendous growth in the girls. They bond and support each other. They learn how to deal with difficult situations, and how to deal with situations assertively. Stand up for themselves, stand up for others. We talk about body image, how to be safe on social media, relationships in general, conflict management, just a ton of positive social skills, and different self-esteem-type building curricula.

Serena Ortiz: Thank you so much for having me here today. I have previous experience working with youth with the New Mexico Public Health Institute in Las Cruces, New Mexico, doing several programs for youth substance use prevention there. Recently I moved to Torrance County about two years ago and saw this program, which is why I've come here today. I'm excited, from what I've heard, about this program. I'm excited to bring my public health knowledge to support the program and to expand it more. I have a passion for the youth here. I have a lot of family who live in this area. Thank you.

Misty Witt-County Finance Director: We have a split equally amongst the contractors. Those would be reallocated. There's one contractor that could take on more sessions than another. We could reallocate accordingly. Right now, it's an even split between all the contracts.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

O. FINANCE / PROCUREMENT: Request approval of contract award for RFP #TC FY24-25-005 Boys Council Facilitator (Recommend of an award to Robert Chavez)

Misty Witt-County Finance Director: This is the same program that we're talking about with girls, just on the boys. This contractor has gone through the evaluation process with the RFP evaluation committee and the interview process. He's also recommended for an award. I also want to clarify that all these

contractors have to have approval by CYFD as well. After you approve this, it will go to CYFD for their final approval.

Robert Chavez: Thank you for having me here today. Previous experience working with kids. I worked at EVCA for two years as a disciplinarian there and during my time during a disciplinary, I didn't only just do disciplinary stuff. I also did a lot of coaching and mentoring with the students that are K through 12. I've also helped with Estancia, the town of Estancia, with their summer programs, educating them on gangs and narcotics and that type of situation that we could be faced with. I've helped with Torrance County, the Sheriff's Department, with the junior deputy program. I'm just looking forward to and wanting to work with the kids, passionate about the kids here in this area. I'm from here, born and raised, so thank you.

Action Taken:

Ryan Schwebach-County Chairman: Motion to approve.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

13. DISCUSSION

- A. GRANTS:** Presentation by SOURCE, a provider of clean water solutions for rural families without access to water systems, on private wells, hauling water, buying bottled water, or utilizing impaired small water systems. -
Deferred

B. CLERK:

Linda Jaramillo-County Clerk: Early voting is going on here in the building, we had 125 votes and 200 Absentees by Mail. We send out almost 500 ballots to our absentee voters. I will go to the Moriarty City Council meeting tonight to inform them about the number of people that are going to be going through their facility beginning October 19th. Last time we had approximately 2000 voters.

C. MANAGER'S REPORT:

J. Jordan Barela- County Manager: Since our last meeting, there have been two new hires at the County. Antonio Serrano was hired as a lateral Deputy with the Sheriff's Office, as well as Esther Edgel who started with Dispatch. In addition, there are four new hires for dispatch, and they'll be starting shortly. I believe they have accepted, it's a matter of doing the intake. We are moving in a positive direction. In addition, the HR Director position closes Thursday. We have about five applicants, we will be reviewing those applications in their entirety and hopefully scheduling interviews.

New Mexico Counties have reached out to us to request our participation in a hearing that will be held with the Criminal Corrections and Justice Committee. There's going to be a presentation from a law firm, as well as UNM looking at the economic impact of communities with private detention facilities. Since Torrance, Otero, and Cibola County are all in that position, they did request Torrance County's participation. The Criminal Corrections and Justice Committee is a subcommittee of the state legislature. It's a multi-day hearing. The presentation that applied to us is a presentation that's being provided by a law firm and UNM related to the economic impact of these facilities. As one of the impacted communities, New Mexico Counties wanted us present there. It was scheduled for this Friday and was canceled. I informed New Mexico Counties; that we will attend when it is rescheduled.

D.COMMISSIONERS' REPORTS

- 1) Kevin McCall – County Vice Chairman, District 1

Kevin McCall-County Vice Chair: I'll take my time to get back to the County Manager. I think it's prudent what New Mexico Counties told you about the insurance on Law Enforcement.

J. Jordan Barela- County Manager: I intended to get a little more detailed information from Mexico Counties before bringing it up to the board. We do know that there is going to be a substantial insurance increase for Law Enforcement Officers. New Mexico Counties reached out to us. Due to the number of claims related to Law Enforcement across the state, we should anticipate a relatively substantial insurance premium increase. Now what that number is yet we don't know. They didn't provide that. I was hoping to schedule a meeting with our

liaison for the Insurance Committee with the County Manager for Santa Fe County, myself, and Misty, to get a better determination on what that looks like. Is it 50%, or 100% we don't know right now. All we know is it's going to be an increase. As soon as we get more details, we will bring them to the Commission.

2) Ryan Schwebach - County Chairman, District 2

Ryan Schwebach-County Chairman: None

3) Samuel Schropp – County Commissioner, District 3

Samuel Schropp-County Commissioner: I turned over my files on TCDF, in preparation for CCJ. I had contact with Congresswoman Stansbury's staff and met a lobbyist there, and I put him in contact with Mr. Barela. He will be discussing that with the two of you as we look at alternatives to the TCDF being a detention facility.

14. EXECUTIVE SESSION:

A. COMMISSION: Discussion regarding bargaining strategy, closed pursuant to NMSA 1978, Section 10-15-1(H) (5)

Action Taken:

Ryan Schwebach-County Chairman: Motion to move into Executive Session.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

05:10 PM

Action Taken:

Ryan Schwebach-County Chairman: Motion to move into Regular Session.

Samuel Schropp-County Commissioner: Seconds the motion.

Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

06:04 PM

Ryan Schwebach-County Chairman: We will direct our Manager to move forward with adjusting the title, filling the contract to County Deputy County Manager/Finance Director, and forward with executing the contract.

15. **Announcement of the next Board of County Commissioners Meeting:**
October 23, 2024, at 9:00 AM

16. **Signing of Official Documents.**

17. **Adjourn.**

Action Taken:

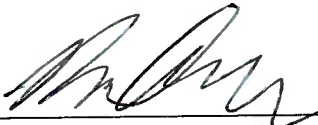
Ryan Schwebach – County Chairman: Motion to adjourn.

Kevin McCall-County Vice Chair: Seconds the motion.

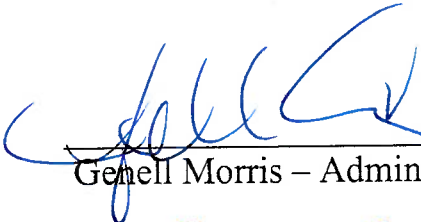
Roll Call Vote: Samuel Schropp – County Commissioner: - Yes: Ryan Schwebach – County Chairman: – Yes: Kevin McCall – County Vice Chairman: - Yes:

MOTION CARRIED

The meeting adjourned at 06:05 PM.



Ryan Schwebach - Chairman



Genell Morris – Admin Assistant

11-13-2024

Date



Linda Jaramillo – County Clerk

The Video of this meeting can be viewed in its entirety on the Torrance County NM website. (torrancecountynm.org)