

MINUTES OF PUBLIC HEARING SEPT. 15, 2026 - DRAFT

Attendance:

Council Members: Mayor Michael Nealeigh, Trustees Victoria Martinez, James McCue, and Bob Wilson. Trustee Judy Boyd was absent.

Also Attending: Interim Clerk Heather Gutierrez, Deputy Clerk Tonya Yudzky, P&Z Chair Andrew Adaryukov, P&Z Commissioners Cliff Elliott, Jay Gourley, Susanna Cooper, appellants Wes and Elizabeth Janecka, permit grantees Renee Guthrie and Andrea Barela and members of the public Anthony Pacheco Jr, Jules Gourley, Rose Fenton, and Talia Michelle.

1. Opening the Hearing

Mayor Nealeigh opened the Public Hearing at 5 pm September 15, 2026. He outlined that the purpose of the Hearing is to hear a request to appeal the decision of the Planning and Zoning Commission to grant a Short-Term Occupancy Rental Conditional Use Permit to property owners a 16643 Highway 4, Jemez Spring, NM.

Mayor Nealeigh noted that the terms under which an appeal is governed are set down in Chapter 130 Section 34 of the Village Code. This section assigns the governing body the responsibility to conduct public hearings for planning and zoning appeals and defines their responsibility to determine whether the original decision was in error, a misuse of discretion, or not supported by substantial evidence.

["Such appeal must set forth specifically wherein it is claimed that there was an error or an abuse of discretion or where the decision as not supported by substantial evidence."]

2. Registration and Swearing In

All interested parties and witnesses registered their contact information and their relationship to the matter with the Village Clerk. Those attending were advised that anyone failing to register will be granted an opportunity to speak only after all registered participants finish.

The Interim Clerk swore in individuals stating that they wished to offer testimony.

Participants were advised that they are subject to cross-examination by other parties, which may include but not be limited to Village staff, Village Council members, Planning and Zoning Commissioners, and other parties to the appeal.

3. Order of Business

The appellants presented their appeal in writing. Mayor Nealeigh asked that if there were no objections the appellant's document would serve as an order business. There were no objections.

4. Testimony

How to read this document:

1. **Words in bold words of Mayor Nealeigh and are generally an interpretation of the appellant's claim put in language consistent with the instructions in the Comprehensive Zoning Ordinance that an appeal must only consider how the P&Z either errored, abused their discretion, or failed to consider substantial evidence.**

2. **Words highlighted in yellow highlight the appellant's argument.** These and all other other words not highlighted, italicized, or bolded are the words of the appellant

3. *Words italicized bold are the P&Z argument in opposition to the claim.*

Appeal of Planning and Zoning Decision

Short-Term Application and Conditional Use Permit for 16443 Highway 4,
Jemez Springs

Date: August 14, 2026

To: Jemez Springs Planning and Zoning and Jemez Springs City Council

From Adjoining Property Owners;

Wesley Janecka, Janecka Inn, 16441 Highway 4, Jemez Springs

- Mark Begich, Canon Del Rio Inn & Spa, Jemez Hot Springs LLC

This appellant has removed himself from the appeal. See exhibit 4.

- Pam Barber-Grider, Lot Tract B1

We respectfully ask Planning and Zoning and City Council to consider reviewing and acknowledging the concerns we have stated.

A conditional use application requires consideration of how the proposed use will affect the neighborhood, adjoining property owners, and the surrounding environment. **The first claim is that P&Z failed to consider substantial evidence provided by appellant as to the character of the permit holders. Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was. To date, the adjoining property owners listed above have experienced unprofessional conduct, disregard for their guests' peaceful enjoyment and their properties, and a lack of respect for their businesses.**

General claims of “unprofessional conduct” are opinions of the appellant presented as evidence. Specific claims of ordinance violation were responded to in August of 2025 and are summarize in Exhibits 1 and 2 produced by the Code Enforcement Officer at the time.

The second claim of error: P&Z failed to require professional management for the STOR CUP.

Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was.

This property is located between two businesses that have operated here for more than 23 years. During that time, we have co-existed respectfully and without unresolved issues. We are now dealing with a residential property whose owners have shown little regard for surrounding properties. Adding a short-term rental/conditional use permit **would require management** by someone who can demonstrate an understanding of how the management may affect neighboring properties, particularly established businesses that should be respected as such and should function in harmony.

There is no language in the STOR Ordinance that requires professional management as a condition of a permit. The appellant operates the business referred to above under a STOR CUP.

Please reverse your decision so adjoining property owners can live on and manage their properties without the significant hazards, annoyance, and inconvenience we have experienced and are likely to continue experiencing.

Third claim of error: P&Z failed to consider lodging occupancy rates.

Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that they had presented this claim to the P&Z in writing at a previous meeting.

With Jemez Springs lodging at only 51% annual occupancy, another short-term rental will not meaningfully benefit the Village. The top 2 issues nationally regarding short-term rentals are noise, and off-site management.

This was not an argument presented to the P&Z prior to their decision on July 28, 2026 and is not admissible on appeal.

Mayor Nealeigh asked then Chair Pro Tem Cliff Elliott if he recalled reading this claim or hearing it in previous meetings and he said that he did not. Mayor Nealeigh advised Council member to weigh this evidence and consider it from both perspectives and on its own merit.

The appellant reiterated that this claim was included in the written material submitted to the Commission at a regular meeting.

Please take the time to review this information and respond to us accordingly.

Regards and Respect,

Adjoining Property Owners

Wesley Janecka, Pam Barber-Grider, & **Mark Begich** *[not an appellant]*

Chapter 130

Comprehensive Zoning Ordinance

Fourth claim that the P&Z abused their discretion by not agreeing with appellant that the granting the STOR CUP was detrimental to the Comprehensive Plan. Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was.

130-2 **The provisions of this chapter are intended to help achieve the goals for wise growth management within the Village and are intended to be in accordance with the Village Comprehensive Plan.** Its purpose is to promote the health, safety, and general welfare of the residents of the Village by controlling the use of land so that it is developed in harmony with existing uses. The regulations in this chapter are necessary to:

A) Ensure compliance with the Village Comprehensive Plan

(E) Secure safety from fire, panic and other dangers.

(1) Conserve the value of buildings and land

Restating the purpose of the Comprehensive Zoning Ordinance is not an argument in and of itself. The appellant's claim that the permit grantee violated the terms of the Code do not rise to the level of evidence.

130-5 CONDITIONAL USE - A use which, because of public convenience and necessity and its effect upon the neighborhood, shall be permitted only upon **Fifth claim is that the P&Z Commission abused its discretion and ignored substantial evidence by not agreeing with the appellant that the granting of a STOR CUP was detrimental to surrounding property. Also, that they erred by not providing required public notice and a public hearing. Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was.**

the approval of the Planning and Zoning Commission after due notice and public hearing and a finding that it will not be detrimental to the Comprehensive Plan or to adjacent and surrounding property.

First part: the P&Z Commission heard the appellant's argument that granting a STOR CUP was detrimental to surrounding property but found that the argument rested on opinion and not on demonstrable evidence--a judgement fully within their discretion.

Second part: Certified letters notifying adjacent property owners were sent out in May (receipts verifying delivery have been received) and public notices have met the requirements of the Open Meetings Act. In addition, notice of the Hearing were sent certified mail (receipts verifying delivery have been received) and by email to adjacent property owners. Public notices included placement in the After the Thunder (mid- August issue) and the 6 public spaces all notices are placed around town.

130-32 Conditional use procedures.

D. Planning and zoning shall not approve any application for conditional use permit unless satisfactory provision and arrangements have been made concerning the following,

(1) The use will not significantly change the character of the neighborhood or reduce the value of nearby property,

(2) The use will cause no significant hazard, annoyance, or inconvenience to the owners or occupants of nearby property.

(3) The use will provide adequate access to traffic and pedestrian circulation; sufficient service areas, including off street parking; and appropriate consideration of natural environment.

E. Public notification all neighboring properties within 100 feet shall be notified by certified mail.

130-24 Conditional use permit Airbnb / BnB

Claim six is that the P& Z errored in granting a STOR CUP because a conditional use permit requires agreement of all property owner within 100 feet of proposed STOR. Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was.

A. Zoning Requirements...must have the agreement of all property owners within 100 feet of the proposed establishment.

The ordinance actually reads: Section 130-24 governs the permitting of Bed and Breakfast establishments and contains this neighbor consent requirement. There is no such requirement for Short-Term Occupancy Rentals or for Conditional Use Permit in general.

Appellant's seventh claim is that P&Z errored by not agreeing with appellant as to the previously adjudicated claims of RV use and the maintenance of blight and later claims of barking dogs are evidence of a

lack of character on the part of the Grantees and should be evidence against the decision. Chapter 64 NUICANCE

130-5 Terms defined..... Travel Trailer Definition... (converted buses)

64-7 Maintenance of blight conditions prohibited

A. No person shall maintain or allow to be maintained upon any property in the Village of Jemez Springs owned, leased, rented, occupied or possessed by such person any of the following uses or activities which are hereby determined to be cause of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods and threaten the public health, safety and welfare:

(3) The parking or storage of mobile homes not meeting the minimum standards for inhabitation by humans. (non-converted bus)

Codes: 130-2, 130-5, 130-24, 130-32, 64-7(3)

Issues and concerns have been raised with the property owners, but they have continued to create a nuisance, annoyance, cause undue stress and inconvenience, which resulted in financial losses without accepting responsibility or accountability for their actions.

The specific claims of ordinance violation were adjudicated at the time as shown in Exhibits 1 and 2. General claims of nuisance, annoyance, stress and inconvenience do not rise to the level of evidence.

The appellant's eighth claim is regarding past issues with dogs barking and the claim that the P&Z errored by not restricting the presence of dogs at the STOR. Mayor Nealeigh asked the appellants if this

statement is a fair representation of their claim. The Appellants stated that it was.

Complete Disregard and Disrespect to Adjoining Properties: **Placing a dog pen directly on the shared property line**, immediately beside a relaxation spa, was neither considerate nor respectful of the neighboring business. The concern is not only the pen's location, but also its impact on the peaceful setting and professional atmosphere of the adjoining properties which lowers the business value. One adjoining property owner, whose home is at least 500 feet from the dog pen, was significantly disturbed by the barking. The disruption was even greater for property owners and guests located closer to the dog pen and fence line.

This issue has never been resolved; it has merely shifted to renters' pets. Renters have no stake in the property and will have little incentive to be considerate of surrounding neighbors.

Dog Barking Issue created undue stress: Canon del Rio purchased dog-barking deterrent devices in an effort to reduce the noise but was then accused of pointing cameras at the neighboring property, resulting in an unnecessary police call and further escalation. The deterrent devices were not effective. These expenses, stress, and disruptions could have been avoided if the issue had been handled with respect and integrity rather than through gossip and further conflict.

Canon del Rio's manager was confronted twice at work by Renee Guthrie's employer, Monique Alton, which caused unnecessary stress and disruption. No one should have to face unnecessary threats while trying to perform their work. These dog-barking concerns should have been addressed promptly and professionally before causing further harm.

Canon del Rio informed the property owners that a yoga retreat was underway and asked them to keep the dogs quiet, but no action was taken. The property owners instead stated that the Janeckas were riling them up today. Canon del Rio's manager asked that the dogs be brought inside, explaining that guests had paid for a peaceful retreat but were forced to listen to five or more dogs barking throughout the day. As another added note the manager also stated in an email that other neighbors expressed that they can no longer walk along the river as they had for years because of the excessive barking. Throughout this process, repeated attempts to contact the property owners and explain the effect of their actions on the peaceful, professional atmosphere were unsuccessful, and they did not appear to understand the impact of their conduct.

No Unattended Pets: Their plan to require their guests to agree to keep dogs leashed will not resolve any issue. Many guests will not read or follow the rules carefully. Instead, they will remember that the property is advertised as pet friendly, which suggests that pets are welcome and pets will run freely. This raises predictable concerns about loose animals and noise. By the time the property owners learn of a problem during a stay, the guests may already be leaving or have left and are unlikely to accept responsibility for damage, harm, or stress experienced by the guests and owners of adjoining properties.

Smart Noise Monitoring: Their plan to use noise-monitoring equipment will not resolve the noise or dog-barking concerns. The system depends on reliable electricity and Wi-Fi, both of which are inconsistent in the Jemez Valley. Outdoor monitors are also affected by wind, weather, traffic, and other background noise, and noise / dog-barking monitors are generally more effective indoors than outside. In addition, the owners stated that action would apply only if noise or guest's dog barked continuously for 10 minutes, twice in one day. This means intermittent barking or noise lasting one to nine minutes at a time would occur without triggering any notification or corrective action. Equipment failure could produce the same inconclusive

result and prevent a notification from being sent. So, this does not prevent interrupting a neighboring guest or property owners from peaceful enjoyment of the Valley.

There is nothing in the STOR Ordinance that disallows a rental from being pet friendly and nothing in the nuisance ordinance to categorically and preemptively forbid a short-term rental from being pet friendly.

The ninth claim is that P&Z did not consider the problems associated with the acequia as evidence against the decision to grant a STOR CUP. Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was.

Acequia Issue; The property owners were informed in writing by the prior owners about the community **acequia operating guidelines**. Wesley Janecka also communicated these guidelines, and the mayordomo raised the issue directly as well. There have been repeated problems with the **property owners not answering the knock on the door** when they are at home. The recent explanation given for not answering the door was that the home does not have a doorbell or peephole. However, there are two large windows, approximately four to five feet wide, on each side of the front door.

To date, the requested valve has still not been added to the acequia system. **The mayordomo made this request more than a year ago**, yet the issue remains unresolved. The continued failure to comply and failure to communicate has affected and caused damage to the shared driveway, flooding to adjoining property and contributed to damage involving a \$350 water pump. When we tried to stop the eroding of the driveway and be a good neighbor, we were accused of trespassing and messing with their acequia. There is no accountability to their actions. To date the acequia issue is still unresolved.

Strict Acequia Rules: Their Plan (All guest contracts include a legally binding Property Addendum.)

This plan does not resolve the eroding of the driveway and adjoining properties flooding issue. It does not ensure that the property owners fully understand how to follow the established irrigation practices that resolve irrigation issues for the property and the village.

Reference to issues with the acequia are not immediately germane to the granting of a STOR CUP. All statements made on behalf of the acequia mayordomo are hearsay and not direct testimony of the mayordomo. The general reference to the acequia and maintenance of the roadway is convoluted and difficult to attach to any error on the part of the P&Z.

The tenth claim is that the P&Z erred by relying on adjoining property owners to notify STOR CUP holder of fire/safety, noise, traffic or acequia issues. Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was.

Fire /Safety Issue: Their plan (If you ever notice noise, parking issues, or any threat to the acequia, please call us directly first. We will resolve the issue immediately).

Relying on adjoining property owners to monitor the property and report problems is not an adequate management plan. Property owners cannot simply provide contact information and expect neighbors to call whenever a noise, fire, or safety issue arises. This approach places an inappropriate burden, risk, and unnecessary stress on surrounding property owners.

The requirement in the STOR Ordinance is that the property owner provide a local contact empowered to deal with complaints received by the Village. The relationship is between the permit holder and the Village, not between the permit holder and neighbors.

The eleventh claim is that the P&Z errored by not agreeing with the appellant that the permit holders violated an RV/camping ordinance and that they allowed for the potential pollution of the Jemez River. Mayor Nealeigh asked the appellants if this statement is a fair representation of their claim. The Appellants stated that it was.

RV/Camping: The property owners allowed a non-converted bus, unsuitable for habitation, to be parked on the property and used as living quarters. They also permitted tents and campers along a see-through fence beside an adjoining property, disrupting that business's guests and their peaceful enjoyment of the Jemez Valley. Without proper facilities, this use risks polluting the Jemez River, lowers nearby property and business values, and creates a nuisance and safety hazard for neighboring property owners, their businesses and the environment of the Village of Jemez Springs.

RV use issues were adjudicated by the Code Enforcement Officer in August 2025 (Exhibits 1 and 2). Later claims that the permit holder was also seeking permission for an RV pad was clarified in a letter from the mayor dated June 25, 2026 sent to neighboring property owners (Exhibit 3). Mayor Nealeigh read the exhibit in its entirety.

Appellants then stated that they had not been given a “facts and finding” document that they had requested of Planning and Zoning. Trustee Wilson responded by saying that in his experience an action of the Planning and Zoning Commission did not fall under any requirement to produce such a document. Noting that recording of the meeting minutes were usually seen as sufficient

5. Deliberation and Voting

Having heard the evidence presented in favor of and in opposition to the appeal Mayor Nealeigh closed the public hearing stage of the deliberation and asked that a motion be made specifying whether the Planning and Zoning Commission decision make on July 28, 2026, granting a STOR CUP

to property owners at 16643 Highway 4 be affirmed, reversed, or returned to the Commission for further action.

A motion was made by Trustee McCue, seconded by Trustee Wilson that the decision of the Planning and Zoning Commission on this matter be affirmed. There being no further discussion Mayor Nealeigh called for a roll call vote: Trustee Boyd, absent; Trustee Martinez, aye; Trustee McCue, aye; Trustee Wilson, aye.

Mayor Nealeigh declared that the motion passed and the decision of the Planning and Zoning Commission make on July 28, 2026, granting a STOR CUP to property owners at 16643 Highway 4 is affirmed. He further declared that the stay on use of the property as a STOR is lifted and the property owners are free to exercise the rights and privileges granted by the conditional use permit.

Mayor Nealeigh closed the Hearing at 5:46 p.m.