

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING
December 12, 2023

Anna Hansen, Chair - District 2
Hank Hughes, Vice Chair - District 5
Camilla Bustamante - District 3
Justin Greene - District 1
Anna T. Hamilton - District 4

SFC CLERK RECORDED 02/01/2024

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1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:05 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by County Clerk Katharine Clark and indicated the presence of a quorum as follows:

Members Present:

Commissioner Anna Hansen, Chair
Commissioner Hank Hughes, Vice Chair [virtually]
Commissioner Anna Hamilton
Commissioner Camilla Bustamante
Commissioner Justin Greene

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. O'ga P'ogeh Owingeh Land Acknowledgement

F. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hansen, and the Moment of Reflection by Natalie Padilla of County Manager's Office. Chair Hansen acknowledged that this building and Santa Fe County as being in the original homeland of the Tewa people also known as O'ga P'ogeh Owingeh, "White Shell Watering Place."

G. Approval of Agenda

CHAIR HANSEN: Manager Shaffer.

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. The initial agenda for today's meeting was posted on Tuesday,

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December 5th, and the final amended agenda was posted on Friday, December 8th at approximately 4:54 pm, which is more than 72 hours before today's meeting as required by the Open Meetings Act.

In terms of substantive changes as between the two agendas, Consent Agenda item 4. M was added to the final amended agenda. Presentation #7. A. was withdrawn, and items number 2 and 3 were added to executive session under 11. A.

In terms of additional changes being recommended by staff today, we would recommend that item 4. A, the final order for Case #22-5211 be removed from the Consent Agenda and instead be addressed under Action Items, and that is so that Commissioner Hughes can abstain from the vote on that final order as it is the order of the majority of the Board of County Commissioners, and he voted against the conditional use permit. So again, it's just to keep the record clean. And those are the recommended changes from staff. Thank you, Madam Chair.

CHAIR HANSEN: Thank you, Manager Shaffer. 4. A, does that now become – we just vote on it after the end of the Consent Agenda.

MANAGER SHAFFER: Madam Chair, we would move it to Miscellaneous Action Items and it could be taken up either as the first item of business or at the end of the pleasure of the Board. I think just for housekeeping I'd recommend that it be taken up as the first item of business under Miscellaneous Action Items.

CHAIR HANSEN: Okay. That's fine. Is there anything else that anybody wishes to have removed from the Consent Agenda?

COMMISSIONER GREENE: No, but I will make a motion to approve the agenda as amended and recommended by the County Manager.

COMMISSIONER HAMILTON: Second.

The motion passed by unanimous [5-0] voice vote.

H. Years of Service, Retirements, and New Hire Recognitions

CHAIR HANSEN: County Manager Greg Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I'm going to take a moment at our last meeting of this year to recognize both new employees joining our team at Santa Fe County as well as those who are marking milestones with the County, and finally colleagues who will soon be former colleagues of ours as they start the next chapter of their lives through retirement.

Starting with new hires, I wanted to recognize Andrew Seeger who joined the Community Development Department. We have two new employees in the Corrections Department, Felicia Gutierrez and Kevin Riehl. In the County Clerk's Department, we have three recording clerks – Anthony Barela, Serena Crespin, and Charmaine Fields. In the County Manager's Office, in Procurement, Tammy Jim joined the team as a Procurement Specialist Senior, and Eric Martinez joined the County Manager's Office as a Safety Coordinator.

In the Community Services Department, Bianca Bailon joined our team as a cook, and we had two new hires in the Land Use Department, both in the GIS Section. Leonard Bundra joined as a GIS team leader and Prastistha Sharma joined the team as a GIS

analyst. In our Public Works Department we wanted to acknowledge Cruz Hermosillo and Urbano Jimenez, and in the Sheriff's Department we wanted to recognize Juan Flores Ramirez who joined us as a Deputy Cadet, Jacqueline McAlister who joined the team as a Records Clerk, and Dominick Rodriguez as a Deputy Cadet, and Jose Talache who joined the Sheriff's Department as a Sheriff Deputy III. In the Utilities Department, Luke Gray joined the County as a Utilities Engineering Associate.

In terms of years of service, we wanted to recognize that we had several employees marking their tenth year anniversary with the County and several with 15 years and one at 25 years. Marking their ten-year anniversary is Tanya Jeantete and Sonya Quintana, and at 15 years, Christen Martinez and Rachel Weber, and at 25 years, Judith Gurule.

And then finally, I wanted to acknowledge those colleagues who will start the next chapter of their lives in retirement, several from Human Resources. Sonya Quintana, Pauline Carrillo and Audrey Esquibel, and we have two from the Sheriff's Department, Judith Gurule and Rachel Weber. And then finally in the Fire Department, Battalion Chief Karl Ehl will be retiring at the end of this year. So again, we wanted to acknowledge new hires, those employees who are on their way to making a long career at the County and those colleagues who will be retiring.

CHAIR HANSEN: Thank you. I want to recognize Sheriff Mendoza. Thank you for being here. Also, I want to recognize that Patricia Boies who works in Community Services will be retiring. She's actually not on this list yet. We just found out that she will be leaving us and I want to be able to mention her. We will all miss her very much. And I want to give a special shout-out and thank you to Sonya Quintana for her service to Santa Fe County as the Human Resources Director. That is really an important job at the County and she has done an exemplary job. So thank you, Sonya. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. And yes, a lot of those names have become near and dear to me over the last year, and it's sad to see them go, but it's also exciting to see here that people can actually retire in these days, so that's great. But the County Manager also left himself out and he should be acknowledged for his term of service. So a shout-out to Manager Shaffer for his five year anniversary with us. I thought it was longer than that. It may have felt like it. Not to me, I'm new here so it's only been a year with me, but thank you for your service with Santa Fe County.

CHAIR HANSEN: Manager Shaffer has been here longer; he just took a break in between.

COMMISSIONER GREENE: That is what I thought. I didn't know how we kept score.

CHAIR HANSEN: You're not being delusional.

2. Approval of Meeting Minutes

A. **Request Approval of the November 6, 2023, Board of County Commissioners Special Strategic Planning Meeting Minutes**

CHAIR HANSEN: What's the pleasure of the Board?

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER GREENE: I'll second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Greene.

The motion passed by unanimous [5-0] voice vote.

B. Request Approval of the November 14, 2023, Board of County Commissioners Meeting Minutes.

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Bustamante.

The motion passed by unanimous [5-0] voice vote.

C. Request Approval of the November 17, 2023, Board of County Commissioners Special Meeting Minutes

COMMISSIONER HAMILTON: Move to approve.

COMMISSIONER GREENE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Greene.

The motion passed by unanimous [5-0] voice vote.

3. Consideration of Proclamations, Resolutions, and/or Recognitions

A Request Approval of a Proclamation Proclaiming December 12, 2023 as "Horseman's Day"

CHAIR HANSEN: Commissioner Hamilton, thank you for filling our audience.

COMMISSIONER HAMILTON: It makes it so joyful to have all these young adults here and young athletes here in the audience and this is one of the very happy things we get to do to recognize and celebrate such exceptional achievements. So I think I would like to first read the proclamation and then get some representative to say a few words, if that's good. And then we'll have the photo op.

So this is the Santa Fe County Proclamation proclaiming December 12, 2023 as Horseman's Day.

Whereas, the Board of County Commissioners of Santa Fe County takes great pride in supporting and celebrating the achievements of its talented athletes; and

Whereas, the St. Michael's High School volleyball and football teams have demonstrated unparalleled skill, dedication, and sportsmanship throughout the 2023 season; and

Whereas, on November 18, 2023, the Lady Horsemen Volleyball Team of St.

Michael's High School captured the AAA New Mexico State Championship; and
Whereas, their hard work, dedication, sportsmanship, talent, and exceptional team chemistry enabled these athletes to dominate their competition and defend their state champion title; and

Whereas, the Lady Horsemen were able to close the championship game out in three sets, winning St. Michael's its 4th blue trophy; and

Whereas, though they at times became vulnerable during the tournament, when it was needed, the girls were able to dig deep, take risks, stay aggressive, and display their certain type of hunger; and

Whereas, the risks taken benefited aces and placements that forced opponents to make errors and allowed the Lady Horsemen to exploit and dominate the competition; and

Whereas, on Saturday, November 25, 2023, the St. Michael's Football team solidified a 21-16 win for the top-seed in the Class 3A state championship; and

Whereas, the victory halted a two-year losing streak in the championship game for the Horsemen, having lost to Ruidoso in 2022 and the rival Robertson Cardinals in 2021; and

Whereas, the championship win was a storybook ending for a program that had gone 11 years without winning a football title; and

Whereas, the Horsemen were behind going into the fourth quarter, while playing Robinson, but then pulled ahead and were able to hold onto the lead; and

Whereas, they knew that if they could control the line of scrimmage and just pull ahead, their defense could hold the position and win; and

Whereas, in taking home the win, they proved that the third time is a charm; and

Whereas, the 2023 Horsemen Football Team will forever be known as "finishers," a group of young men who always finished a game with grit, perseverance, and undeniable teamwork; and

Whereas, winning the 2023 Class AAA State Championship games in both volleyball and football brought honor to St. Michael's High School, the City of Santa Fe, and Santa Fe County on the local and state level; and

Whereas, Head Volleyball Coach Valerie Sandoval and Head Football Coach Joey Fernandez, team members, parents, faculty, and the student body at St. Michael's High School were integral in guiding the teams to victory through their unwavering support; and

Whereas, the outstanding performances of these teams have not only brought glory to our community, but have also served as a source of inspiration for our residents, fostering a sense of pride and unity; and

Whereas, the Board extends its heartfelt congratulations to the St. Michael's High School volleyball and football teams for their extraordinary accomplishments in bringing home their titles; and

Whereas, this proclamation serves as a token of our appreciation for the countless hours of practice, the display of exemplary conduct, and exceptional partnership exhibited by the athletes, coaches, and support staff.

Now, therefore, be it resolved that we, the Board of County Commissioners

of Santa Fe County, do hereby proclaim the 12th of December, 2023, as: Horseman's Day.

Be it further resolved, that the Board encourages all residents to join in celebrating the achievements of our local football and volleyball teams, recognizing them as true ambassadors of sportsmanship, dedication, and success.

CHAIR HANSEN: Congratulations. A well earned achievement.

COMMISSIONER HAMILTON: Absolutely. I can pre-emptively say that we are truly proud of this level of accomplishment to be doing all the work in school and this level of achievement in sports as teams is wonderful and truly does make us proud. I'd like to invite Sharon Pino to come up and say a few words.

SHARON PINO: Thank you so much. I'm Sharon Pino and unfortunately Coach Valerie Sandoval was unable to be here today to talk about it but she's very proud of the volleyball team and all their accomplishments, so she wanted me to share a little bit about that with you today, so thank you.

The 2023/2024 varsity volleyball team made history at St. Michael's. They are the first team in St. Michael's history to be back-to-back state champions. The varsity team finished with a record of 24-3, a game set record of 72 and 13. In the Moriarty Invitational they were champions going undefeated all weekend and winning this tournament two years in a row.

This year they were honored to be asked to play in the Metro Volleyball Tournament where they were the only AAA school to be invited. They battled in pool play and earned a spot in the gold bracket with all 5A teams. They were the three-time city champions defeating 5A Capital 3-0, and 5A Santa Fe High School 3-2. They also defeated the 2023 4A state champions this year, St. Pius.

They were the 2023 back-to-back district champions and ranked number one headed into the state tournament. In the state tournament they won their first game against Tohatchi 3-0, won their second game versus Sandia Prep 3-1, and won the third game defeating Hot Springs #3 3-1. They played in the finals against Santa Fe Indian School and defeated them 3-0 to be the 2023 back-to-back state champions.

Not only are these young ladies all stars on the courts, they excel in the classroom with an average GPA of 3.95, with seven players above a 4.0.

The head coach liked to acknowledge them, Valerie Sandoval, Assistant Coach Gabrielle Baca-Vigil, Assistant Coach Kiran Bhakta, and Assistant Coach Jolene Ulibarri.

And I'd also like to acknowledge the players if you could stand when I call your name. Gaby Padilla, Cecilia Ruiz, Danielle Padilla, Alana Overton, Mia Duran, Jane Erickson, Sienna Montano, Victoria Victorino, Maya Pino, Alex Crespín, Marissa Sandoval Moya, Ava Lewis, Penelope Anglin Gilbert, Rebekah Bagwell, Sophia Lopez.

We also had several members of the team which made the 2023 all state players. First team: Alana Overton, Alex Crespín, Marissa Sandoval Moya, Maya Pino and Sienna Montano. Second team: Cecilia Ruiz, Mia Duran and Victoria Victorino, and also had several 2023 all district players: Alana Overton, Alex Crespín, Cecilia Ruiz, Maya Pino. And the 2023 district AAA player of the year: Marissa Sandoval Moya.

So congratulations.

COMMISSIONER HAMILTON: Thank you so much. I don't have all

your names listed and I apologize but would the football team please stand up. Thank you, Madam Chair. Before we take pictures I don't know if other Commissioners want to say things.

CHAIR HANSEN: If anybody else would like to say anything, I have something to say but I'll wait to last. So to the volleyball team, I played volleyball in high school. My niece played volleyball in high school and got a scholarship. So I'm really proud to have you here in the chambers because playing volleyball, sometimes people don't recognize how important it is to build teamwork and to build a strong connection to one another and so I want to congratulate you on your hard work and how proud I am of you all. So thank you. We have a coach from – please come up and say a few words.

JERRY ARCHULETA: A few words on behalf of the football team. I'm Coach Jerry Archuleta. I'm one of the assistant coaches for the varsity football team. Third time is a charm. We have been in the state championship three times in a row. I will tell the Commission, three years ago I did say we were going to win in three years because of the group of young men and women that we have on the team this year. We are the city champions, district champions. We went in ranked at number one, and we came back to win at the end.

I'm pretty sure that we are the only state football championship football team that had three women on our team. We had three kickers. And I'd like to thank you for your recognition. I know that all the hard work that we put in, we will start football season again now in February. All the hard work and dedication isn't for the recognition. We do appreciate it, and I'll be the first to say we will be the first football team to win back-to-back. Thank you.

COMMISSIONER HAMILTON: Excellent.

CHAIR HANSEN: Way to go.

COMMISSIONER HAMILTON: I'd like to move to approve this proclamation.

COMMISSIONER GREENE: And I'll second that.

CHAIR HANSEN: I have a motion from Commissioner Hamilton and a second from Commissioner Greene.

The motion passed by unanimous [5-0] voice vote.

[Photographs were taken.]

COMMISSIONER HAMILTON: And thank you all for coming and spending the time with us.

4. Consent Agenda

- A. Final Order for Case # 22-5211 LRA Growers LLC, Conditional Use Permit (CUP) Appeal ISOLATED – See below.
- B. **Resolution No. 2023-123, a Resolution Requesting a Budget Increase to the Fire Protection Fund (209) for Various Fire Districts in the Amount of \$5,493,371 (Finance Division/Yvonne S. Herrera and Public Safety Department/Jacob Black)**

- C. Request (1) Approval of Amendment No. 5 to Agreement No. 2021-0055-FD/MM Between Santa Fe County Fire Department and Waterway of New Mexico, Increasing the Compensation an Additional \$151,281, Replacing Exhibit A, and Extending the Term of the Agreement an Additional Four Years, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor, and Public Safety Department/Jacob Black)**
- D. Resolution No. 2023-124, a Resolution Determining Reasonable Notice for Calendar Year 2024 in Accordance With the New Mexico Open Meetings Act, Applicable to All Meetings of the Board of County Commissioners (BCC) and to the Meetings of County Boards and Committees Created and Appointed by the BCC (Appointed County Committees); Establishing Permissible Meeting Locations and a Webcast and Broadcast Policy; and Requiring Meeting Agendas to Include Instructions on How the Public Can Participate in Meetings Remotely (County Attorney's Office/Jeff Young)**
- E. Resolution No. 2023-125, a Resolution Authorizing the County Manager to Secure Multi-Line, Law Enforcement, and Other Insurance Coverages for Calendar Year 2024; to Finalize Negotiations for Such Coverages; and to Execute All Documents Necessary to Effectuate Such Coverages (Human Resources and Risk Management Division/Sonya M. Quintana)**
- F. Resolution No. 2023-126, a Resolution Authorizing Santa Fe County to Apply for the Community Energy Efficiency Development (CEED) Grant and Delegating the County Manager Authority to Execute all Related Documents and Agreements (Community Development Department/Jacqueline Beam)**
- G. Request Approval of (1) Resolution No. 2023-127, a Resolution Granting the County Manager Authority to Make Offers to Purchase and Sign All Documents Necessary for the Acquisition of Office and Warehouse Space in Santa Fe, NM, to Support the Functions of the Santa Fe County Clerk's Office, and (2) Resolution No. Resolution No. 2023-128, a Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (313) in the Amount of \$2,310,000 for the Purchase of a Building to Support the Functions of the Santa Fe County Clerk's Office (Public Works Department/Phillip Montano and Scott Kaseman and Finance Division/Yvonne S. Herrera)**
- H. Resolution No. 2023-129, a Resolution Amending Resolution No. 2021-088 to Designate the County Manager as an Official Representative, an Alternate Official Representative, and a Designated Agent for Grant #21-F2378-STB for the Agua Fria Wastewater System Expansion, and Acceptance of Amendment 1 for said Grant (Finance Division/Yvonne S. Herrera)**
- I. Resolution No. 2023-130, a Resolution Amending Resolution No. 2023-**

- 094 to Authorize the Chair of the Board of County Commissioners to Sign the Agreement Approving Grant SAP 23-H2487-GF for the Agua Fria Village Utility Sewer System Expansion and Designating an Alternate Official Representative (Finance Division/Yvonne S. Herrera)**
- J. Resolution No. 2023-131, a Resolution Amending Resolution No. 2023-094 to Authorize the Chair of the Board of County Commissioners to Sign the Agreement Approving Grant SAP 23-H2488-GF for the Wastewater Treatment System and Water Tanks Construction at the Santa Fe Opera Site and Designating an Alternate Official Representative (Finance Division/Yvonne S. Herrera)**
- K. Resolution No. 2023-132, a Resolution Amending Resolution No. 2023-096 to Designate an Official Representative for Grant SAP 23-H2489-GF for the Glorieta Sewer System Improvement (Finance Division/Yvonne S. Herrera)**
- L. Request Acceptance of Grant #23-ZH5048-82 Received from the State of New Mexico, Department of Finance and Administration for a Law Enforcement Recruitment Fund Grant in the Amount of \$1,181,250 (Finance Division/Yvonne S. Herrera and Sheriff's Office/Ken Johnson and RECC/Roberto Lujan)**
- M. Request Approval of Amendment No. 6 to Collective Bargaining Agreement Between Santa Fe County and New Mexico Coalition of Public Safety Officers Representing the Santa Fe County Deputy Sheriffs (hereinafter referred to as "the Union" or "NMCPSO") (Human Resources and Risk Management/Sonya Quintana and County Attorney's Office/Rachel Brown)**

CHAIR HANSEN: So we're moving on to 4, the Consent Agenda. 4. A is removed.

COMMISSIONER GREENE: I will move to approve the Consent Agenda with item A already removed as per the agenda originally, but just to reiterate.

COMMISSIONER BUSTAMANTE: I'll second.

CHAIR HANSEN: Okay, I have a motion from Commissioner Greene, a second from Commissioner Bustamante.

The motion passed by unanimous [5-0] voice vote.

[The Clerk's Office provided the resolution and ordinance numbers throughout the meeting.]

CHAIR HANSEN: I'm happy that we passed all these resolutions authorizing a number of grants to the County and a number of sewer projects, including the one in Agua Fria and Glorieta, and a wastewater plant at the opera site and many other good things that will be forthcoming.

4. A. **Final Order for Case # 22-5211 LRA Growers LLC, Conditional Use Permit (CUP) Appeal. The Concerned Neighbors of 62 Southfork Extension, Appellants, Appealed the Santa Fe County Planning Commission's Order Allowing a Cannabis Producer Microbusiness to Cultivate Cannabis Plants Outdoors. The Santa Fe County Sustainable Land Development Code (Ordinance No. 2016-9, hereafter SLDC), as Amended by Ordinance No. 2021-03, Classifies a Cannabis Producer or Cannabis Producer Microbusiness that Cultivates Cannabis Plants Outdoors as a Conditional Use in all Rural Fringe, Rural Residential, Residential Fringe, and Traditional Community Zoning Districts (Section 10.22.3.4). The 10.22-Acre Site is Within the San Marcos Community District Overlay (SMCD) and Zoned Rural Residential (RUR-R). The Site is Located at 62 Southfork Ext. SDA-2, Within Section 1, Township 14 North, Range 8 East (Commission District 5). (Growth Management Department/Jose E. Larrañaga, Case Manager) (THE APPEAL WAS DENIED 4-1, MEANING THE CONDITIONAL USE PERMIT WAS APPROVED)**

CHAIR HANSEN: What's the pleasure of the Board? Can I have a motion on this one?

COMMISSIONER HAMILTON: Yes. Move to approve.

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton, a second from Commissioner Bustamante. Under discussion?

COMMISSIONER GREENE: My apologies for pre-empting the vote but I am going to change my vote from the affirmative to the negative just because I really think the appropriateness of this came to [inaudible]. It isn't going to change the vote on this but I just wanted to make it clear. So thank you.

The motion passed by majority [3-1] voice vote with Commissioner Greene voting against and Commissioner Hughes abstaining.

5. **Appointments/Reappointments**

- A. **Request Appointment of Three (3) Members to the Santa Fe County Planning Commission, One from Commission District 2 and Two At Large Members**

CHAIR HANSEN: Mr. Larrañaga.

JOSE LARRAÑAGA (Building & Development Services): Thank you, Madam Chair. Chapter 3 of the SLDC gives the BCC the authority to appoint members of the Planning Commission. Section 3.3.1 states, the Planning Commission shall consist of seven members appointed by the Board. Planning Commission members shall be registered voters of the county. One member shall reside in each of the Commission

districts in order to provide diversity of representation. The remaining members shall be at large and may reside in any area of the county and be nominated by any Commissioner.

Staff is requesting that the BCC nominate and appoint one member representing District 2 and two at-large members. The terms of these members of the Planning Commission shall be for two years or until after their successor's appointment. The terms of the three current Planning Commission members will expire in January of 2024 as follows: Charlie Gonzales, Wendy Pierard, and Steven Krenz. Charlie Gonzales and Steven Krenz have served the maximum number of terms allowed under the SLDC. Wendy Pierard, however, is eligible for reappointment.

In September of 2023 and November of 2023 the County sent out a press release seeking interested members of the general public to serve on the Planning Commission. We received responses from ten individuals which includes the one current member who is eligible for and has requested reappointment. The list of applicants for District 2 is as follows: Jeremy Mier, L.C. Arena, Erika Rolland, Daniel Pava, and Charles Harrison. We also received letters of interest from applicants who have requested to serve on the Planning Commission as at-large members and reside in different areas of the county. These applicants are as follows: Wendy Pierard, Ruben Mendoza, David Rasch, Noah Berk and Paige Ryan. The applicants' letters of interest and résumés are included in Exhibits B and C.

Staff recommendation: Staff recommends the appointment of Jeremy Mier for the District 2 position. Staff recommends the reappointment of Wendy Pierard for one of the at-large positions. Staff recommends the appointment of Ruben Mendoza for the second at-large position. All three members shall serve two-year terms beginning January 2024 until January 2026. I'll stand for any questions.

CHAIR HANSEN: Thank you. I'm going to make a recommendation. I would like to nominate Jeremy Mier for District 2. I would like to nominate Wendy Pierard for at large, and I would like to recommend Daniel Pava for the other member at-large. Do I have a second?

COMMISSIONER GREENE: I will second that.

The motion passed by unanimous [5-0] voice vote.

CHAIR HANSEN: Thank you very much, and I want to say to all of the people who applied, would you please apply again. There was a large group of really great people and it was a difficult decision for all of us to come to. And so I want to encourage everyone to apply again.

COMMISSIONER HAMILTON: Madam Chair, just a bit of discussion. I completely agree. They were all really good applicants and I'm very please you nominated Dan Pava. I think he will be a great contributor. That was my other thought. I just wanted to say that.

CHAIR HANSEN: David Rasch would also be a great Planning Commissioner and I thank you very, very much for being in the audience. Yes.

COMMISSIONER GREENE: Thank you, Madam Chair. I agree. We had a great pool of folks to choose from and many of them were almost over qualified. It's

a great pool of folks to choose from and many of them were almost over qualified. It's great, but we only have so many openings. But specifically, I want to give a shout-out to Charlie Gonzales. I'm sure that the Chair wants to recognize him because Charlie has been one of the most knowledgeable and best leaders on the Planning Commission over the – I guess eight years now because he's served and termed out there, representing District 2, living in the Agua Fria Village and being as knowledgeable as he is, it's sad to lose him in this, but thank you, Charlie.

CHAIR HANSEN: And since I nominated Charlie and have worked closely with Charlie I was grateful for his expertise on the Planning Commission. He will definitely be missed. It was clear that he had the support of the entire Planning Commission because he served as chair almost the entire time he was on the Planning Commission. I am sure that they will miss him. So, yes, Charlie is one of the more knowledgeable people about our code and considering that he worked at the County and at the City for many years and was recognized as a person who made a difference in our community and he has certainly made a difference in our community. So thank you, Charlie, wherever you are out there. He's probably out there working. So thank you once again.

6. **Miscellaneous Action Items**

- A. **Request (1) Acceptance of Department of Finance and Administration Grant Agreement for \$100,000 for Collaboration Center in Santa Fe County and (2) Direction for the County Manager to Negotiate and Execute an Intergovernmental Agreement with the University of New Mexico to Prepare a Feasibility Study**

CHAIR HANSEN: Commissioner Justin S. Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you to the Commission and to staff for facilitating this to this point and hopefully earning the votes of my fellow Commissioners to get this into the next phase of its development. As you have heard in past meetings this is a concept that came forward many years ago as an economic development initiative between the national labs potentially and our region's economic development and academic partners. This is the first step of the feasibility study. This is their commitment to the Commission except that we are passing this onto UNM to facilitate this due to our lack of bandwidth at the County right now.

So UNM has graciously offered to pick this up. The legislature has funded this with sufficient funds to do this feasibility study, and I respectfully ask for your vote to move this forward. I stand for questions if you have any other further questions.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: No, I don't exactly have a question but I think I'm so pleased to see a progression where we've brought in some real other partners to advance this and to take over some ownership in addition to what we're doing to participate. This is a great outcome for everyone in the development process and I really appreciate that and support doing it at this level.

COMMISSIONER GREENE: Thank you very much.

CHAIR HANSEN: Commissioner Bustamante.

Greene, I think this is good. This is the way to do it. To get this to UNM to do the scope of work. I will say that we're still sort of in this and not seeing the specific entities in Santa Fe County that would be potential partners. It's still very general with regard to the resources, the entities that would be collaborating because it's been my hope since the beginning that we would acknowledge the work that's being done by others if it's at all possible, if we could find in looking for the specific line that acknowledges that there's work in Santa Fe County that's being done, and then to say, such as – and I really hope that the Innovation Center at Santa Fe Community College could really be called out. They have that, in the interests of making sure that it ends up on the radar.

Right? I want to make sure that acknowledgement of the good work of the Innovation Center – I understand that there's been no response from the Santa Fe Institute but somehow, some way acknowledging and appealing for their interest because there are strengths that do exist in our community.

So if there was a reference to a “such as” in working with these other community entities, I think that it could put some strength in the potential, because it's easy for local resources to get overlooked when an entity from out of town or out of state or out of the immediate community anyway is conducting an analysis for another community. So I just ask that in some way, shape or form that at a minimum, there is reference to acknowledging the importance of working with those local entities such as the Santa Fe Institute and the Santa Fe Community College Innovation Center.

COMMISSIONER GREENE: Madam Chair and Commissioner Bustamante, in the effort to leave the feasibility open to all comers with the less specific as to those that are ahead of the curve in this, you are correct that the Santa Fe Institute hasn't been ahead on this but we will reach out to them or UNM will reach out to them, and the same in the case of the Community College. The Community College has penned a letter of support in support of this feasibility study but we did not want to be so specific because a good quality feasibility study, you lay it all out there for who wants to participate.

We do have 16 key partners that have been identified with varying levels of support already. Those take part from the academic sphere, the scientific sphere, the governmental organizations sphere and the economic development sphere, and with four or five from each of those areas and now I expect that UNM, at least part of their scope of work, will put together a stakeholder group made up of those four areas and reach out to each of those four organizations that have already been identified and then probably even more than that, and really focusing on local because that is how this will succeed, by bringing all the local partners together.

COMMISSIONER BUSTAMANTE: I appreciate that, Madam Chair, Commissioner Greene. The other one that I would add, because I do truly believe in it, and I think that it's sort of been maybe disparaged if not overlooked in the past is we do not acknowledge – and it is really the wisdom of those who have done sustainability now for centuries in our area, but understanding Native science – like there is good science, there is good publication. We tend to overlook that. We tend to go straight into outer space and think about all the technological ways of getting to sustainability. And I hope that working with the Native tribes in our area will be a priority. That is how people have been able to live here as long as we have, given the extreme conditions that don't

necessarily naturally foster an easy way to live, given the conditions.

So we're in an arid environment. We're talking sustainability at a national level, but working with those entities who have understood how and where it lives, I will be very happy to see that we acknowledge that indigenous people from many lands have had an answer for sustainability where they are all along. So with that I'm in support of this.

COMMISSIONER GREENE: Thank you. And if I may respond, Madam Chair. Commissioner Bustamante, I totally agree our indigenous populations all over the world provide a first step in do no harm, right before we start to treat the balance of things. So learn from what you've learned being on the land and in your local environment is the first step in understanding what you can do to live in balance for perpetuity. And I appreciate that and I hope that that is a filter that this collaboration center always looks at whenever it's implementing or creating implementation strategies for global solutions.

With that, if I may, since it is one of the things I – Madam Chair, I'm sorry.

CHAIR HANSEN: I don't exactly agree that we don't have the bandwidth. This is not part of our strategic plan and mission so therefore it doesn't belong really at the County because it is a much larger arena that you are looking to create a collaboration center for. So I just make that one correction. Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to say that I think is a very small start to something that has great potential for our area. And so I'm glad that we're at least moving in the direction of at least facilitating this idea. Thank you.

CHAIR HANSEN: Thank you, Commissioner Hughes. And I do think it's good to move it in this direction. I just don't think the Department of Energy needs money. I think they need to be giving us money and so I find that the State of New Mexico wants to give the Department of Energy money is not – I think it needs to be the other way around.

COMMISSIONER GREENE: Madam Chair, I hope that that is the goal of the feasibility study, that it is feasible to get money for a national initiative to be located here in Santa Fe. With that I would like to make a motion approving Miscellaneous Action Item A, request for acceptance of Department of Finance and Administration grant agreement for \$100,000 for a Collaboration Center in Santa Fe County and two, direction for the County Manager to negotiate and execute an intergovernmental agreement with the University of New Mexico to prepare a feasibility study.

COMMISSIONER BUSTAMANTE: Second.

COMMISSIONER HUGHES: And I'll second.

CHAIR HANSEN: Okay, so I have a motion from Commissioner Greene, and multiple seconds from Bustamante and Hughes.

The motion passed by unanimous [5-0] voice vote.

B. Resolution No. 2023-133, a Resolution Updating the Strategic Plan for Santa Fe County by Repealing and Replacing Exhibit A to Resolution No. 2022-115, A Resolution Adopting the Strategic Plan for Santa Fe County

CHAIR HANSEN: Santa Fe County Manager's Office, Cindy McKee, welcome.

CINDY MCKEE (Strategic Planning and Operations): Madam Chair, Commissioners, before you is a resolution to adopt the updated Santa Fe County strategic plan. This update, as you well know, is the result of tremendous work and thoughtful, careful collaboration by our review and by County leadership. Thanks to all of you for making this happen so successfully.

The strategic plan reflects the values and priorities of Santa Fe County, and will guide us as we allocate our time and our resources and our work in the next year. Upon adoption of this updated plan, staff will begin to develop work plans in our plan management software and updates will be provided to you monthly with our other monthly reporting so that you can track our progress on this plan. And with that I stand for any questions.

CHAIR HANSEN: Okay, questions from the Board. Commissioner Hamilton.

COMMISSIONER HAMILTON: I actually don't have a question but I think it's an incredibly well done bit of work on a consistent basis. I'm so grateful that we can marshal through a very inclusive and forward directed process. I think it's a great benefit to us and the County. So thank you for all the work on this.

MS. MCKEE: Madam Chair, Commissioner Hamilton, thank you very much for all the collaboration you've done. Thank you.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Sincerely, Cindy, this has been a collaborative process and there are often things that are stated to be collaborative processes but this is so evident in how each entity, part of the County worked to define, worked to review. Recommendations were made. It just felt so – seamless is the word that comes to mind. It was so well done that it felt very acceptable that there wasn't a lot of difficulty and controversy and if there was things tended to get worked out relatively quickly with regard to what those priorities would be. So I'm very grateful for the process and how it was conducted. Thank you, and thank you to the whole team that worked with you. It was very, very good. Thank you.

MS. MCKEE: Madam Chair, Commissioner Bustamante, so many moving parts on both sides of the equation but such a very good outcome. Thank you.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Cindy. We are privileged to have our offices right next to yours so I get to stick my head in every time I'm in the building and it's always one of the more cheerful and optimistic spots in the building, but it's a pretty optimistic place so you shine above the rest. And it's always great to hear about what you're working on, whether it's specifically the strategic plan, new ideas for innovation or how to reform different areas here. I

wholeheartedly support this as well as helping you in other ways to accomplish things for a better Santa Fe County. This is a great plan. You offered us the opportunity to put ideas forward, and even if they weren't the most aligned or best fit in here, you found a way to fit them in here which is appreciated by me, who doesn't necessarily like to fit things into the right hole. So thanks.

But I really appreciate all the hard work in this and it's been an honor to be a part of this. I got to peek in at the strategic plan about a year and a half ago, a little more than a year and a half ago and the last edition of it and that was my first introduction to Cindy McKee and it was great to meet you then and now it's great to see your work product evolve into this and to be a part of it. So thank you very much for getting this done. Good luck with the rest.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I'll just say ditto to all of the above. I thought it was a really good process and we have a really good product. So thank you, Cindy.

MS. MCKEE: Madam Chair, Commissioners, truly, I am simply the person who is standing up here representing an amazing team of optimistic and incredibly qualified people. I've really never worked with folks quite as capable and positive as this group. So on behalf of all of us, I appreciate your appreciation. Thank you.

CHAIR HANSEN: Yes. I appreciate you also, Cindy, and the entire time. Because like you just said, it takes all of us to do this and make it work. The County Manager, the County Attorney, staff, the County Manager's Office, Sara Smith, who deserves a shout-out and Yvonne for making sure that we don't misplace or spend money in the wrong place, which is always good to have, and all of the staff, for sure. Because this is a joint effort. This is not an effort just by the Commissioners. We might have our ideas but we depend on staff to carry them out and be there to fulfill our dreams or wishes and so with that, I'm going to make a motion to approve this strategic plan for Santa Fe County.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: And I have a second from Commissioner Hamilton.

The motion passed by unanimous [5-0] voice vote.

CHAIR HANSEN: I don't always make motions but since this is one of my last meetings I'm taking advantage.

MS. MCKEE: Thank you very much, and happy holidays to all of you.

CHAIR HANSEN: Yes, happy holidays. Thank you.

6. C. Resolution No. 2023-134, a Resolution Requesting a Budget Increase to the Capital Outlay GRT Fund (313) in the Amount of \$275,000 for the Cerrillos Park Project

CHAIR HANSEN: Yvonne.

YVONNE HERRERA (Finance Director): We're here to ask for \$275,000 to make improvements to the property where the existing volunteer firefighter station at.

The Cerrillos Senior Center and Turquoise Trail volunteer fire station is being built on a different property. We plan to use the funding to make improvements to the existing property which includes some kind of pavilion, picnic tables, barbeque grills, to run alongside the pocket park right there. In addition, the funding will look to correct many of the drainage issues that the property is currently experiencing.

The funding will come from the capital outlay GRT fund, and we're looking to this budget increase will use 1.2 percent of the \$22.2 million of the undesignated fund balance that the fund had as of June 30th. And with that, Deputy Manager Cordova and I will stand for any questions.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: It's not so much a question. I just wanted to say I was impressed that this has fairly creative ways to solve the problem of having the old building, one or two ways to be economical and make it something that was useful to the community as well as serve the County's needs. I was very impressed with that. So thank you.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes, Madam Chair, and I have to thank our County Manager, our staff, immensely. What transpired there, there was a lot of question what was going to happen with that building and the County stepped up and acquired – and I'm sorry it's not in the – I think it's important enough to have included in the memorandum that there was a facilitator to work with the community. The community had contacted me a number of times. We sat sometimes outside in the rain because they don't really have a place to have meetings. Yes, they'll have a community center but their big interest was to have something that is close to what they call their plaza of sorts.

And if you're familiar with the community of Cerrillos there is a public building but it's owned by the Forest Service, or it's the state, actually. I believe it's the State Forest folks. And it's not accessible to the community. And there was a lot of banter and discussion and not any real sense of how the community wanted to move forward with that. But with the County's leadership in taking a facilitator and having the people come to a plan on how that would best be used, that is what has now come to this. So I'm grateful that we're not just – all right. Let's just put up a pavilion. But instead it was community informed. It is what people have asked for. Yeah, there's some other things that other people wanted and really wouldn't have made financial sense, especially given that there will be the place right next door.

So all of that really took into account what could really be done there. And if you haven't, I have to just put in a plug for the donkey races, because every jackass should be there. And it's amazing. Amazing is an overstatement. But what is so special is there really isn't – there hasn't been a convening location. And now there will be this place where people can be under a pavilion and have little snacks and then we can watch the donkeys run through town. And there's nothing like it. That's not true. It happens all the time. I've seen it just today in fact. But that being said, it really will be a gem for the community and for those of us who will find some time to go spend some time in Cerrillos, because otherwise there's a bar and a place to eat a sandwich, and now this will be a community space.

So thank you all sincerely for the good work that you've done.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Congratulations to our Planning, Finance and all of the different staff and Public Works to find an adaptive reuse of this that adds a community benefit. There are lots of times when these things get torn down and it just becomes a vacant lot. And a lot of times where we might just sell something off to private industry, and the fact that this still had value that could be adapted to the community use in a small town where the County doesn't have such a huge presence but needs to have more of a presence. So this is a great solution here and I really appreciate the work that went into this. So thank you.

CHAIR HANSEN: I also think this is a great reuse project and Cerrillos is one of our historic communities and I think that they're very active as a community, and I think this is a great use. So thank you to Public Works and to County Manager Shaffer for coming up with a solution for this.

COMMISSIONER BUSTAMANTE: With that, Madam Chair, I'd like to make a motion to accept this resolution requesting a budget increase to the capital outlay GRT fund 313 in the amount of \$275,000 for the Cerrillos Park project. Thank you.

COMMISSIONER HAMILTON: Second.

COMMISSIONER HUGHES: Second.

CHAIR HANSEN: Okay, I have a motion from Commissioner Bustamante and a second from Commissioners Hughes and Hamilton.

The motion passed by unanimous [5-0] voice vote.

6. D. **Request (1) Approval to Utilize the Cooperative Educational Services Contract No. 2021-03-C112-ALL with Architectural Research Consultants, Inc. to Provide Professional Consultant Services for the Production of the County Facilities and Water Utility Master Plan, in the Amount of \$616,606.63, Exclusive of NM GRT, and (2) Delegation of Signature Authority to the County Manager to Sign and Execute the County's Contract and Sign the Purchase Order(s)**

CHAIR HANSEN: Welcome, Bryan.

COMMISSIONER GREENE: I just want to congratulate us for all of our resolutions completed for the year.

CHAIR HANSEN: Don't count your chickens.

BRIAN SNYDER (Public Works Director): Madam Chair, Commissioners, the item before you this afternoon, item 6. D is a facilities assessment and utility master plan. These items were funded as part of the fiscal year 24 operating budget. The last facility assessment was completed in 2015 and the last utilities master plan was completed in 2019. It is staff's recommendation that we complete the updates to those plans on a five-year cycle. So we're overdue on one and right on schedule on the other.

We're procuring this plan to be complete jointly so we have the synergy amongst not only facilities but also utilities, so that they ultimately end up in our database that we

can look at things jointly. And we're driving towards collecting more data on the way we do business around Public Works. This goes hand in hand with that.

I just want to highlight a couple key take-aways. I'm not going to read the memo to you or the packet but just highlight some key take-aways from the facilities assessment and utilities master plan. The facilities assessment, we're going to assess 113 facilities which includes parks, trails, senior centers, community centers, fire stations and other County facilities. It's a little bit over 800,000 square feet of facilities. The facilities will be assessed for building and operating system condition, accessibility, security, safety and functionality. Those are some of the key take-aways.

There's also a sustainability component to this as well. In addition, a facility condition index will be calculated and what that is looking at the total repair cost of an item versus the replacement cost. So if it's a building, how much it costs to repair versus how much it would cost to replace it in its entirety. So every building or a system within the building will be looked at. In addition, cost replacement value will be developed so that the facilities can be compared, so that it's an equal playing field between facilities and looking at what is the benefit of those facilities.

And then one of the end results of the facilities assessment will be a prioritized plan for maintenance and capital needs. So that will feed into our budget process, our capital infrastructure process, also our hold harmless funding for maintenance projects through our mid-year budget process as well as the fiscal year processes.

On the utilities master plan side, we'll be looking at the existing water infrastructure and it will be assessed for condition, performance and future growth. And then we'll also be focusing on prioritizing infrastructure needs in alignment with the County's SLDC. So as we grow, where are we growing, how are we growing?

The last master plan in 2019 just focused on SDA-1 and we'll be expanding that, building on that, and expanding it to other growth areas and looking at it in a larger scale.

I think it's important to note that the utilities master plan's goal is to create a vision and provide guidance for our system as it grows. We are contiguous with the city but we have a lot of areas, Eldorado, Cañoncito, most recent, that we had to expand outside the city area. How do we grow in these areas? And that will be taken into consideration as part of this plan.

I think it's also important to note that this plan is focused on water. It will note take away from wastewater. In fact we have a wastewater effluent management plan underway as we speak and as a result of that we'll have key prioritized projects that will come out on the wastewater side. It will ultimately feed into the water projects as part of this utility master plan and will be scored, ranked and prioritized as a combined water and wastewater system. We had some wastewater infrastructure needs that need to be done in advance of us initiating this process so that's why we took a different approach.

And lastly, this is being procured through the Procurement Office with Bill Taylor's assistance so I appreciate his assistance with this. We're using the cooperative educational services agreement with this. So with that I'll stand for questions.

CHAIR HANSEN: Questions from the Board? Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Brian. So we have a presentation from today from the Water Policy Committee and we're preparing to move

this to a consultant, a contractor to look at this work. And I think that there's – I don't just think; it's evident that we have to really be more comprehensive in our view of wastewater, potable water. We've tended to hold things in sort of their disparate categories and work along those lines and I'm hoping – and that's probably not the wrong thing to say from the dais. It will be my expectation that the Water Policy Committee has input and is able to make recommendation to an entity that is looking at any of our water needs, and that wastewater and potable and water, period, is considered most comprehensively.

And I say that with full understanding that there have been – it's been the way that it's done in that wastewater and drinking water, we have joint agreements with the City on water to drink but we don't discuss wastewater. And to really get ahead of this issue and to really refine our capability of addressing it in a comprehensive manner, it's time to marry the two and understand that political boundaries do not define environmental impact and environmental boundaries.

So it's my hope – it's not my hope; it's an expectation that this entity, that the utilization of the cooperative educational services contract with these consultants would benefit from input from what should be – and I'm looking forward to hearing the presentation and understand that there are very experienced and insightful individuals which would benefit from the experience and input from people on that committee. They are people who dedicate time and effort and have a background and experience and oftentimes academic or professional training that should have input. So it would be my expectation that we would benefit from that as well.

MR. SNYDER: Madam Chair and Commissioner Bustamante, I agree with you. I met yesterday afternoon with Carl Dickens and Shan Stringer and had a good conversation with them, an hour and a half yesterday afternoon and I think we're – I left that conversation with a similar impression, looking at water, wastewater, stormwater, as kind of a one-water approach. It doesn't know boundaries and it directly ties into some of the items we've talked about today with the SLDC. We cannot promote but the code needs to be supportive of those types of things. I don't want to speak for Carl or Shan but the impression I was left with was that, yes, there's support of that as well. I see them to play a role in that along with this.

I don't want to steal any thunder but I'll put a plug in because I expect Carl to bring it up today when he does his presentation. I learned yesterday – maybe I should have been maybe even more aware of this but it was just brought to my attention that it's 12 members on the WPAC; right now we have five, and they are five dedicated, hard-working individuals. We discussed who they were, what their backgrounds are. Unfortunately, maybe coincidentally I got an email from a woman that's moving to this area that's interested in joining this morning. So hopefully we can start filling those positions, be strategic on how we do that because I believe definitely the individuals that have served as well as are currently serving are very knowledgeable in their fields and have great expertise and are passionate about what they're doing. But we also need to set them up for success, similar what I try to do to set my staff up for success.

So we're all on the same page. I think we have similar expectations. That's one way of saying that but looking at it holistically and how water moves throughout our systems.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Brian. An outstanding quarterly meeting last week we discussed this a little bit and I think this is a great document and a great way for us to organize our thoughts as it may be and our strategies about prioritizing different assets that we have. So I'm all for this and I look forward to the work product. I hope it is more of a living document than a static five-year, every five-year sort of thing. So I hope that there is a mechanism to have someone on your team always updating us with how this is evolving and keeping the Board of County Commissioners up to date with the needs looking forward, because it doesn't happen in five-year chunks. It happens probably every meeting. But maybe it's every quarter or so. So I look forward to seeing this product.

MR. SNYDER: Madam Chair, Commissioner Greene, just to that point. This will – we intend for this to be a living document, living product. One of the results is the capital and the maintenance needs. My approach is build a plan, work the plan. And so a lot of things change over five years so that the purpose of relooking at it every five years is to look at what's been accomplished from a maintenance standpoint, from a capital standpoint, do a rest. If we require additional infrastructure let's plug it in. And it's just more of an update and making sure that we're capturing those things. In addition, making sure that when we update costs of doing business, as costs increase, making sure that we're accounting for those types of things and we have a true assessment.

This is a tool for us to build off of and deliver services that we're looking to do and present that back to you guys.

CHAIR HANSEN: Brian, I don't see the Agua Fria community on here on this list. Is there some reason it's not on the list? Oh, it's listed under Nancy Rodriguez.

MR. SNYDER: Nancy Rodriguez would definitely be one, as well as the fire station.

CHAIR HANSEN: Okay. It's on here. I see it. I was just going – I was looking under Agua Fria and I didn't see Nancy Rodriguez, so no problem. I just wanted to make sure my village was taken care of.

MR. SNYDER: And Madam Chair and Commissioners, all County-owned facilities will be assessed as part of this. That's why it's parks, trails, fire stations, community centers, County buildings, those types of things.

CHAIR HANSEN: Okay. Great. What's the pleasure of the Board?

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to move to approve with the inclusion that there is an expectation that in the development of high level implementation, road map and identification of recommendations that the Water Advisory Committee is consulted and part of that as well. I think it will help serve us in getting things aligned.

CHAIR HANSEN: Commissioner Bustamante, I believe that the way that it's stated in the SLDC and the way that they're formatted is that the WPAC reports to us.

COMMISSIONER BUSTAMANTE: That's right.

CHAIR HANSEN: And so that means that there has to be a change in the SLDC and the resolution that created this.

COMMISSIONER BUSTAMANTE: I don't think – I'm not in conflict with what that says. What I'm asking for, because there are some very specific

deliverables that say that they're going to develop this. And if they're going to come with two different sets of recommendations for acceptance, my ask is that they have had a chance to review that because the water policy folks and this consultant will be doing ideally mutual work. So I don't see it that it's out of line to say that they – of course they report to us and so is what's going to come from this report. That is – what I'm simply asking is that they are part of that process so that we don't have two separate perspectives of how things need to get done.

CHAIR HANSEN: We approved their new work plan. What you're suggesting is that –

COMMISSIONER BUSTAMANTE: I'm saying it there as well. I'm saying that this consultant also – we're talking about a paid consultant and their role and what they'll be doing, and when it says that they're going to be identifying entities to work with that they are cognizant of the fact that we have a policy recommending entity that should be aware at the very minimum, if not consulted on some of the questions where – here's what we've come up with. What do you think? Or, we're going to go get information. But they do report to us and I would like to see them strategize and do their work plans simultaneously or we're spending too much time listening to different things that are going to come from the same areas. And I don't think that that's an efficient way to do things.

CHAIR HANSEN: So I'm going to go to Commissioner Hamilton first.

COMMISSIONER HAMILTON: I think the overarching concept you're aiming towards is good but I think what the consultant is doing is something very different from what the WPAC is.

COMMISSIONER BUSTAMANTE: With all due respect, Commissioner Hamilton, I hear and I understand that you've been on the WPAC –

COMMISSIONER HAMILTON: You don't even know what I was going to say.

COMMISSIONER BUSTAMANTE: I don't. So I apologize.

COMMISSIONER HAMILTON: They both – one would have – the consultant, a large part of the job is to gather a great deal of technical information. And then in collaboration with the Board, BCC and Utilities, WPAC supports other types of overarching research that can supplement the decision making that Utilities has to do and that the Board has to do. So I think they can be quite complementary, but they don't replace each other. And it's probably like – I just want to make sure that this is worded so it doesn't appear that we're asking WPAC to do the same thing the consultant is doing, which is to go out and evaluate every single facility, etc., etc. And so that was all I was trying to drive at.

COMMISSIONER BUSTAMANTE: Thank you. No. This isn't an ask for the WPAC. This is an ask for the consultant to confer with WPAC when it's appropriate, and I think meaningful.

COMMISSIONER HAMILTON: But I think that consultation has to be through Utilities. I don't think – I think –

COMMISSIONER BUSTAMANTE: That's what I'm asking for, that in the approval of this, that Utilities guides the consultant to work with the WPAC. There's no direction to the WPAC in this regard, though I may ask that later. This is simply

asking that the WPAC is aware of the work that the consultants are doing and may have input, may not, but that they are part of that process in some regard, to whatever regard that it makes sense. But to be communicated with.

MR. SNYDER: Madam Chair, Commissioner Bustamante, in hearing the discussion, what I had understood and intended was that we would – I won't say report out to WPAC on, I'll call it key points, as we're developing our schedule up front we can list key milestones that we would present to WPAC as well as I would say prior to the master plan being finalized, when it's in a final draft stage, presenting to WPAC to get any feedback prior to finalizing. I would expect that.

COMMISSIONER BUSTAMANTE: Thank you.

COMMISSIONER HAMILTON: I second.

COMMISSIONER GREENE: Under discussion.

CHAIR HANSEN: I have a motion from Commissioner Bustamante, a second from Commissioner Hamilton. Under discussion.

COMMISSIONER GREENE: Thank you, Madam Chair. And thank you, Commissioner Bustamante, because that was a very insightful sort of like, we have all these different consulting groups. Some are professional consultants that are on the external side of this and then we have this water board, and then we also have a transportation core as well. And so all of these groups that are consultants and advisors to us should also be advisors to Brian and his group. And so having that flow of information to vet and re-vet and to check the math at it is, maybe is a great way to make sure that we're being as inclusive of all the stakeholders and the knowledgeable people within our organization. For appointing people to a Water Advisory Board, they should have some knowledge; they do. And some input to vet ideas that are coming from Utilities. And the same thing for transportation, so it's not just water, but that is usually a hot topic. But there's all these advisory boards that we put together and whether it's an Arts Commission, and we talked about arts in our building. They should all of these sort of assets that are in a comprehensive strategic plan, should always have a stakeholder management outreach. So I don't think it necessarily needs to be an amendment to your motion but I do appreciate that you wanted to bring that up as a part of this contract. So thank you very much.

COMMISSIONER BUSTAMANTE: Thank you, Madam Chair and Commissioner Greene. As I understand it, it is staff who oversees this committee, so staff works and guides these committees. So just up to recently it was maybe working with Michelle Hunter. Prior to that the person who was in that position before. So it's not as much that they just advise Public Works but they actually collaborate, define and communicate, because staff will be the first to be notified on what those issues may or may not be. For example, with the PFAS issue at the National Guard, the water person was communicating regarding those issues and then worked with the policy committee.

So it's that type of network and it does absolutely strengthen in the way that you've disclosed, because then as staff brings those issues to the Board, things will have been vetted and worked out in a more efficient manner. So thank you.

The motion passed by unanimous [5-0] voice vote.

6. E. Request to Publish Title and General Summary of An Ordinance Amending Ordinance No. 2022-07, as Amended by Ordinance Nos. 2023-01 and 2023-08, the Short-Term Rental Ordinance, to Remove the Requirement for Enforcement of Private Covenants; to Limit the Total Number of Non-Owner Occupied Licenses a Single Licensee, Registrant, or Owner Can Hold; to Limit the Number of Non-Owner Occupied Short-Term Rentals (STRs) Allowed in Certain Census Designated Places to a Percentage of Total Housing Stock; to Limit Total Occupancy in any STR to Ten (10) Persons

CHAIR HANSEN: Erle Wright, nice to see you.

ERLE WRIGHT (Growth Management): Good afternoon, Madam Chair and Commissioners, and greetings of the season. I'll run through the memo real quick, but we had a study session on November 30th, at which point the Board gave direction to staff to bring forward some proposed amendments to this short-term rental Ordinance. These are to impose limits on non-owner-occupied short-term rental or STRs, a limit on the total number of non-owner-occupied STRs that a single company or owner can possess, consideration of a limit on the total number of non-owner STRs in some communities. We're looking at census designated places as the areas of special regulation. And again, these are preferred over just a random distance from the city. It allows us to aggregate data and rely on regular data produced by the US Census Bureau through their existing demographic programs such as the decennial census and the American Community Survey.

We are seeing that communities around the city have a higher number of STRs than the more rural communities. The Board had requested Exhibit B; I'm sorry there was a delay in getting that to you. I've left larger copies of that that are easier to read. I'm willing to explain that in a little more detail but let me get through the memo here.

If we limit the number of non-owner-occupied STRs within these areas it makes sense to then limit the number of non-owner-occupied STRs a single owner can hold. By doing this, the limits on the percent of housing stock should take longer to reach; that's the intent here. The limits are designed to protect housing stock for the local work force and over-concentration of short-term rental units. The ordinance as currently drafted is proposing to cap non-owner-occupied STRs to five or ten percent of the total housing stock, based on the current data we have.

Again, we didn't have the precise numbers so we left these to the discretion of the Board. The ordinance does add a new Section 6.1.5, to limit the total number of non-owner STRs that one owner can hold to five licenses as currently drafted. A new Section 6.1.6 is added to limit the non-owner-occupied STRs to five or ten percent of the housing stock. Again, we'll take direction as to whether those percentages will have to move, or if you want to move or delete some of the areas of concern.

We also updated the list we received at the study session with additional communities that you requested over the county. Otherwise we propose a limit on the total number of people who can stay in an STR. Current limits are two people per bedroom but there is no total limit. What the ordinance is drafted to do that is ten. As you can see there are currently eight owner-occupied STRs and two non-owner-occupied

STRs that exceed that limit. The ordinance does contain a clause to allow those to remain as approved while under the current ownership. Also the draft is removing the homeowners association or covenants that currently as drafted that if they're prohibited by the covenants we can't issue a business registration or a business license. This proposed change deletes that and leaves that enforcement up to – to a civil matter, which is typically the nature of covenants.

We're also requesting to look at a cap of total number of STRs countywide. Staff is not recommending this, and again, we didn't receive direction from the whole Board so we haven't drafted it into the ordinance at this time. Again, if the Board wants to look at that we would recommend that it be a percentage of housing stock, or a number that we're seeing historically over time from the data provider that we're using.

COMMISSIONER HAMILTON: Madam Chair. Could you just repeat which thing you did not include but you recommend be done as a percentage?

MR. WRIGHT: Yes, Madam Chair and Commissioner Hamilton. Again, we're not recommending that there be a total cap.

COMMISSIONER HAMILTON: Total cap. Thank you.

MR. WRIGHT: That's the total cap issue. If the Board does consider that it probably should be considered as a percentage of total housing stock countywide. That's estimated to be a little over 30,000 residential structures. That includes mobile homes countywide. A five percent limit of that 30,000 number would be about 1500 STRs. A ten percent limit would be 3,000. Total listings that we've seen over the last two years is about 1,600. At any given time over this two-year period we're looking at somewhere between 500 and 600 active STRs at any given time. We're only a year into regulation; that covers the year before regulation.

Staff, if we were to pick a number we'd throw out 2,000 maybe. But again, I think one of the problems is the seasonal short-term rental market that we're seeing. We can't really enforce a certain number of summertime rentals and a certain number of wintertime rentals. The way it's drafted it's an annual license. So again, that's a difficult issue we're still trying to get to understand really the market that's here in Santa Fe. Just because of the nature we have a lot of second homes anyway in this area.

So staff's recommendation is to approve the request to publish title and general summary of this ordinance. This will give us time to actually do more research providing more data and we would look forward to having this at a public hearing on January 9, 2024 – correction to the memo. We're not going to hold it last year.

COMMISSIONER HAMILTON: We could try.

MR. WRIGHT: We don't have the time machine yet. And I do want to explain if I could Exhibit B. It's a complicated table and it's mixing kind of apples and oranges. One of the things, the percentage that's in the left-hand column there, that is a little misleading. It's hard to put it in here. But essentially what that is is a compliance rate by community. That's how many people, how many individuals and owners have come and actually received the registration or license as a percentage of the total number of active STR listings that we've seen over the past two years. So it's kind of interesting to see most of these communities are way under compliance – well below 50 percent.

I would like to give kudos to two communities, if I can find them again, but that are actually Rio en Medio and San Ildefonso CDP, which is actually a portion of El

Rancho. Rio en Medio is at 100 percent, but they only have one STR, so that was kind of easy to do. And El Rancho is at 200 percent. This is one of the things of our data, our vendor hasn't actually been able to track that one STR, so we're not seeing that they're actually active but they actually have come in for a permit in that area. So just to kind of point that out.

So the first two rows in each community are actually based on our permits that have actually been issued. I'm sorry – registrations and licenses. And the rest of the columns are from our vendor that does the web crawling to monitor STR activity. So that's essentially the table that you saw at the study session but it's been expanded with the top two rows to show you and give you the breakdown between non-owner-occupied short-term rentals and owner-occupied. So those are broken out for each community type. There are some notes at the end and I'm sorry again; this is kind of hard to do this in a spreadsheet, but again, I explain this percentage that you're seeing on the left-hand side is the compliance rate.

The communities in the blue text are essentially outside of the city, so these are more rural, if you will, communities in Santa Fe County. And there was a question of – you'll see that and it's in green text, depending on if it was shown in that community, but we're seeing – our vendor is showing these as compliant, but they're compliance because they're longer than a 30-day rental. There's only 46 of these out of about 1,660 rental units that we've seen. However, we're seeing that some of them are using this to actually avoid being tagged as a short-term rental.

But it's interesting – you see one in San Pedro that actually lists this way but has come in for a license. They are registered. So it's kind of interesting but that's a code enforcement issue for staff to actually verify that if they actually are doing them as short-term rental or if they're truly listing them for 30-day rentals only.

Also to point out an issue that was brought up. For the census designated places of Chupadero and Tesuque, there are in those two CDPs basically master plan approved time share condominiums. Those numbers have been removed from that and that's indicated on the totals for those two communities, and that's why that text is orange in this table. So with that I will zip it and stand for questions.

COMMISSIONER HAMILTON: Okay. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair and Mr. Wright, thank you for such a thorough review of this and overview of the information. There's one thing that sort of strikes me and I'd honestly say a little concerning, that when it's compliant it's no longer advertised, and when we think of what those individuals or entities who were letting us know earlier in the year how important their short-term rental was to their income and that it really was a part of how they were able to live where we are, etc., etc. Was there an effort to assist people in getting those? It's nice to hear compliant registration, license issued, but that is a much lower number. Almost – not even almost. I'm about to say in every case. Almost in every case with the exception of La Tierra. Mostly everywhere else, they are no longer being advertised, which makes them compliant, yet this was something that, one, they clearly had the location, the capability of doing it.

It may or may not have been something that was critical to their livelihood, but to see now that because of this enforcement, what was an asset in some way, unless they

decided it wasn't worth it, but given the large difference in the numbers who are compliant because they're no longer advertised, versus compliant because they've actually been issued a license just raises a concern for me. Do you have any insight to that and whether or not people who have been contacted just opted to not follow through and do it anymore, or hoping that if they just take it off of the advertising it will just all go away and they can start up again later, or just found it too much of a hardship to be able to have their STR? I'm wondering if you have any insight to that.

MR. WRIGHT: Chair Hansen, Commissioner Bustamante, that's a fascinating question. Some of these – I think part of it is the seasonal market, which again is kind of hard to get our head around of what's actually happening there. But it seems to be pretty consistent and again, the consultants that we had looked at this, they pointed out and it's again kind of a national trend, that the short-term rental market is maturing and it's kind of mature here in Santa Fe, and that again, I think people are discovering that for better or worse, it's a great fad. Everybody's doing it and everybody's jumping on the bandwagon, but I think, my personal opinion is that yes, some people have found it more trouble than it's worth, perhaps, and actually that it takes some work to run a short-term rental. You are basically running a hotel.

So I think that's part of it, is the maturity of the market, and I think another facet of it is that we're going to see these roll in and out from the second home market that we have here of people actually staying here in the season they prefer and then not being here for the season they prefer. They might be summer people or they might be skiers, and they're actually renting all those off cycles of the year, as a short-term rental. Possibility. I'm not sure.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Madam Chair and Commissioner Bustamante, I think to answer your question, there's a variety of ways – my guess is the consultant is scraping the internet and they're using the internet platforms – Airbnb, Vrbo – probably only those two, and in theory getting 90-something percent of these units. But there are other vendors out there, both local, that use Craigslist or other non-conforming or less apparent methods to market their properties. An example would be the Santa Fe Opera would go call the opera and say I have a home available with a business license a short-term rental because it needs to be licensed to be able to rent it to the opera. But that may be all that people use. They say, I don't want to put it on Airbnb anymore. I'm done with that, to Erle's point. But they still keep the license active and they use it for those certain causes.

And to affirm what Erle was mentioning, people float in and out of it. Some people are in it year-round. Some people are in it just for a few months and the consultant might just be taking a snapshot. I'm not quite sure how they're really collecting their data across that. So the fact that they're compliant is great. I think that there is a level of potentially people that want to slog their license. If we do put a limit on the number of licenses those will become a commodity with a finite capacity which is a problem that I think some people in the city have discovered with that. So I hope that we always manage to keep a capacity for some people to always get into the market.

May I change subject now? Did that answer your question, Madam Chair? Thank you, Madam Chair. So one of the – so I really appreciate the amount of research here and

a number of my constituents up in the north, in the Tesuque area specifically have asked to have a little stakeholder session, and we've scheduled one for Friday morning, which is wonderful. It's going to be a big Tesuque day, and I appreciate that. Tesuque is broken into four different CDPs, between Encantado, one that I've never heard of before which is the Peak Place CDP, Tesuque CDP, Chupadero and Rio en Medio, all which could be considered greater Tesuque. So we are inviting them all to this meeting with an RSVP so we can start to discuss if there are specifics if they want to know about, the way this ordinance is going to be rolled out and how these things get parsed out.

The question I have is could these areas that have been pulled out, are they automatically going to be eligible, these time-share or fractional ownership places? Are they automatically going to be eligible or compliance just by fact? How do these folks become compliant and registered with Santa Fe County if these units have 26 owners, two weeks at a time?

MR. WRIGHT: That's kind of a tricky question. But basically they were approved as time shares by master plan by the County Commission. So in a way they've already been approved as, for lack of a better term, a non-traditional residence. So that's one thing that staff – the way we're looking at this is they actually essentially should be grandfathered in, if that's the right term to use, because they already had prior Commission approval for these. I think it's still important and many of the owners of these, both in the Bishop's Lodge area and in the Pueblo Encantado area have come in for permits. That was one of the things staff struggled with early on for the requirement for a lot of legal record and proving that, but it was actually, once we determined that master plan approval was there they were essentially compliant with the land use regulations by doing that. Does that answer your question?

COMMISSIONER GREENE: Sort of. I just want to be very specific for each of them in a process for their compliance. If a fractional ownership, these time-share places have 26 owners, each with two weeks a year, is each individual owner going to have to go get a license if they want to rent one week of their two weeks a year? Or is there going to be one master license per address?

MR. WRIGHT: Chair Hansen, Commissioner Greene, I'm not sure if I have an answer for that at this point.

COMMISSIONER BUSTAMANTE: Okay. Well, I'd love to hear – this is one of the answers that I hope that we can clear up before we move down this path to make these non-compliant or compliant or in this gray area here, because we are pulling them out and we are “grandfathering” them, but we should have a mechanism that allows this ownership to be identified, that we collect the right gross receipts taxes and that they are a compliant and licensed property. I don't think we have to figure that out today from right here, but that's something that probably needs to be figured out if we're pulling them out and giving them a grandfathered status, but then we need to get them licensed and get their CRS number for gross receipts tax and we need to get them a lodgers' tax number for their lodgers' tax portion if they are rented. If they are not rented and it's just owners using it for their two-week vacation here, so be it. But there needs to be some way to make them fully compliant.

MR. WRIGHT: Well, I think the folks at the department would actually be on the property itself, on the physical structure itself. That's the concern of the

regulations. That's the concern about the impact to housing countywide. So it would be essentially – I mean that's the trick. One of the things they have to do is prove that they actually own it. I'm not sure we've seen an actual time-share application directly. We've seen it for the individual condominium owners who have provided clear title, 365 days a year. So that's something we have to consider. But they should – because again, the purpose of considering either density rentals or some sort of cap is for the impact on housing, and so these are essentially out of the housing market anyway. They were from the get-go, based on Board approval.

So we'd have to look at that but I think the department would look at it as it's the actual structure itself, in the case of 26 owners for two-week time-shares, it would be the structure itself that would need to be licensed. However, that's tricky doing the enforcement. If there's problems, noise complaints, those sort of things, those are going to be the issue and again, with the time-share rules that's a whole other legal quagmire that I'm not qualified to get into.

COMMISSIONER GREENE: If I may, since I think we've quantified this down to two properties. Maybe there's three or four, that we create a mechanism with sort of a master agreement that identifies how many units you have and creates a licensing and enforcement mechanism for – not for enforcement of the licensing but really the enforcement of paying the taxes, gross receipts and lodgers' tax and getting a license. Maybe it's a master license or maybe if it's a 26-unit development, it's 26 licenses but that there's one master condo association or whatever the association that manages the property, because they usually are under an association, takes on that responsibility to make sure that they are compliant on a holistic level.

I hope that we think through this in a way that allows us to be as compliant and easy to comply as possible.

MR. WRIGHT: Well, yes, that's part of it. Thinking about it more it draws parallels to the covenants. Those kinds of time-shares, there's an agreement between those parties and it's really a civil matter between those parties to maintain that property.

COMMISSIONER HUGHES: Madam Chair, whenever you're ready.

CHAIR HANSEN: So Commissioner Greene, where you seem to be going is the people who are the owners of the time-share, if they rent out their section of two weeks is who we want to have pay gross receipts tax.

COMMISSIONER GREENE: So each one could be complicated. So to give you an example, some time-shares allow people to put their properties into a pool. So they're not actively leasing their thing and making deals. They're just putting it into the pool saying I'm not going to be here this year; you rent it, and so on. And so understanding the mechanisms of those to say, well, there's 20-something units here, each with a week. It's a pretty complicated aspect to this.

CHAIR HANSEN: Right. So as Erle was saying, what you're suggesting or what means – first of all, they're already time-shares. They're already grandfathered in as time-shares.

COMMISSIONER GREENE: As time-shares. They're not grandfathered in for short-term rentals, because there's ownership but not rental.

CHAIR HANSEN: But if they're putting it into a pool of a condo that owns the time-share, and that these people are all members of this group, then there

seems to be that there would be one license for the condo.

COMMISSIONER GREENE: That is for that one condo, but if there's 30 condos –

CHAIR HANSEN: No, there's a whole group, because they're a master group, and those are the people, who, if they rent it out, would have to pay the gross receipts tax or like – it's a complicated issue, I agree.

COMMISSIONER GREENE: So I would say that if there is a certain initial fee of \$350 or whatever that per unit is, that we could have a secondary fee that if you are a time-share with 50 units, that for each additional unit on a certain property under a singular management company in a pool, that you might have \$100 per unit. So if there's 50 units, you would have one at \$350 and 49 of them at \$100, as an additional licensing fee. So it scales with it, as opposed to \$350 for 50 units would seem like giving people a benefit beyond –

CHAIR HANSEN: Right. I have been contacted by some of these people and they have signed up for STRs, and others have not. So they're already grandfathered in. It's a little bit more complicated. I think that it's a legal issue, and Jeff, if you would like to comment.

JEFF YOUNG (County Attorney): Madam Chair, Commissioner Greene, this is a good discussion about the time-share. They are sort of unique in nature, certainly as applied to Santa Fe County. So I think the Board could provide some direction as to should these be registered under a separate category or licensed under a separate category? Or excluded totally from the definition in terms of this ordinance. There is a separate lodgers' tax ordinance that applies to STRs. We could work on that. Ordinances that apply to tax issues. But I think we would need direction from the Board to potentially create a separate category of registration, maybe a simple registration for these types of time-shares.

MANAGER SHAFFER: If I could, just to add to what Attorney Young said, the rationale for doing that is they're not part of your long-term housing stock already, number one, and number two, to the extent they're part of a community build around the time-share concept, having people come and go is part of the deal, so to speak, and so you could create a relatively simple registration process and it wouldn't count against the non-owner-occupied cap. So that may be a direction that the Board wants to go. That way they are registered. They know they have to pay all of their taxes and we're keeping track of that but we would be creating a third category to address them because they are unique and do not fit within the molds that have been developed thus far.

CHAIR HANSEN: The people who owned the original time-share, they would not be being charged tax, right?

MANAGER SHAFFER: That's an ownership issue. They would only be charged tax if they are in fact renting their share and making their property available. That's correct.

CHAIR HANSEN: It's only if they release their share to rent to somebody else. It's not one of the –

COMMISSIONER HUGHES: Madam Chair, I have a suggestion.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. Listening to the discussion, I

think this is what Greg was suggesting is that we just create a third category for time-shares and basically treat them the same way as the owner-occupied ones. They just need to get a business license and pay their taxes. We're not trying to limit the number of time-shares because those have already been approved. So the ordinance doesn't really – that we pass eventually isn't really aimed at limiting time-shares. We might just want to state somewhere in here that they need to get a business license and pay their taxes if they operate a time-share.

CHAIR HANSEN: If they operate an STR.

COMMISSIONER HUGHES: If they rent out their time-share. Yes.

CHAIR HANSEN: If they rent out their section of time-share. Is that clear? Okay.

COMMISSIONER HUGHES: When you're ready I have another question.

CHAIR HANSEN: Okay. Go ahead, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, so looking at the memo, the bottom paragraph where you're suggesting the overall limit of housing stock, I just wanted to start there. You say total listings in the past two years is approximately 1,600. Is that both owner and non-owner-occupied? Or is that just one or the other?

MR. WRIGHT: Madam Chair, Commissioner Hughes, that's – the vendor doesn't separate that. So that's – we don't have that capabilities. It's also the 237 or so non-compliant or so that are actually active such as the 22nd of November. We have no idea whether those are owner-occupied or non-owner-occupied.

COMMISSIONER HUGHES: Right. So I guess the thing that worries me is that if we're regulating non-owner-occupied, but we're using the statistics for everything, we're not getting to real numbers and now on your chart that you redid, I really appreciate that, we do get them, I notice that in Eldorado, which is the community I know best, it's .6 percent of registered, non-owner-occupied short-term rentals, which is probably why it's not a problem in Eldorado because there's very few of them. But I would say if we're going to limit it in certain communities, as well as countywide, we need to at least have an estimate of the non-owner-occupied, because we're not regulating the owner-occupied.

So my suggestion would be if the owner-occupied, just looking at the total number for the county, if there are 1,600 total, well, that's probably about 800 non-owner-occupied, which means the cap – just using your suggestion was 2,000 but that would be twice as much, so I would say that the cap should be 1,000, using that logic. And the same with the percentages for each community, instead of five and ten percent, I would suggest it needs to be two percent and five percent. Otherwise, in Eldorado, at five percent you'd be allowing us to have eight times as many, and if we're going to allow eight times as many I would suggest we probably shouldn't do any kind of limits, because as I was talking about this with my wife, if you set the limit too high it's just like an advertisement to investors: Hey, come buy here. We're allowing eight times more houses to be taken over. And at a certain point this will affect affordable housing. It's already – there is no affordable housing in the Eldorado area anymore, so maybe it doesn't matter here, because it's already – too many second homes and other things that have made it unaffordable here. But if we are trying to protect our housing stock a little

bit I think the limits need to be a little bit closer to what's existing with a little room for growth but not twice as much or at least not more than twice as much. Thank you. Those are my comments for now.

CHAIR HANSEN: Okay. Thank you, Commissioner Hughes. I support the removal of the HOA, where it says remove HOA covenant language, but I do feel like we need to help the HOAs and understanding that they need to write regulations or they need to update their bylaws if they want to have a say. So somehow, I completely agree that it is not up to the County to enforce HOA rules. But if they are concerned about their rules they might need help understanding what they need to write into their bylaws.

I don't know if saying somehow giving them a frequently asked question sheet or something that they can just refer to, because most HOAs do not have that language in it. And then, as we approve rules as we go forward, it is something we need to educate developers who are writing the initial bylaws that come before us. They are not usually community based bylaws. They're written by the developer and so that language may need to be in those bylaws. I feel like, yes, we should not be enforcing the HOA rules, but we do approve HOA bylaws. And so somewhere in between we need to help these HOAs understand either it's up to you to regulate it, and this is the language you need to include in your HOA bylaws, or you need to realize that you're being impacted.

I feel like some of the calls that we're getting – that I'm getting anyhow, is residents wanting us to enforce their HOA rules or bylaws, but they don't have anything in their bylaws to enforce. So how do we help them? Is what I'm looking at.
Commissioner Hamilton.

COMMISSIONER HAMILTON: Thank you. A couple of things. I was going to question the numbers that Commissioner Hughes questioned because I want to make sure if we're talking about limits at all we're talking about limits on non-owner-occupied, I really think five percent is a good number, to pick a number that's – I understand Commissioner Hughes' logic but I think that intrinsically that's not a very high percentage and it allows some room for growth. I just think we need to be clear about non-owner-occupied.

And with respect to writing – to giving wording for HOAs, for covenants and what not, I don't think that's the County's purview at all. I feel fairly strongly that the County doesn't provide wording support for mutual domestics that are run by volunteer boards, or any kind of organization like that and given – if somebody wants to have an HOA they need to figure out in my mind what they want to regulate and what they don't. In all honesty, we don't regulate it. And then as soon as the County goes – there's limits, the wording issue puts in the limits, it's not the County's problem. You told us to do this. To me, I'd like to get – that's why we have a County Attorney. But I feel like it's a slippery slope.

CHAIR HANSEN: I get it. I get it. But at the same time, we have these HOAs that have been out there for 30, 40 years, that STRs did not exist.

COMMISSIONER HAMILTON: I understand that, but they can always look at our regs and anybody else's regulations if they need help. It's their purview to manage their HOA. It's not a County purview.

CHAIR HANSEN: We approve the bylaws of HOAs.

COMMISSIONER HAMILTON: Since when?

CHAIR HANSEN: Always. When developers come forward –

COMMISSIONER HAMILTON: I have never approved an HOA – I’ve been here seven years – covenants.

CHAIR HANSEN: Am I wrong? I’ll admit it if I’m wrong.

COMMISSIONER HAMILTON: I know. You’re good, but we look at developments and what they’re going to put in them.

COMMISSIONER GREENE: They state what they will but we don’t enforce whether they’ve adopted them, probably. We can ask them to put something on a plat.

COMMISSIONER HAMILTON: But that’s not a covenant.

COMMISSIONER GREENE: Or a deed restriction. But those are not HOA covenants.

COMMISSIONER HAMILTON: Yes. HOA covenant. Exactly. So I just don’t see the value of it.

CHAIR HANSEN: When I worked for Oshara I do believe we had to turn in our HOA covenants to the County.

MANAGER SHAFFER: Madam Chair, Commissioner, I believe that to be correct, and that’s handled at the administrative level if I’m not mistaken, but again, it’s not –

COMMISSIONER HAMILTON: There has to be a record for everybody’s availability or for our approval.

MANAGER SHAFFER: We’re not wordsmithing, in terms of you should restrict this, you should do that. That’s a level of review that does not currently exist. To be clear.

CHAIR HANSEN: But we do approve their HOA administratively.

MANAGER SHAFFER: I believe that to be the case and unfortunately, Ms. Ellis-Green couldn’t be here in person but she may be available remotely to answer that, but we’ll send out a lifeline to her but my understanding, again, is that that’s done at the administrative level.

COMMISSIONER HAMILTON: Okay. We learn something every day.

CHAIR HANSEN: So anyhow, I know this is not – I’m not interested in regulating their HOA but I do want to help these HOAs understand that if they don’t want short-term rentals they have to put it in their HOA rules. That’s the only way they can get around it as far as I know. And it’s still a civil issue, not a County issue.

COMMISSIONER HAMILTON: Question. Are you suggesting that wording to that effect be in the ordinance?

CHAIR HANSEN: No.

COMMISSIONER HAMILTON: Okay. Thank you.

MANAGER SHAFFER: So if I could I think I can clarify. We do review covenants proposed for a subdivision administratively but again, we’re looking to make sure there’s nothing in them that conflicts with actual approvals. We’re not looking at things like short-term rental type restrictions, what have you. So I just would add that from our Growth Management Director.

CHAIR HANSEN: I do agree with you on the five percent. I think that that’s plenty high.

COMMISSIONER BUSTAMANTE: Madam Chair and Commissioner Hamilton, I'm just trying to understand the logic of five percent and why five percent. What were the pros and the cons of why five percent?

COMMISSIONER HAMILTON: Madam Chair, any number is a little bit arbitrary. When we got down to talking about it during the study session, ten percent seemed like a good number until it became clear we were looking at total numbers. I feel that there are places – in this case what we're doing is talking about a countywide cap. I frankly feel like a countywide cap is not necessary because we were talking about putting some percentage caps on specific areas, which are all the higher density areas, and that's where the focus was.

If I'm not mistaken, are those percentages, Erle, actually in there? We went through a whole thing at the study session where the CDPs were – we could pick out ones – we could identify areas that truly need – would benefit from and wanted some sort of cap. And then you could discuss a cap and maybe it would be the same percentage. Maybe it would be higher or lower, in which case, like for a place like Eldorado, you could make it – it could be a percentage lower than five if that was really important.

So I personally don't really – once you do that you don't need a countywide cap. You have already picked out the areas that need – and if you're going to put a countywide cap, you're mostly going to be impacting the rural areas that don't have caps, that don't really need them. So if you have like five and ten percent or whatever, two percent, five percent in these areas, and they're the densest populated areas, and it rises to a countywide cap that's too low, the places that don't need regulation, they have no opportunities.

Now the other side is we're not talking about owner-occupied, and so it may not have that much impact. That was my logic for being higher than what Commissioner Hughes was suggesting.

CHAIR HANSEN: So Penny is online. She has her hand raised. I'm going to go to Penny for a moment. Thank you, Penny, for joining us. Please go ahead.

PENNY ELLIS-GREEN (Growth Management Director via Webex): Thank you, Madam Chair. I had just raised my hand to try to answer the covenant question, but I also emailed Greg and he verbalized what I had stated, so unless you have more questions regarding that.

CHAIR HANSEN: I think we're good. You said that Greg already told us, so we're good. But thank you very much for joining us.

COMMISSIONER HUGHES: Madam Chair, when you're ready for me.

COMMISSIONER GREENE: If I may just respond.

CHAIR HANSEN: I'm going to go to Commissioner Greene and then I will go to Commissioner Hughes.

COMMISSIONER GREENE: Just to respond and support what Commissioner Hamilton is saying. We're distributing the cap by neighborhoods, right? We're not putting an overall cap. And so rather than have a macro-cap we're having a granular cap, which I think is the way to distribute it in a fair and equal way as long as we can enforce it on a GIS level and micro-level. It seems to be a nice way to distribute that. Of course, there are going to be neighborhoods that are way below the cap right now and there's some that are going to be close to bumping up against it, but that's what the whole

idea of this is to distribute it and to say that Tesuque, one of my constituent neighborhoods is at 3.-something percent. So it has some room to grow but it certainly can't double if we go to a five percent cap.

But Eldorado, which is less than one percent certainly could grow significantly five times to get to the five percent, and there's a little risk in that situation. But I think that that's kind of a better way to look at the cap at a very granular level. So thank you.

CHAIR HANSEN: Okay. I'm going to go to Commissioner Hughes.

COMMISSIONER HUGHES: Yes, thank you. So I'm not sure that Commissioner Hamilton understood what I was suggesting because there was a suggestion of a ten percent cap and I thought that was too much for any area. I would be fine with the caps being five percent for those areas that had the higher cap and at two percent with areas with the lower cap. A two percent cap would allow more than doubling in Eldorado, and so I think it would not hurt anybody's prospects. The market would probably decide that there didn't need to be that many before they hit the cap, but just in case it did all of a sudden become popular we would have a cap that was reasonable.

And I would still suggest, since there's a lot – I mean the Community College District isn't covered as far as I can tell in here, and so if we had an overall cap of also five percent for the whole county, that would provide some limited protection to those areas we didn't call out specifically in the ordinance.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: So, okay. I don't understand. So Commissioner Hughes, if we do a granular cap, a cap by community, by CDP, for those areas a countywide cap become irrelevant. So if you say 2.5 percent, but you want a two percent cap in Eldorado. So you put a two percent cap in Eldorado. You put a five percent cap in Tesuque. We spent all this time picking and I think it is still on the table to define those percentages, community by community. I don't think you should put – it's too hard to enforce and figure out the implications of a countywide cap over all the areas where some have specific caps and it's going to sum up across – if you're concerned about communities that don't need regulation, just put a cap under – a generic cap for any area that's not otherwise called out, and then it should be higher, because we've said those are areas that don't really need the same level of regulation.

I don't even know if there ends up being an example but there've got to be areas that just – put ten or seven, or something a little higher, but don't make it countywide because you're sort of double regulating and it's just going to confuse everything. So pick Eldorado at whatever percentage seems fair for there. We have all these communities listed out. We were set to put the granular level caps on them, and if there's an area that doesn't need regulation let's put it over there but not countywide.

CHAIR HANSEN: So I do agree with Commissioner Hughes on the fact that there is no – Santa Fe Community College District does not have a CDP or whatever the number is, so how are we going to regulate that and set it?

MR. WRIGHT: So Madam Chair, Commissioner Hughes, I apologize for that but on the tables I handed out, that's on the last page. Commissioner Hughes, I'm not sure if you were emailed that today.

COMMISSIONER HUGHES: Okay, I see it now. Yes. So are we suggesting we can regulate the Community College District as one of our – like it was a census designated place?

MR. WRIGHT: Well, the problem is we have – the benefit of using the census designated place, Commissioner Hughes, Madam Chair, was that there will be data produced on those on a regular basis by an authoritative data source, which is the US Census Bureau. However, the ordinance that we're looking at and the language in there is to actually determine these housing counts by our 911 addressing data, by our structure point data, and actually do that on an annual basis. So in reality – the thing is we're trying not to complicate this, not only for staff but also for the public. We're trying to keep this ordinance simple if we can, and I think that's one of the push-backs that we've seen from the community is that it seems very complicated and burdensome.

So I would personally encourage the Commission to again try and keep this simple to where we're not nuancing each community different. We have extremely diverse communities countywide and that's one of the problems. One of the things in the analysis we haven't done yet but we'll certainly be ready for the public hearing is what is the underlying zoning for these? If we look at that it's really about overall permissible density in some of these areas that I think are the concern. And yes, for the Community College District, we've got a whopping five either registered – well, two STRs, two owner-occupied and three STRs, but even the total over time is only a .3 percent of active STRs and only two percent for the Community College. But I think there's also covenant restrictions out there if I'm not mistaken.

CHAIR HANSEN: So to make it simple would be five percent for each of these designated areas, across the board. That would be the simplest – that would be a simple, practical way to do this, right?

MR. WRIGHT: Yes, that's the recommendation. Certainly no more than two scales, and I think that's what we need to know at this point, is do we want the five and ten? Is it a different percentage? We make it lower? Just make it five percent across the board? That's key to get in an ordinance draft. Do we want to take some of those communities out, or do we just want to make it five percent across the board for any communities?

CHAIR HANSEN: I personally am for five percent across the board but I do want to bring up one other issue that we have not discussed, and that is Commissioner Greene brought up one owner could own five units. I would like those five units, the one to be included if they have an owner-occupied be included in the five, so that, let's say I live in a house and I have a casita, and then I bought my neighbor's house and then I bought another place. The house I live in with the casita and the place next door, and then three more places would be included in the five.

MR. WRIGHT: Well, Madam Chair, we do have that scenario right now. There is an owner-occupied that actually has five units on it. It was grandfathered in, it's pre-1980, but it's been approved and permitted with a single STR permit. But there are five units operating there. There's a handful of other properties that are operating more than two units on the property.

CHAIR HANSEN: How can they be one unit?

MR. WRIGHT: It's one license, or actually, in this case it's a registration.

CHAIR HANSEN: Right. So they're paying \$35 and they have five units?

MR. WRIGHT: Yes. And under the provisions of the ordinance, they qualify as an owner-occupied because they live there 365 days a year. But the casitas are grandfathered in pre-1980. That's the nature of our –

CHAIR HANSEN: The other point of having everyone pay the same amount for their license. Like everyone should pay the \$350 or whatever we have, non-owner and owner, if we have somebody who has – they live their 365 but they have four other buildings that they're renting out? That seems completely absurd to me. Sorry.

MR. WRIGHT: It's the diverse nature of our community, Madam Chair. Unfortunately.

CHAIR HANSEN: I agree.

COMMISSIONER GREENE: Madam Chair, if I may. If somebody has – to your point here, if somebody has six units on their property, I would say that we should have a license per dwelling unit. So if you have a home and a casita, right? Regardless. You have a home and a casita, great. If you have a home and 12 casitas? However many casitas you want a license for, they should be identifiable with a license number ties to the dwelling unit, not to the property, but however many units you have, not mix and match and fungible in that sense. So that would be supportive of what you're saying. Even if you're the owner-occupied and you live on the property, if you have 12 units on your property, 12 \$35 licenses would be tying an owner to an owner-occupied on your property sort of way to handle that. That's one thing.

CHAIR HANSEN: They'd make more than \$35 in one –

COMMISSIONER GREENE: Don't get me wrong. I know. So, yes. But the other concept that I want to bring up is in the case of Tesuque, it looks like 3.3 percent of the homes are currently non-owner-occupied homes there. And I don't know what the right magic number is, but also, if you – and that corresponds to 33 units. And then it also shows that 17 units are non-compliant right now, which gets us to the five percent right there. We would be full. If all of those 17 units came on board as non-owner-occupied, we might even have to have one unit that wouldn't get a license.

So the five percent may be, for some communities, too low.

CHAIR HANSEN: It might be perfect for the people in the community.

COMMISSIONER GREENE: Except for that one person, right?

CHAIR HANSEN: They might not want more than five percent of their community –

COMMISSIONER HAMILTON: But they might. Communities are different. That's the whole point, and each Commissioner probably has a feel or is best equipped to get a feel for what's right for the different communities and can certainly reach out about that. But I understand the simple principles that do it across the board. I understand that people are asking for clarity and simplicity, but simple doesn't – when it means one size fits all, how many times have we and everybody else gotten complaints – oh, you're trying to regulate everything the same. We've been talking about this for so long and I've been saying this is a time that knowledge and addressing specific areas have a real benefit. Like there are areas that are already really active, and people brought up Madrid as one of the examples, that they have been really clear that they have been replaced because of the nature of the place and the visibility and have had a lot of non-

owner-occupied activity for STRs and it's getting [inaudible] and they really want caps.

But what's right for them might not be right for Eldorado or Glorieta or Agua Fria. And so I don't think we need to get so granular that you need to go get a degree before you can understand the regulation, but we have these reporting units that offer us an opportunity to be a little more granular than countywide and I think that's more functional.

MR. WRIGHT: Madam Chair, just to clarify a couple things. One, in helping the Commission to understand this table, you gather 17 non-compliant ones there, but you can't ignore the seven that are to be determined. Those are active STRs that the vendor hasn't made a match on. I just want to clarify that for the record. Also –

COMMISSIONER HAMILTON: Could you explain that?

MR. WRIGHT: Well, the vendor that we're using, which by the way, actually they browse over 60 websites, crawl them, and they do this report basically weekly, that information is updated. So it's pretty aggressive data collection that they're doing. But these ones that are marked "to be determined" in each of these, the vendor again is very specific. They have very stringent third party matching rules to actually identify the property.

COMMISSIONER HAMILTON: Matching the property to the listing.

MR. WRIGHT: Yes.

COMMISSIONER HAMILTON: Okay. Got it.

MR. WRIGHT: They're actually crawling Instagram and other things to get a third party match to say, yes, this is definitely the property. Because again, if any of you have used any of these sites they give you a general neighborhood but they don't give you an address. And that's the thing. They go through a very rigorous process of third party matching, but these ones that are listed as to be determined, they haven't actually definitively matched to a property. We get a lat-long on them and are able to map them but these are active STRs in these areas that they haven't absolutely determined. That's why they are not listed as either compliant with registration or license issued, or they're active and being non-permitted. We're assuming they're non-permitted. There are a handful – again, we've got – I forget the hundred – basically, the vendor's showing us that there's about 240 permitted structures we know for a fact, and that's why this data is kind of complicated to present to you. We know we've issued over 350 registrations or licenses.

So we're using our data to validate the contractor's data. So just to be clear in that. And again, the fact that just because, as we talked about, they're no longer advertised, that doesn't necessarily mean they want out of business. That means they're not renting it during the winter, or weren't renting it during the summer. Potentially. How we quantify that – we don't have a crystal ball but that's what we're trying to get, sift through this information and get it to you so the Board has the opportunity to look at these and make the policies, the decisions that you need to.

COMMISSIONER HAMILTON: So can we get another clarifying comment for input from you on – you'll try and we appreciate that. So I'm advocating for some of the more specific limits that we discussed in the study session. We're discussing here whether to publish title and general summary. There are no limits in the ordinance as it is now, right?

MR. WRIGHT: No, in the draft you have now, there are.

COMMISSIONER HAMILTON: Are they by CDP?

MR. WRIGHT: They're broken out into a five percent cap and a ten percent cap in different CDPs, and that's –

COMMISSIONER HAMILTON: Are they listed in this Exhibit D?

MR. WRIGHT: No. They are listed in the ordinance draft.

COMMISSIONER HUGHES: It's Exhibit A.

COMMISSIONER HAMILTON: I apologize.

MR. WRIGHT: So that's Exhibit A in your packet. But for instance, I'll just read them off here. For the five percent, what's currently in the ordinance is Agua Fria, Arroyo Hondo, Cuyamungue, El Rancho, El Valle del Arroyo Seco, Eldorado/Santa Fe, Encantado, Glorieta, Jacona, Jaconita, La Cienega, La Cueva, Nambe, Pojoaque, Rio en Medio, San Ildefonso, Tres Arroyos and Valencia. These are all CDP-based geographies.

The ones that are limited to ten percent right now are Cañada de los Alamos, Cañoncito, Chimayo, Chupadero, Conejo, Galisteo, Hyde Park, La Tierra, Lamy, Las Campanas, Los Cerrillos, Madrid, Santa Fe Foothills, Seton Village, and Sunlit Hills, Tano Road and Tesuque CDPs. Right now as drafted in the ordinance, those are ten percent. So that's kind of the direction we need is, is ten percent too high? Do we need a lower number? Do we need it across the board? And do you want to move? If you want to keep two categories, do you want to move communities between these? Or drop them altogether, like they don't need to be regulated this way.

COMMISSIONER HAMILTON: Madam Chair, so what I just asked and then you walked is was the way that they're listed, the limits per CDP are now in the ordinance. And so my question is, for example, Cañada de los Alamos, that's pretty close to the city. You have it listed under ten percent, and I presume it's because – so why did you pick that as ten percent? Because it's 7.5 percent already over the last two years in the data? Because my question is, is that 7.5 percent, to Commissioner Hughes' point, is that 7.5 percent all STRs non-owner-occupied? Because I can't really tell. It's in my district, whether I think – I mean ten percent for Cañada de los Alamos may be fine. But I guess it depends on what the current data say. You see where I'm looking at the 7.5 percent?

MR. WRIGHT: Yes, absolutely. That's the percentage of total STR listings over the past two years. And those are different properties. That's not: I came in and off. I relisted. That's per property. So again, with the time-share issue it's per structure is what we're looking at. Per unit, if you will.

COMMISSIONER HAMILTON: So 7.5 percent is – it's 7.5 percent of total housing is used as STRs, but that includes owner-occupied.

MR. WRIGHT: Absolutely. So the break-out up above – and as you'll see in Cañada, of the folks that have gotten permitted, seven out of eight are owner-occupied in that community.

COMMISSIONER HAMILTON: So based on that, the current non-owner-occupied is not 7.5 percent; it's closer to 1.5 to two percent.

MR. WRIGHT: Well, based on the one that's there it's .03 percent of the housing stock. That's the first line on table.

COMMISSIONER HAMILTON: But .03 and two doesn't add up to 7.5. So I'm trying to proportion up.

MR. WRIGHT: And again, that's what I tried to explain about this table. This is complex because I'm presenting apples and oranges to you.

COMMISSIONER HAMILTON: I'm trying to figure out between.

CHAIR HANSEN: You have to figure out which is the apple and which is the orange.

MR. WRIGHT: I could quarter them but one's still an apple, one's still an orange. And I think – but that's also, I think, to the point and part of the conundrum here is what is the density? The underlying zoning I think is critical if the Commission is going to consider caps and we just –

COMMISSIONER HAMILTON: Why?

MR. WRIGHT: Well, for instance we have areas of the county that's 160-acre minimum. Or 40 acres.

COMMISSIONER HAMILTON: So we put higher caps on those, because it doesn't disturb the neighbors and who cares?

MR. WRIGHT: Exactly.

COMMISSIONER HAMILTON: Okay, well, that's what I was driving at.

MR. WRIGHT: So our traditional communities that allow down the three-quarter or quarter acre zoning with community water and sewer, that's where density becomes a problem, in our traditional communities that are allowed that kind of density because it has been there historically. And they take care of their water and groundwater resources.

CHAIR HANSEN: And those are the communities that don't want STRs every other house.

COMMISSIONER HAMILTON: Right. And so what I would strongly recommend is what the Board, I think, needs to focus on is looking at these communities and are they distributed well, under five ten percent? Not to mention are there any that really shouldn't even be one of those two numbers. But if we just go from here, that's what I suggest we need to do because, like, Cañada de los Alamos is a little bit more spread out, by Lamy isn't. Lamy is a little town.

MR. WRIGHT: Right, but again, you look at the percentages and that's one of the things, too. These communities with not that much housing, they get five STRs and all of a sudden they're up to 20 percent. Seaton Village, for example. They had five STRs in Seaton Village, they're over 30, 40 percent of the housing stock that's there.

COMMISSIONER HAMILTON: But those are – aren't those almost all owner-occupied? We're not regulating owner-occupied. It's really hard – these numbers would be easy to do, community by community the way you have it with adjustments, if we do what the numbers now for non-owner-occupied and what the percentage of housing that was.

MR. WRIGHT: Actually, for Seaton Village, the two permits that we've issued are not owner-occupied. The two that we've issued there's been no owner-occupied permits there. And again, I think it's critical for the Commission to realize, 40 percent of the active STRs out there are not permitted. They don't care that they're being regulated. They haven't come in for a permit.

CHAIR HANSEN: And part of the reason is we kind of gave them a break by creating a moratorium and once the moratorium goes away, we hope that enforcement is going to take place, because that's something we are really going to need to do is enforcement on this. But at the same time, I feel very – Las Campanas has outlawed STRs, so why would we give them ten percent? Their HOA says no STRs. They have that in their covenants. They're one of the few HOAs – the master HOA has told me directly at a meeting they do not allow STRs. They have STRs. They don't know that. So why would we allow them ten percent if their covenants say no STRs?

MR. WRIGHT: That's tricky. We're talking about the subdivision and the homeowners association which may not necessarily correspond to the CDP, the census designated place. So there's – but again, just looking at Las Campanas, there's been one registration issued and one license. And overall, there's been 45 listings in the past two years in that CDP. Again, the map is there. Most of them are not in Las Campanas proper. They're closer. They're more in –

CHAIR HANSEN: La Tierra Nueva and La Tierra.

MR. WRIGHT: Exactly. Thank you, Madam Chair.

CHAIR HANSEN: As Commissioner Hamilton pointed out we all do know our districts pretty well and know which communities are interested in being compliant or paying attention to this issue.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: I mean this may be too simplistic, but parsing all those communities it seems like we don't really have good enough data and I'm sure we're going to upset people and I know this won't be a popular suggestion but why don't we not just do an overall five percent for the whole county. And then everybody's protected the same way. It would be very loose. It would allow for double the number of non-owner-occupied we have now. So I might even suggest a thousand instead of five percent, which is 1,500. But I'm just wondering if it's too much trouble to – I don't mind doing community by community but I am a little concerned that the Community College District is not a census designated place and we're going to all the trouble. We're going to hear a development later on today, we're approving all sorts of new housing in that area and I'm sure we don't have in mind that that's going to go even five percent of that to investors who are going to rent out short-term rentals. So I don't know. That's just my thought that maybe the easiest thing to do is just a five percent overall.

CHAIR HANSEN: Five percent overall limit on non-owner-occupied.

COMMISSIONER HUGHES: Correct. Five percent on non-owner-occupied, which according to their chart I think would be a limit right now of 1,500, but it would go up as the population of the county increases.

CHAIR HANSEN: I have no problem with that. I think that would cover most everybody, because in general, a half of percent for half of the people who have these STRs are owner-occupied.

MR. WRIGHT: That's correct, Madam Chair. What we're seeing now is, yes, as of November 22nd it was 171 owner-occupied registrations and 183 non-owner-occupied licenses. But again, the moratorium's in place. That certainly has some sort of

effect.

CHAIR HANSEN: That is true.

MR. WRIGHT: In the draft ordinance, that's another component of the ordinance is limiting the number of STRs a single owner can have to five. That's in the current draft of the ordinance. So that also acts essentially as a cap for purely speculative – buy all the vacant houses and rent them all out as STRs.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I like the principle but I can't really support doing an overall countywide cap. I feel like we could very simply get the estimate by CDP, what the current, not total STRs – non-owner-occupieds are by units so that we can go through these two sections. So we could go through and put specific ones with the data. Everybody's going to have to live with this for a long time and just say, look, is this getting – it's kind of like the zombie ordinance. Even when we shoot the brain out the brain doesn't die. You have to stab the brain separately.

CHAIR HANSEN: I'm just going to see. Commissioner Hughes agrees with five percent overall. Commissioner Hughes, yes or no, five percent overall?

COMMISSIONER HUGHES: Yes. That was my suggestion is just to keep it simple at five percent for the whole county.

CHAIR HANSEN: I got that. Commissioner Greene.

COMMISSIONER GREENE: I think at this point I would love to hear more information about it but I'd be happy to start there and look at – I like the granularity, but we can choose either direction or the other direction, but not both necessarily.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, I really hear the logic of being able – we're just moving forward to publish title and summary, and I do believe – it's a question. Do we have, between now and title and summary to get the specific data that would allow to not just have a general five percent, which is understood to be relatively arbitrary. Any number would be arbitrary. But if we actually had that data, and we're in the process of –

CHAIR HANSEN: I think the data that we have is about the best data we're going to get.

COMMISSIONER HAMILTON: It could be split out by owner-occupied.

COMMISSIONER BUSTAMANTE: That's the difference.

MANAGER SHAFFER: Madam Chair and Commissioners and Erle, correct me if I'm wrong. We won't be able to give you data on those properties that have been historically listed or are currently listed as non-compliant. We don't have that information and we're not going to be able to obtain it. The only hard data we have owner-occupied versus non-owner-occupied, are those property owners that are in compliance with the ordinance. And so for that unknown number, the historic figure but also those that are listed on the chart as being non-compliant, we don't have a mechanism to get that data. Erle, did I get that wrong? We can make estimates, but I just want you to – but to say that it's certainty, that we can't do.

COMMISSIONER HAMILTON: Even the hard data you have isn't

certain. And as a result, the numbers we're talking about, I don't think it matters that much. The trouble is the way it's listed here is hugely informative for the detailed discussions we did at the study session. But I feel like even if it's down to we have a default percentage we could go to. It's not exactly 50 percent but it's close. Countywide. So we could look, take the numbers from each CDP and say we have some information that suggests that out of the ten total STRs that are there, three of them are non-owner-occupied. And in areas where we have no data, we can say it's 50 percent. We can put that in and convert it to the percentage based on the housing, which we have good numbers on, and just make a little table. It doesn't replace this. It doesn't need all this data. It's just a little table we could work from.

No. This is supplementary. I'm not supplanting it. I'm serious. I just feel like it's not that hard to do and we'd acknowledge that it was just an estimate. That's just my thought.

MR. WRIGHT: The one thing I caution, and that's why I had – thank you, Lisaida, for handing these out. This was an exhibit at your study session. But I think it's imperative for the Commission to understand that these STRs are clustering next to the city. In a five percent cap countywide, and especially with new development coming in and the speculative market, all five percent might be within five miles of the city.

COMMISSIONER HAMILTON: I made that point earlier.

MR. WRIGHT: And there won't be any licenses available for the more rural parts of the county, for the Santa Cruz Valley, for the Pojoaque Valley, for the Estancia Basin, for Glorieta and the mesa.

CHAIR HANSEN: So what I was suggesting was not exactly five percent for all the county, but five percent for all of these –

MR. WRIGHT: Oh, within each of these areas?

CHAIR HANSEN: Yes.

MR. WRIGHT: And again, the Commission also hasn't limited the CDPs. You asked to see San Marcos and the Community College District. We brought those in, because those are community planning areas. We do have the ability – the advantage of the CDPs is they are census designated places that certainly every decennial census, you're going to get an absolute, hard population, housing and population count, and vacancy numbers. That's the one thing that staff would struggle with. We can give you all the housing counts in the world but we can't give you these vacancy rates that's basically determined by statistical models, even in the Census Bureau's American Community Survey. That's the trick.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you. So one of the questions I have is like, we have this big macro subject of STRs that we're going through right now, and then the next two items in our agenda are overlay districts, right? And we get granular with these overlay districts. Whether it's going to be the traditional village of Agua Fria or it's going to be Tesuque or San Marcos or the Community College District. We can get granular if we want to, better than we are right now. And we could open this up to overlay districts to start to get the input of each of these communities so that they can say, well, five percent is way too low or five percent's way too high.

And you also have the issue when you're dealing with folks that everybody's

going to say I want none of them in my neighborhood, because guess what. It's owned by people who don't live here. So you're sort of – it's the folks that don't live here that you're dealing with here. So I think that we sort of need to sort of push this over the finish line and re-address it more granularly and give an option, potentially, for each overlay district to look at these things so that each census designated area can have a mechanism to – we've done this twice or three or four times already. This is the fourth ordinance that we're doing for STR to get us to a first good draft. Why don't we plan on doing this again a year from now and get more granular?

Well, we could do it a year and two months from now and it will be a new Commission.

COMMISSIONER HAMILTON: But that wasn't what I was saying. Can I make an alternative suggestion?

COMMISSIONER GREENE: Please.

COMMISSIONER HAMILTON: Which is everybody is going to also say, if we could have one more session to literally talk about – go through these areas. Because some of them, you're saying –

CHAIR HANSEN: We're coming against crunch time constraints.

COMMISSIONER HAMILTON: That can be handled. I mean honestly – do I see this table pulling out the swords to run me through here? What I'm suggesting is that to say, well, let's just do it overall and then fix it later bothers me. It rubs me the wrong way when we could take one more months and go through –

CHAIR HANSEN: How about one more week or ten days or something like that?

COMMISSIONER HAMILTON: Well, no. It's the holidays. We need to get a meeting to go through these. Maybe it could come up at January 9th instead of the – that isn't one more month. It's the next meeting.

CHAIR HANSEN: I'm going to go to Manager Shaffer.

MANAGER SHAFFER: Thank you. If you're working backwards and we don't want to extend the moratorium, the date you're looking for final passage of the ordinance I believe is January 26th. So you have to publish title and general summary two weeks before that, so if you're thinking about doing an additional session, I think Jeff and I looked at it earlier, it's do-able but you would have to have two special meetings. One to decide what you're going to publish title and general summary of, and then another special meeting in order to have the public hearing on the ordinance, again, in order to wrap things up by January 26th.

On this timeframe, just to get it done in accordance with our regular meeting schedule, that's the Board's discretion, but I would just put that timing out is that it would have to be done by special meetings.

COMMISSIONER HAMILTON: Well, then my alternate suggestion is that we publish title and general summary of the ordinance the way it is, these two sets of CDPs with different caps, and then fix it from there in whatever timeframe.

COMMISSIONER BUSTAMANTE: Madam Chair, Commissioner Hamilton, that's exactly where I was hoping – that's the question I was trying to pose, that if we could do that to consider that avenue. So we're publishing title and summary. We put in these two considerations. We define it at that time so we don't have to extend

anything, but we have the additional information to make a sounder call.

CHAIR HANSEN: Make a motion.

COMMISSIONER HAMILTON: I move to publish title and general summary for the ordinance the way it's written with these sections and no addition of a countywide cap.

MR. YOUNG: And Madam Chair, can I interject something here as well on the motion, that we didn't add the time-share piece of that, so to add the additional regulation of time-shares rented out as STRs, rented as STRs. That that be added to the title and the general summary would be regulation of time-shares.

COMMISSIONER HAMILTON: Yes. We can add that to my motion.

CHAIR HANSEN: Do I have a second?

COMMISSIONER BUSTAMANTE: Second.

CHAIR HANSEN: Under discussion.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: yes.

COMMISSIONER HUGHES: I agree with us moving this forward. I just want to suggest that I still think that the percentages, particularly the ten percent, is too high, given that it was based on the total number of STRs and not just the non-owner-occupied, but if we want to just go ahead and kick this down the road for the public hearing that's fine with me.

CHAIR HANSEN: Commissioner, yes, I agree with you.

The motion passed by unanimous [5-0] voice vote.

6. **F. Request Authorization to Publish Title and General Summary of Ordinance No. 2023-___, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-9, as Amended, to Amend Section 9.14 (San Marcos Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; to Remove Certain Sustainable Design Standards; to Add a New Sustainable Design Standard to Prohibit Swimming Pools; to Amend Dimensional Standards for Base Zoning Districts; To Revise Architectural Design Standards in the Commercial Neighborhood Zoning District; to Revise the Home Occupations Table; to Add a New Section to Amend Commercial Cannabis Use Regulations; and to Add and Amend Certain Use Regulations in the Use Table and Base Zoning Districts**

CHAIR HANSEN: Welcome, Nate.

NATE CRAIL (Planner): Good evening, Madam Chair and Commissioners. I'm here to request to publish title and general summary to amend Section 9.14, the San Marcos Community District Overlay, and so this is the outcome of the community planning process and it's a primary way to implement the 2019 San Marcos Community Plan. And so this year alone we've had seven different planning committee meetings as well as two community meetings in the context of having 31

meetings stretching back to I believe late 2018.

The community overlay implements the 2019 plan but the one caveat is that commercial cannabis regulations were not considered under the 2019 plan. So staff worked with a consultant to survey all property owners in the San Marcos Community District about the commercial cannabis regulations, and based on that survey, staff and the planning committee developed the appropriate regulations for commercial cannabis. Additionally, we had two community meetings to inform the wider San Marcos community and garner additional public input.

So there's nine aspects of the amendment to Section 9.14 and so that involves revisions to the purpose sections, minor technical and grammatical revisions, removal of certain sustainable design standards including NM 14 setbacks, the addition of the sustainable design standard to prohibit swimming pools. Next, to amend dimensional standards for the three residential zoning districts including removal of lot coverage standards and reverting property line setbacks to the countywide setbacks.

Additionally, the revisions of the architectural design standards in the commercial neighborhood zoning district. Next, revisions to the home occupations table. Next, addition of a new section to amend the commercial cannabis use regulations including the prohibition of cannabis grows indoors and outdoors in the rural residential zoning district.

And then the final one is add and amend select use regulations in the use table in base zoning districts including four new uses to the use table, amending use regulations for a water treatment and purification facility in all base zoning districts; adding use regulations for five different uses listed in the memo as well as adding new use regulations for movie ranch and rural fringe zoning districts, and amending the use table zoning classification for 31 different uses. And you can see all that in the exhibits, both the clean copy as well as I've included the 2019 plan and the 2023 commercial cannabis survey.

I will stand for specific questions about anything.

CHAIR HANSEN: Yes, go ahead, Commissioner Hamilton.

COMMISSIONER HAMILTON: You said that the revision prohibits cannabis grows in the rural residential. Is that commercial growth?

MR. CRAIL: Yes, commercial grows. Anything-

COMMISSIONER HAMILTON: It doesn't prohibit for individuals where state law lets them.

MR. CRAIL: Yes, I believe it's up to 12 plants, something. So this is just commercial. For personal use, our regulations do not cover personal use.

COMMISSIONER HAMILTON: How many people supported – the consultant surveyed everybody.

CHAIR HANSEN: Twenty-six percent.

MR. CRAIL: It was approximately –

COMMISSIONER HAMILTON: What was the sample? How many were in favor of this and how many were against it?

MR. CRAIL: For commercial grows in a residential area it was approximately three-quarters against and then a quarter for cannabis grows.

CHAIR HANSEN: But it was only 26 percent of the population, right? Who responded to the survey?

COMMISSIONER HAMILTON: Was it a random selection? A sample of 26 percent. Was it a randomly selected 26 percent?

MR. CRAIL: We mailed all property owners in the community district and then got approximately 20-so percent responding from that.

COMMISSIONER HAMILTON: So you can't project to the whole population. I'm just wondering about when something's very restrictive, theoretically everybody gets together and they get what they want. It's kind of like homeowners – the original point of making it a conditional use, which means it would be decided on a case by case basis, and that would be my suggestion. Because it's highly prohibitive.

CHAIR HANSEN: It's already on the conditional use matrix.

COMMISSIONER HAMILTON: Is it?

CHAIR HANSEN: The growers of cannabis?

COMMISSIONER HAMILTON: Commercial in that area?

CHAIR HANSEN: Isn't it a conditional use throughout the county?

COMMISSIONER GREENE: Yes, we approved a conditional use today with the final report.

MR. CRAIL: Madam Chair, Commissioners, to answer that question, currently in the San Marcos Community District in the rural residential zoning use it's a conditional use permit for outdoor grows, and then indoor grows it's already prohibited.

COMMISSIONER HAMILTON: I just wanted mainly to know if it was personal use prohibition.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. One of the issues that came up was one, water use, right? So if you're hauling water, that doesn't seem like an appropriate place to be growing. Second, even if you have an outdoor grow facility, you're surrounding it with ten or fifteen or 18-foot fences around it, which essentially make it look from your neighbor like an indoor facility, even though it has an open roof and is using solar. So I think that there's a level of – if greenhouses are not allowed in this area then greenhouses are not allowed for cannabis. So in this area, my understanding is is greenhouses are not allowed, even if it's a conditional use permit. Is that correct?

MR. CRAIL: Madam Chair, Commissioner Greene, so commercial greenhouses, they're permitted in two of the districts. Our proposal is that they're permitted in two districts and conditional in two others. But currently they are prohibited in two districts. And to clarify, we do differentiate between commercial greenhouses and also crop production greenhouse, just different types of greenhouses that we have in our use table.

CHAIR HANSEN: How large is a rural residential area? Is that like ten acres or larger?

MR. CRAIL: I think it's about ten acres. But there's a lot of variability.

CHAIR HANSEN: Right. It can be 5 ½.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes, you're next. So movie ranches. They're outlawing all movie ranches. Is that correct? Unless it's – it has to be on 65 acres?

MR. CRAIL: Madam Chair, so to clarify that particular amendment, so currently in the rural residential zoning district we have those specific – 65 acres, they have to be accessed by a County or State road and there's one particular existing movie ranch in the rural residential zoning district where that's the case, so that's why it's been – there's that specific standard for movie ranches. But a plan committee member identified why are we prohibiting movie ranches in the least dense zoning districts of rural and rural fringe, which typically have much larger acreages than typically found in the rural residential zoning district. So by copying the same standard to those zoning districts the planning committee and staff felt that to be consistent between all the different types of zoning districts.

CHAIR HANSEN: So we already have one movie ranch. We have Eaves Movie Ranch. Is that included in this San Marcos?

MR. CRAIL: I believe so.

CHAIR HANSEN: Is that off a County road?

MR. CRAIL: Yes, I believe so.

CHAIR HANSEN: Okay. It's not going to – anything that already exists is not going to be removed. Is that correct?

MR. CRAIL: Yes.

CHAIR HANSEN: I kind of have a little bit of trouble with that. It's restrictive.

COMMISSIONER BUSTAMANTE: Madam Chair, I have a question.

CHAIR HANSEN: I have to go to Commissioner Hughes next.

COMMISSIONER BUSTAMANTE: I'm talking about process and again, we're looking at title and summary. We're not to discuss the details of – if that's in the – let me go to Commissioner Hughes, but I'm just not sure if we're voting to publish title and summary if that is something that would just keep us from doing so.

CHAIR HANSEN: Okay. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I was just going to add that I think one of the reasons and we discussed this before with the one cannabis farm but the roads in this area, at least the ones that are in my district are private roads that are poorly maintained. But also what's been happening there is like, yes, it may start out as a ten-acre lot, but then people subdivide and that's one reason the roads are getting all shot up is because they subdivide and so now instead of one house there's four on that ten-acre lot. And if that keeps happening there's more and more traffic. So there's a lot that probably needs to be done to protect this area, unless we're going to take over all the roads, which I've been told we're not going to, then I think it's perfectly reasonable to limit the use of the roads to residential uses, just because it's hard enough to keep them up as it is.

CHAIR HANSEN: Okay. Any more questions before we go on? Yes.

COMMISSIONER HAMILTON: I don't know. Something like a movie ranch. Basically residents have a certain scope of rights for trying to limit things that represent an unreasonable use of resources and that sort of thing. But San Marcos is pretty big area. The kind of thing that the County and the state are working really hard to attract that benefits their area but also the County, is something like that – are they allowed? Are things like that allowed in the more rural fringe at all?

MR. CRAIL: Commissioner Hamilton, currently in San Marcos, rural fringe and rural zoning districts, a movie ranch is not allowed in San Marcos compared to the county which typically it's a permitted use countywide. So currently, the San Marcos Community District is being more restrictive and through this we would be reducing the restrictions.

COMMISSIONER HAMILTON: Oh, okay. I just couldn't catch which way it was going from the previous. Thank you.

CHAIR HANSEN: Okay. Any more questions? What's the pleasure of the Board?

COMMISSIONER HUGHES: Madam Chair, I'll make a motion to publish title and general summary for the ordinance amending the Sustainable Land Development Code for the San Marcos Community.

COMMISSIONER GREENE: And I'll second.

CHAIR HANSEN: I have a motion from Commissioner Hughes, a second from Commissioner Greene.

The motion passed by unanimous [5-0] voice vote.

6. **G. Request Authorization to Publish Title and General Summary of Ordinance No. 2023-___, an Ordinance Amending the Sustainable Land Development Code, Ordinance No. 2016-5, as Amended, to Amend Section 9.5 (Tesuque Community District Overlay) to Revise Purpose Sections; to Make Minor Technical and Grammatical Changes; to Revise the Fences and Walls Standards; to Amend Dimensional Standards for Base Zoning Districts; to Add and Amend Certain Use Regulations in the Use Table and Base Zoning Districts**

CHAIR HANSEN: Thank you. Welcome Nate again.

MR. CRAIL: So this is the same type of item but for the Tesuque Community District Overlay. And so this overlay is to implement their 2022 Tesuque Community Plan. Throughout 2022/2023 we've been working on these amendments and we've been having instrumental work with the Tesuque Valley Community Association as well as the Tesuque Planning Committee. We've had two community meetings for the wider Tesuque community and garnered additional input. And so there's five aspects of the amendments to it.

There's provisions of a purpose section to clarify the 2022 plan language. There's minor technical and grammatical revisions. There's significant revisions to the fence and wall standards. Fourth, there's amending the dimensional standards of the base zoning districts to increase the maximum height to the County standard of 24 feet from the current 20 feet. And then to add and amend select use regulations in the use table in base zoning districts including addition of one new use, removal of use regulations for the two different types of uses, adding new use regulations for school or university, privately owned, and crop production in all base zoning districts.

And just a caveat, school or university privately owned currently in the use table, community district overlays cannot regulate K through 12 public or private schools but

they could regulate post-secondary institutions. Additionally, removal of use regulations for stable and other equine-related facilities in three different zoning districts as well as amending the use table for zoning classification for the following 16 uses that you can see in your memo.

As attachments I've included the clean and redline copies as well as the existing section as well as the 2022 Tesuque Community Plan.

CHAIR HANSEN: You're outlawing equine riding and horse –

MR. CRAIL: No, we're just removing that section so currently it's restricting that and by removing that it's less restrictive.

CHAIR HANSEN: Okay. Sounds good. Any other questions?
Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Nate, I really appreciate how the Tesuque community has adopted a wall and fence ordinance and view to protect the Bishop's Lodge corridor and the Tesuque Village Road corridor. I'm wondering if there was any look at trying to preserve the river corridor and to restrict fences and walls within, say, 25 feet of the bank, or 50 feet of the center line, or some way to sort of preserve that from having some of the fences that are starting to encroach upon the river banks.

MR. CRAIL: Madam Chair, Commissioner Greene, from my understanding, these regulations is just along the Bishop's Lodge Road and Tesuque Village Road corridors and they did not have specific regulations for riparian corridors.

COMMISSIONER GREENE: Okay. I know that that is a concern of mine, especially with some of the private property owners that have started to restrict the river rights-of-way, things like that, specifically in the Pecos. But there are other rivers that are important that have that same issue. And so when it comes time I'd like to make a motion that includes looking at protecting the river corridors that includes protecting, creating a setback for walls and fences along the river corridor.

CHAIR HANSEN: Isn't that already covered by the Supreme Court?

COMMISSIONER GREENE: I don't know if the Rio Tesuque is considered one of those rivers.

CHAIR HANSEN: It might not be. It might be considered ephemeral and not covered under the Clean Water Act.

COMMISSIONER GREENE: Say it once, say it twice, say it everywhere you can.

CHAIR HANSEN: Okay. Any other questions? You can make a motion.

COMMISSIONER GREENE: Thank you, Madam Chair. I will make a motion to request authorization of approval for authorization to publish title and general summary of an ordinance amending the Sustainable Land Use Code, Ordinance No. 2016-5, as amended, to amend Section 9.5, Tesuque Community District Overlay to revise purpose sections; to make minor technical and grammatical changes; to revise the fences and walls standards; to amend dimensional standards for base zoning districts; to add and amend certain use regulations in the use table and base zoning districts, and to include protection of the river rights-of-way to include limitations on fences and walls in those corridors.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: Okay, we have a motion and a second. Does the Tesuque Community Plan include Rancho Encantado?

COMMISSIONER GREENE: No.

CHAIR HANSEN: So it's just the main –

COMMISSIONER GREENE: It is the core – Bishop's Lodge and Tesuque Village Road. It does not go up 592.

CHAIR HANSEN: Okay. Thank you. That's all I have.

The motion passed by unanimous [5-0] voice vote.

CHAIR HANSEN: So it is now ready to be published. Thank you, Nate, for all your work on everything. We're really happy you're here at the County. Thank you.

MR. CRAIL: Thank you.

7. Presentations

A. ITEM WITHDRAWN

B. Presentation and Update from the Santa Fe County Water Policy Advisory Committee

CHAIR HANSEN: Welcome, Carl Dickens.

CARL DICKENS: Full disclosure. I need to kind of explain all the other water entities I'm involved with in addition to being vice chair of the Water Policy Advisory Committee. I am the co-chair of the Santa Fe River's Traditional Communities Collaborative. I am the spokesperson for the Pipeline Coalition. I've been that for a while. I'm also the chair of the La Cienega Valley Association Water Committee, and I currently work with the Santa Fe Public Utilities Department, which I'm finding very interesting.

As you see, we only have five members out of 12, and one of the issues that we have with the membership is how it's kind of delineated. We have a representative that's supposed to be coming from the Estancia area, and we actively tried to recruit someone from that area. They just aren't interested in being part of our committee. The other one is there is a member that's required from the BDD Board, which I think is interesting but probably not necessary. So I think one of the things we'd like to look at is our membership and how we can recruit additional members to the committee, and I think that's something we can actually do.

So these are the – these come from the resolution: make recommendations on water issues to the Board. I don't think we do enough of that. I think that's what Commissioner Bustamante has kind of talked about a little bit. We assist the County in addressing proposed aquifer storage and recharge activities and projects, maybe beyond the scope of what we're able to do. That's hydrological kind of processes. C, explore the concept of a inter-regional water authority. That's something I think we're very interested in doing. I'll talk about that a little bit later. Make recommendations on drought management. A couple of years ago we made a presentation to the Board about a drought plan that we'd come up with. I have no idea where that's gone and I sometimes wonder

why the City has one drought plan and we have another. And so that's one of those issues I think we need to discuss at length.

D, second D, and that's really how the resolution that reads, second D is pretty much related to A. And the last part, provide such assistance as directed by the Board. I think one of the observations I've had since I've been on the committee for two years now is the lack of organizational communication between the committee and the Board, and I think that needs to be addressed, something that could be helpful for us in terms of moving forward. I think one of our thoughts was it would be nice to have a Commissioner regularly attend our meetings to help kind of support what we're doing and be able to communicate that back to the Commission in general. So that's one of the things I think we'd like to have the Board consider.

Now, this is our 2023 work plan: Educational outreach, something that we're very interested in doing, and we started a process, one time, Emily Wolfe and I worked on a whole plan to do some educational outreach and we got to a point where we had no way to implement it. We didn't have staff. We didn't have money. We were trying to follow what the City had done, their conservation effort, and what they'd done with school kids throughout the city. Outside of the city there is no educational opportunity for kids to learn about water. We think that's a mistake and something that we would like to correct.

We get back to City-County partnership. We're completely supportive of this. The time has come for the City and County to work together on water issues and as I think we mentioned earlier, water doesn't stop at the City-County boundary, and issues need to be addressed by both entities. Floodplain management is a great example of that. In La Cienega we have been subject to some pretty devastating floods and that water all comes from the City. The two main – the Arroyo Hondo and the Santa Fe River are the two main sources of water that come out of the city. And so we need to address that. I have some ideas on how to do that, but it has to be a cooperative effort between the City and County.

Domestic wells is another very interesting topic. I'm not sure how many wells you think there are in Santa Fe County. There's 2,000 within the city limits and another 10,000 are outside of the city limits. And I'm not sure how many of those but a significant number of those have been drilled in the last 20, 30 years. And so that's been obviously an impact on the communities of La Cienega and La Cieneguilla because of the location of the aquifer when there are domestic wells going in it affects the level of our aquifer. We have the Acequia de la Cienega which now has seen about a 60 percent reduction in its water sources over the last 40 years and they are now dependent on a well to be able to provide water to the parciantes.

So these are things we're focusing on this year and Santa Fe 2100 is just something that has to be very – the County's got to be committed to that. We're talking about one water. And it's just that kind of planning is so essential to the future of our community, the future of Santa Fe County. Cañada de los Alamos was an interesting effort. We spent a lot of time reviewing their application to be connected to the County water system. There was some process issues. We were a little confused about what part we played, but we've actually got that worked out and that's been, I believe passed on to the County for their action, is my understanding.

Then we come back to the City-County partnership, educational outreach,

domestic wells and PFAS. So the County-City partnership, these are things that we're looking at going forward. We very much would like to have an outreach coordinator, something that would be assigned to the committee to be able to carry out some of the ideas and have some funding behind that so we could support that. We absolutely need a commitment from the County to participate actively in the Santa Fe 2100 planning, and we then we're getting into these partnerships.

I grew up in New Mexico, around Los Ranchos, right on the river. Literally lived on the river. And there just comes a time in a community where it's time to start talking about let's get this done. But we need to regionalize. The things that we're looking at right now is a joint agreement on a wastewater treatment plant – it's not really a reclamation plant. A treatment plant. As you all know, that system is failing. I can give you all the details why there's high *E. coli* levels in the river. That's because we have – someone described it as a Frankenstein treatment plant. It's been patched together. It's got some really new, neat new technology and then old things are just falling apart. The latest thing was their UV system, which I think one person it's one of the original UV systems that were put in. And it's broken. Can't get parts for it. Can't fix it. Replacing it will take two years and probably \$20 million, which is just crazy.

You start looking at that and you start looking at the other parts of this facility, it's really time for the County and the City to join hands and be able to deal with this wastewater issue. And certainly we're trying to encourage that as much as we can. The joint agreement on stormwater management – this is a big one for me because I live on a ranch. I rent from the Simons family. Five years ago – four or five years ago when we had the big flood, it took out a 60,000 pound concrete bridge on their property. And it's because all that water comes through from the city and has nothing to slow it down and ends up rushing through our community. It's done some really devastating impacts, and we still have remnants of that flood in the Arroyo Hondo, which is something that we would like to get addressed at some point.

And I had this crazy idea. As you come out of the Arroyo Chamiso and the Arroyo Hondo, both go through an area that's right across from La Cienega. It's across 599. It's a Peter Komis property, about 200 acres. And if you were to take that and somehow acquire that and turn it into some incredible park that would be able to slow down that flood water, spread it out and recharge the aquifer. It would improve the – it would absolutely stop to possibility of floods in our community. And so that's one of the things I think as a member of the Water Policy Advisory Committee I'm certainly going to support. Obviously Santa Fe 2100.

In talking to people at the City they know that the County has been involved but not as involved as they would like to see them. Obviously, we have to deal with climate change issues. And the thing about the PFAS, that's the latest kind of shocker for us is to have that in our wells and not really understanding what that means or how bad it is or how bad it could be. There's a lot of uncertainty. I have a young man who works with me. We work together a lot. He's helping me put up the [inaudible]. He lives in La Cieneguilla. He had no idea there were any PFAS in his well and I think that's a failure in terms of making sure people in that community understand what they're up against. And I know that there's going to be a concerted effort from the La Cienega Valley Association to really kind of push for more information, get wells tested as quickly as possible.

And that's one of the things we run into periodically is to get wells tested we have to go get a contractor. You have to go through the procurement process. And I'm hoping there is some sort of emergency procurement process that we could utilize to speed up the process rather than taking months or weeks or however long to be able to get our wells tested. And so with that I will stand for questions.

CHAIR HANSEN: Thank you, Carl, very much for your overview and your work plan. I think that without a doubt I think that the Commission agrees that we need to have partnerships with the City, especially on the wastewater plant. I want to correct your estimate. It's more like \$80 million at least to do a new wastewater plant.

COMMISSIONER HAMILTON: He was saying the UV system was \$20 million.

CHAIR HANSEN: Okay.

MR. DICKENS: I can speak to that. Actually John Dupuis did a presentation before the City Council two weeks ago and the estimate he's seen is \$320 million. And what kind of shocked him is not one of the Councilors questioned that. And one of the things that happened in that meeting, there were four Councilors asked about County-City cooperation, which I see as something of a breakthrough. I think the timing was right. I think we had the right people in the right places that we can really make this happen, and I certainly think we have an obligation to do that. So that again, that's something that our committee will support, push as much as we can, but we obviously have to have the politicians involved, and want your support and encouragement and involvement to make this happen.

CHAIR HANSEN: I think this Board does agree that we need to have a joint agreement. I have personally been told the word "regional" is not popular. So maybe it's a partnership. Maybe it's another term we can come up with. We need a new wastewater plant for sure and it would be great if John Dupuis could come and give a presentation to the County Commission. I think that would be incredibly helpful. I don't know if that's possible.

MR. DICKENS: I was thinking back to Commissioner Hamilton and Councilor Carole Romero Wirth, when you were working on water stuff. It seemed like that was a breakthrough. It seemed like that was really productive in terms of moving forward. And those are the kinds of things we just need to see more of. It's time.

CHAIR HANSEN: I think we all agree. So I'm going to go to the other Commissioners. I'll go to Commissioner Hamilton.

COMMISSIONER HAMILTON: I just have a very quick comment. Yes. Councilor Romero-Wirth and I have talked about re-upping that process and partly because there are some specific topics that you guys have brought up and talked between the City and the County and it's gaining some traction. And we should talk more about it and it's a good opportunity.

MR. DICKENS: Thank you.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you for the presentation and the work you're doing. I look forward to more advice. I'm not a water expert. I just play one up here and that's dangerous. And I don't even try to play one. I defer to the experts. But in terms of this partnership, all of us up here need to sort of reach out and sort of adopt a

Councilor. If each of us had one Councilor, we would have a majority and we could probably – they can adopt one of us too. But more specifically, our needs and what we can bring as resources and needs to this plan. In the very abstract it sounds great if we could do this. Once upon a time when we were doing BDD, we were saying, well, we need this much water and we can contribute this much money. And this is a model for this.

So if we start to put proposals together and do the homework ourselves, at least in terms of our needs and what we can bring. Can we bring \$100 million to a \$300 million plant? Let's go find out. Can we bring \$50 million or \$200 million, and so on. So this is part of our little internal homework. Do we have – what is our need? How many homes would we want to be tying into this system? So we say, you know what, you guys have 30,000 homes in the city and we have 30,000 homes in the county. That looks like a 50-50 split. Let's figure it out that way.

And so once we start – it's a big number and it's a big problem, but as I've sort of discovered in my first year of sitting on this Commission, it's like when these things are too big, they're scary. But when you break them into these constituent parts and say, money – how do we do this? To funding pots, here and this. We can figure that out. And then we say, need, demand, reuse. All of these benefits uses management. You cut it into these constituent parts and we start to put the proposal together, and then we can go to our individual Councilors and say, I think we've got a solution here.

There's also two or three new Councilors coming on in the next few – two in the next few weeks, so we have an opportunity to work one on one. We only have five; they have eight, but all we need is five to have a majority there, if we are cohesive on our side.

CHAIR HANSEN: Thank you, Commissioner Greene. I agree with you that if we are a joint policy board we can agree on moving forward on a wastewater plant jointly. There is a tremendous amount of federal money available, and federal money is what is needed to build a wastewater plant. And we are not going to be able to do that without federal money and there is federal money available. So we need to be aware. We need to be looking for that and that needs to be part of the premise on which we do that.

COMMISSIONER GREENE: Madam Chair, if I just may. When we were at NACo, the head of our region's CPA said, please, please, please, we would love to do this project. But I think they were looking at it as a regional collaboration between the City and the County. So great opportunity.

MR. DICKENS: One comment real quickly. One advantage the County has that there's more money available through the Biden infrastructure plan for counties and rural communities. And so there is money out there.

COMMISSIONER BUSTAMANTE: I believe that's what the Commissioner was referring to.

CHAIR HANSEN: Yes, federal money. So I'm going to go to Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Yes. So thank you. Thank you very, very much.

MR. DICKENS: It seems a little funny because we've already known each other for 30 years. But anyway.

COMMISSIONER BUSTAMANTE: Maybe a little longer than that,

actually. But I'm grateful for your presentation and the conversations that we've had. I see the role of this committee as really critical and important and as much as I appreciate the request to have a Commissioner at the meetings it's not really what I would see at this time. Others may disagree with me as an appropriate role, yet given that there is staff that needs to work closely with the committee to pull together the details on how we would get this work done. I think, as I read the advisory resolution, it was written in 2019 and there are a few things that you're working on and other opportunities that need to be addressed.

I appreciated the letter that we received about getting – hiring new people and those are all ambitious and quite likely to be necessary. We clearly need someone in the role that Ms. Hunter was working in, but at this time what I would really like to see happen is that we very much need to look at this in this much more comprehensive manner. And that this group – I couldn't agree with Brian Snyder more in how and what we need to do to recruit more people from the area to make sure that your committee is working strongly. We have the Galisteo Basin. We have the Estancia.

We need to be very comprehensive and that demands a lot of attention. Because we do have the climate change question. And it doesn't just affect the City of Santa Fe. It affects Edgewood. It affects the Village of Galisteo. We have a big picture that needs to be addressed. In other words, looking at how we're going to get – I hate to use military terms, but all boots on the ground. Right? All troops in the field. How do we comprehensively do this work together in a manner that allows you, as much as I appreciate, well, we need a person to do this; we need a person to do that. I have to challenge you a little further. We need some real specific smart goals. When I talk about smart goals I'm not saying those are dumb goals. That's not the point. Smart actually stands for something very specific, measurable, achievable, relevant, and time-bound, that we now, all right, to be able to have this conversation with the City of Santa Fe – because we can sit here and ruminate on how to get someone involved and tap someone on the shoulder. I can't tell you how many times I've had the taps on the shoulder as I know other Commissioners have with regard to this, with Councilors who said, well, we do work together. We're already working together.

The good news is minutes don't reflect tone. But I'm kind of bored with it. I'm seriously [inaudible] that I've been nodded at by City Councilors who have acknowledged that this could possibly be important. I'm glad that there was a little more movement at a recent City Council meeting, but when we get into setting some smart goals, some real objectives, and you're in a really powerful position, having a foot in both areas. That it's – all right – what do we need to actually have done to have this happen?

I think that there is opportunity for a more gentler and collaborative way, because even what I said a minute ago, it doesn't sound all that collaborative. I sound like an individual who's angsty. But that's not the point. What we're doing is trying to solve a problem that both the City and the County have together. So personalities aside, what's the step that needs to be taken? And how can this policy committee looking at, again, we need to look comprehensively at potable and wastewater in ways that address both, and those are steps. So how is it going to be a very specific guide that we can say measurable? What's the next step that's measurable? At that point we will potentially have this much more agreement between the City and the County to get to the next step

that would be relevant. Because this is achievable; we're able to do it.

It's a very prescriptive work that gets us to addressing some of these details in a way that when that policy recommendation comes forward – and I'm going to be very honest, no disrespect to anyone who told me this; I mean it sincerely. It's like, well, yes. They have a work plan and then they tell you how they did it. I'm like, okay. I've read the legislation. I read the resolution that established this committee and I don't necessarily want to hear how it went in a work plan unless it's something that's called specifically water advisory that very specifically is advisory and policy, then it's, all right. We've got it. We're working with staff. Staff is putting this in front of us and they're saying, are you all going to pass what we all came up with?

Now we have something that is advisory policy and we vote. And we say, boy, oh boy. That made some serious sense there. I vote in favor. Amen. Or, well, let's consider. But let's get to some measurable, identifiable, actionable items, and there's a lot to do.

MR. DICKENS: I agree.

COMMISSIONER BUSTAMANTE: So I asked for the first meeting with you all back in August. And I understood that there's a lot of work going on. I get it. I get it. But nothing that's advisory or policy reflecting for this committee. And there's a lot more work that can be done. And I will look to the Commissioner who actually sat on the Water Policy Advisory and looked at what maybe, maybe not, needs to be revised to incorporate some of these and update that resolution for something that would make it very actionable, that staff is very much on top of, and that is very much a feeling of collaborative between all of those entities knowing, and I say all of those entities – not just City and County – tribal, towns, etc., etc. for us to work pro-actively together to address these issues in the interests of seven generations before us. That's what my hope is. I mean that sincerely with everything I have.

So I'm grateful. I realize that I've talked, but not more than I've listened. And I mean that with my whole heart. I know that you work these water issues like no one I've ever met, and I am so grateful. I mean that with all my heart.

MR. DICKENS: Thank you.

COMMISSIONER BUSTAMANTE: So to that end, and I'm saying most of this because I think Public Works is behind you as well, because that is really an opportunity that we have before us. If we can really leverage the water expertise in this neighborhood, and I mean that in the biggest scope of the County rock star policy group, let's get it going. Because it's not going to be the personalities sitting on this dais or on a dais at the City, it's going to be the people in the communities who are going to start seeing that difference. And that's my –

MR. DICKENS: Well spoken. And one of the things I want to say, one of the thoughts is – and this came up last night at a small group of folks that we get together periodically to talk about water issues. William Mee, Darrin Muenzberg, Mori Hensley, Bobbe Besold and Andy Otto. We're kind of a clique. About water. And one of our thoughts is to recruit new members. We're going to use the collaborative and the pipeline coalition membership and see if we can't get people interested in doing this. We're going to actively do that.

The other thing you brought up is something I've been thinking about a lot. Conservation. That's one of the things that the City does very well. They are recognized

nationally I believe for conservation efforts. Once you go outside the city limits it's not happening. As I said, there's 10,000 wells outside of the city limits and we have lots of them in La Cienega, and those people have no idea about conservation. They don't understand what water is going on. There's an educational issue absolutely with them and it's got to be bilingual.

The other thing is we have 183 water systems and mutual domestics, and those are the people too that need to be informed and engaged and involved with what we're doing.

And I want to finish up with the Pipeline Coalition, because one of the things that we talked about last time is we had as a result of the agreement between the City and County, we have a stakeholder-involved process that has started. We have a facilitator. Her name is Deborah Anyaibe, and we're not real excited about the direction she's taking. And now that there's some limits in terms of staffing from the County to support what she's doing, one of the ideas was to have the WPAC maybe take that over. Not the WPAC itself but for the WPAC to create a subcommittee to be able to draw in people, not just from our committee but from other entities to be able to help guide her and support her efforts in creating a plan for the lower Santa Fe River.

COMMISSIONER BUSTAMANTE: So, Madam Chair, Carl, please make sure to look at the resolution that established it. You have very specific guidelines on how new members are identified, where they need to come from.

MR. DICKENS: Right.

COMMISSIONER BUSTAMANTE: And it gives the names, central planning area, northern planning area, Buckman. So when you do that and that comes through the staff. So those recommendations would go to staff and then they're brought in.

MR. DICKENS: Absolutely. What I identified in our recruitment effort.

COMMISSIONER BUSTAMANTE: Okay. And to understand that that is something that is done with and through staff.

MR. DICKENS: Right.

COMMISSIONER BUSTAMANTE: Okay. So thank you.

CHAIR HANSEN: So I think that we are in agreement with many of the things that you said. Many of us are friendly with different Councilors and work with them quite closely and others are not as friendly. And we're doing the best that we can but we need to make a difference. And regarding the PFAS issue, this is a serious issue that is happening throughout the country. We are not alone in facing this issue and it is something that the National Association of Counties, NACo, constantly brings up and constantly has seminars on. And so I agree that well testing is really important for the community and how we are going to work on how that issue and I support that. But I agree with Commissioner Bustamante. You need new members but please look at the resolution and the county is just not the southern part of the county. There is a northern part of the county. There is a middle part of the county. They all need to be consulted and worked with. Okay, so thank you very much, Carl.

MR. DICKENS: Thank you very much.

COMMISSIONER BUSTAMANTE: Thank you, Carl.

8. Matters of Public Concern

CHAIR HANSEN: Daniel, do we have anybody who wishes to make comments?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, we did have one person pre-register on our online form. However, I do not see them on Webex.

CHAIR HANSEN: Okay. So we have nobody there. Is there anybody in the audience who wishes to make comments under Matters of Public Concern? Okay.

9. Matters from the County Manager

A. Miscellaneous Updates

MANAGER SHAFFER: No updates, Madam Chair and Commissioners, other than to wish you and all of County staff happy holidays.

CHAIR HANSEN: Okay. Thank you very much.

10. Matters from County Commissioners and Other Elected Officials

A. Commissioner Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HANSEN: I'm going to go to Commissioner Hughes first.

COMMISSIONER HUGHES: The Manager stole my thunder. I was going to say I don't have anything to report except that everybody have happy holidays.

CHAIR HANSEN: Okay. Commissioner Hamilton.

COMMISSIONER HAMILTON: I don't have anything to report other than to wish everybody, all my colleagues and constituents and staff happy holidays.

CHAIR HANSEN: Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Likewise. Nothing necessary to report except that this has been a wonderful year and I'd like to thank the Chair for being a great Chair this year and welcoming me, all of you welcoming me to the Commission this year. So thank you very much. Happy holidays.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, thank you for the opportunity to acknowledge a few people out of the Edgewood and Stanley area. I received, and I am so grateful – a bunch of different ages. I don't know if it was one school teacher, but I really do owe them a call-out by name. And if there's anyone whose letter I have not received yet, there are just a few students. They were all part of 4-H and were all in the State Fair, and I got photos, and they're cute. Some are holding goats. Some are holding pigs. And it's living. It is so precious.

So we have to please give me a moment to just please acknowledge Pete White, who raises Boer goats. We have Madelynn Almanzar who really just likes to be in 4-H and she's just grateful that she gets to be at the grounds, and she is looking forward to a beautiful fair in the upcoming year, which is really precious. They have so much fun.

And this one is a young man and his rooster, but he didn't put – oh, it's Landon

Lenz, and Landon has a prize-winning purple – the biggest purple ribbon. It's not a blue ribbon. It's purple and it's huge. 2023 and his rooster that I would be proud of too if I had that gigantic rooster.

And here's one with a pig. Ethan Elmore and his award winning pig and rabbits. His bunny rabbits. And the letter said that he really enjoys raising rabbits so he'll probably do that next year. I'm going to go ahead and just assume that the pig might not be around next year.

And then we have Madison Nichols, who just said I'm grateful for the fair. Thank you. So that's really super sweet, acknowledging that people do actually enjoy going to the fair, and it's always a good thing to have a county fair. So I'm so grateful for this one.

And then we have James Tucker. I am so grateful for all your support and help at the Santa Fe County Fair. It's much appreciated. Thank you.

And then we have Commission A. Sincerely Sway Perkins. Thank you for all your support for 4-H in my career and all your help in the state fair.

That is so wonderful. So I needed to call them out. We need to know that these folks are out there, grateful for the good work that we do, especially when we give them the opportunity to shine with their livestock and the planning and the animals. That's all I have. Those five. Thank you.

CHAIR HANSEN: Thank you so much, Commissioner Bustamante. We have all received these wonderful letters from the 4-H and the fair. I'm so glad that you took the time to read all their names and recognize them. So thank you.

Then I want to go on. Today is the Feast Day of Guadalupe of the Pojoaque Pueblo and I took the time this morning to go and watch the dances there and they were absolutely beautiful and so I just want to send my thanks and blessings to everyone at the pueblo for a beautiful feast day.

I also want to thank the entire employee staff for putting on such a great Christmas party. We all had a wonderful time and I loved the fact that Daniel reminded everybody that there were no County dollars used for the employees Christmas party, and we all had a wonderful, wonderful time. It was really great and I want to also wish everybody happy Hanukah, Merry Christmas, blessings on the winter solstice that is coming up and happy new year.

10. B. Elected Officials' Issues and Comments, Including but not Limited to Constituent Concerns, Recognitions and Requests for Updates or Future Presentations

CHAIR HANSEN: I do know that we have Katharine Clark, our County Clerk, and I do also believe that Jennifer Manzanares in online. So I will go to you, Madam Clerk, first.

KATHARINE CLARK (County Clerk via Webex): Thank you, Madam Chair. So we just finished today our voting systems check. So the election, which was six weeks ago does not end for us. Our final step in authenticating results was that last week and this week and the voting systems check is where the Secretary of State randomly pulls precincts, essentially out of a hat or throws dice, they throw dice. And then voting precincts are picked, and we were very unlucky this year and instead of one or two, we

got 15 precincts and had to hand tally more than 2,500 ballots.

So that was an exercise in trying to be as efficient as possible and I am happy to report that all 15 precincts matched our election nights results and so we have a vote final statewide canvassing, recheck, recount and voting systems check process. We have finally completed the election. So I am looking forward to a vacation until January when the primaries start again.

This year we did do some piloting of new software and working on efficiencies for 2024, and part of that is what you approved today, which is our new building. So I wanted to thank the Commission for approving that money, because we are looking forward to having the most state of the art elections process in New Mexico.

One of the things I did this week was meet with our new sorting machine vendor, and so we were designing the operations and how that machine will talk to our ballot on demand system. So we're very much looking forward to having a location to be able to deliver that large format sorter. And then work on acquiring a few more machines and some custom-designed systems that I'm working on, so that we can really make elections very efficient and modern in Santa Fe County.

I also wanted to congratulate several members of our staff who completed their certified public supervisor, even though it was a busy election season. They did finish. Seven members of our staff are now certified public supervisors, so I wanted to send a personal shout-out and congratulations.

In addition, we also have a new administrative assistant who you will see. Marissa Trujillo Sandoval. You can stand up and wave. She will be the woman that you need to speak to about BCC documents, resolutions. She will be taking over and making sure that all of our things are recorded and she will be working hard to make sure you get what you need quickly.

And finally I just wanted to thank everyone who assisted with our election this year. I'm so glad to check that off our list and a warm and happy holidays and happy new year. Thank you so much.

CHAIR HANSEN: Thank you. Then I believe our Treasurer is online.
Treasurer Manzanares.

JENNIFER MANZANARES (County Treasurer via Webex): Good evening, Madam Chair and Commissioners. So much gratitude I'm hearing from the Commission. I too want to echo the tax season going well.

We have had – I want to give everyone a quick update on that. So we have had constant communication with the Postal Service and with the new system Deluxe to make sure that the processing is going smoothly. Now, I want to backtrack a little bit to a couple weeks ago when we had a conversation with the Postal Service about them having a staff shortage. We've worked through that. We're going to be – just today, set up a meeting with the leadership at the Postal Service. For lessons learned now we can avoid in the spring. So we're still processing. Anything that is dated after yesterday will be considered late, but we will definitely work with everything postmarked from the 11th backwards. So a big shout-out to Team Treasurer's Office. They've been working really hard to do the processing, and I would say that we're catching up to last year at this point, almost there.

So Commissioners, if you have constituents who have concerns or questions

please direct them our way and we're returning phone calls just as quickly as we can, once we see them. They're a little bit high. We get them down to as low as we can so that's one of the things that I want to make sure we're diligent with. Walk-ins, we still have some coming in but overall I would say we're getting there. We're almost to the end of the major rush.

So happy holidays to everyone. Happy new year, and please, if you have any questions about this tax season, just send them our way.

CHAIR HANSEN: Okay. Thank you, Treasurer Manzanares.

11. Matters from the County Attorney

- A. Executive Session. Limited Personnel Matters, as Allowed by Section 10-15-1(H)(2) NMSA 1978; Board Deliberations in Administrative Adjudicatory Proceedings, Including Those on the Agenda Tonight for Public Hearing, as Allowed by Section 10-15-1(H)(3) NMSA 1978; Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations Between the Board of County Commissioners and Collective Bargaining Units, as Allowed by Section 10-15-1(H)(5); Discussion of Contents of Competitive Sealed Proposals Pursuant to the Procurement Code During Contract Negotiations as Allowed by Section 10-15-1(H)(6); Threatened or Pending Litigation in which Santa Fe County is or May Become a Participant, as Allowed by Section 10-15-1 (H)(7) NMSA 1978; and, Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights, as Allowed by Section 10-15-1(H)(8) NMSA 1978, including:**
- 1. Discussion of Bargaining Strategy Preliminary to Collective Bargaining Negotiations with AFSCME 1782**
 - 2. First Judicial Court, Santa Fe County, Case No. D-101-CV-2021-01970**
 - 3. *Emmens v. Santa Fe County*, U.S. District Court, District of New Mexico, Case No. 1:23-CV-00588 and *Kennedy v. Santa Fe County*, U.S. District Court, District of New Mexico, Case No. 23-CV-992-KG-JHR**

CHAIR HANSEN: Mr. Young.

MR. YOUNG: Thank you, Madam Chair and Commissioners. Also thank you for passing the Open Meetings Act Resolution earlier today, an important document that established the reasonable notice for open meetings within the County and the County-appointed committees.

So this evening I would ask that we go into executive session to discuss a discussion of bargaining strategy preliminary to collective bargaining negotiations between the Board of County Commissioners and collective bargaining units as allowed by Section 10-15-1(H)(5). And then also threatened of pending litigation which Santa Fe County is or may become a participant, as allowed by Section 10-15-1(H)(7), NMSA 1978. And those items specifically included our number one, discussion of bargaining

1978. And those items specifically included our number one, discussion of bargaining strategy preliminary to collective bargaining negotiations with AFSCME 1782. Second, the First Judicial Court in Santa Fe County, Case No. D-101-CV-2021-01970. And then finally, a pair of cases, *Emmens v. Santa Fe County, U.S. District Court*, District of New Mexico, Case No. 1:23-CV-00588, and *Kennedy v. Santa Fe County, U.S. District Court*, District of New Mexico, Case No. 23-CV-992-KG-JHR.

COMMISSIONER HAMILTON: Madam Chair, I'd like to move to go into executive session to discuss the items that Attorney Young just described.

COMMISSIONER GREENE: And I'll second that.

CHAIR HANSEN: Okay, I have a motion from Commissioner Hamilton, a second from Commissioner Greene. May I please have a roll call?

The motion to go into executive session passed by unanimous roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

[The Commission met in executive session from 6:15 to 7:15.]

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I'd like to make a motion that we come out of executive session assuring that the only things we discussed in executive session were the things that Attorney Young described for the motion to go in and that no decisions were made.

CHAIR HANSEN: Do I have a second?

COMMISSIONER GREENE: Second.

CHAIR HANSEN: I have a motion from Commissioner Hamilton to come out of executive session and a second by Commissioner Greene.

The motion passed by unanimous [5-0] voice vote.

12. Public Hearings

- A. **Ordinance No. 2023-09, an Ordinance Amending Ordinance No. 2023-06, the Santa Fe County Fire Code, to Adopt Current NFPA 855, Stationary Energy Storage Systems Standards**

CHAIR HANSEN: Welcome.

JAOME BLAY (Assistant Fire Chief): Thank you, Madam Chair, Commissioners. I'm before you today to respectfully request the Board approve an ordinance amending Ordinance 2023-06. This is the County Fire Code, to adopt current

would adopt NFPA 855-2023 edition. In addition, in the event NFPA amends NFPA 855-2023 or adopts a new edition of NFPA 855, the proposed ordinance would require the Fire Marshal, within three months of the Fire Marshal becoming aware of NFPA's adoption of the amendment or new edition, inform the Board of County Commissioners and make a recommendation concerning whether it should adopt the amended or new edition of NFPA 855.

And with that I thank you for your time and I stand for any questions.

CHAIR HANSEN: Okay. Questions from the Board? I want to just say thank you for bringing this forward.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I want to thank the staff, Jaome Blay and the Fire Chief for bringing this forward and keeping us totally up to date on our standards. Thank you.

CHAIR HANSEN: I think we all agree on that. What's the pleasure of the Board? We have to have a public hearing. So is there anyone in the audience who wishes to speak on this ordinance? Is there anybody on line who wishes to speak on this ordinance? Okay, I am going to close the public hearing and we will go to a motion.

COMMISSIONER GREENE: I will make a motion to adopt an ordinance amending Ordinance No. 2023-06, the Santa Fe County Fire Code, to adopt current NFPA 855, Stationary Energy Storage Systems Standards.

COMMISSIONER HAMILTON: Second.

CHAIR HANSEN: I have a motion from Commissioner Greene, a second from Commissioner Hamilton. Roll call vote.

The motion to approve Ordinance No. 2023-09 passed by unanimous roll call vote as follows:

Commissioner Bustamante	Aye
Commissioner Greene	Aye
Commissioner Hamilton	Aye
Commissioner Hughes	Aye
Commissioner Hansen	Aye

CHAIR HANSEN: Congratulations and thank you.

COMMISSIONER GREENE: Congratulations to us for our last ordinance of the year.

13. Public Hearings on Administrative Adjudicatory

A. Case # 23-5071 Carlos Gallegos Variance Appeal TABLED

B. Case # 23-5360 Saleh Conceptual Plan Amendment and Preliminary Plat Phases 1 & 2 and Final Subdivision Plat Phase 1. Corrillo de Vida Hermosa Development LLC, Applicant, Design Enginuity

SFC CLERK RECORDED 02/01/2024

(Oralynn Guerrerortiz), Agent, Request Approval of a Conceptual Plan Amendment to the Saleh Master Plan to Add the Following Uses: Daycare to the Neighborhood Center and Replacing a 100-Unit Hotel with a 100-Unit Independent Living Facility and Adding Grocery Store to the Approved Use List. The Applicant also Requests Preliminary Plat for Phases 1 and 2 and Final Subdivision Plat for Phase 1. The 64-Acre Property is Within the Planned District Santa Fe Community College District. The Site is Located at 4800 Richards Avenue, SDA-1, T16N R09E S16 [Exhibit 1: Saleh Affordable Housing Plan]

CHAIR HANSEN: Kenneth, welcome.

KENNETH QUINTANA (Case Manager): Good evening Madam Chair and Commissioners.

CHAIR HANSEN: Good to see you.

MR. QUINTANA: On February 14, 2015 the Board of County Commissioners approved a master plan to allow a phased mixed-use development on the property. At that time, the proposal included two phases and included a neighborhood center, employment center, shopping center, office/retail space and a hotel. The approval included a variance of Santa Fe County Ordinance No. 2000-12, the Community College District Ordinance, Section 6.E.3.c, to allow a no-outlet roadway to exceed 300 feet in length and a variance of the CCDO, Section 6.7, Road Design Standards, to allow a deviation from design standards required of a living priority road.

The approved master plan defines the boundaries of the landscape types and thereby determines the configuration of the various zones on the master plan, taking into consideration the flatlands, hillsides, piñon/junipers, grasslands, and arroyos of the CCDO Land Use Map and Land Systems Map. The master plan includes 7.4 acres of neighborhood center, 21.4 acres of employment center, and 32.1 acres of open space. The remaining 3.1 acres consist of a road right-of-way granted to the County for the construction of the Northeast Connector.

On January 12, 2016, the BCC approved a request for a master plan amendment to allow up to 12 commercial lots on the property, to increase the amount of seating allowed in the church/religious institution, and for preliminary and final plat and development plan to create three commercial lots on 24 acres for Saleh Phase I. The BCC final order was recorded on April 13, 2016. Therefore, the expiration date of the conceptual plan under Section 4.9.9.10 of the Sustainable Land Development Code was April 13, 2021, and the expiration of the preliminary and final plat and development plan, pursuant to Sections 5.7.11 and 5.8.7 of the SLDC was initially April 13, 2018.

On August 14, 2018, the Board of County Commissioners approved three-year extensions of the approved preliminary plat and final plat for Saleh Phase I, in accordance with Sections 5.7.11 and 5.8.7 of the SLDC. The BCC final order was recorded on November 28, 2018. The expiration date of the preliminary and final development plan was thus extended to April 13, 2021.

On March 9, 2021, the BCC approved a two-year Conceptual Plan time extension in conformance with SLDC Section 4.9.9.10. The conceptual plan would therefore be

valid until April 13, 2023. The BCC also approved the extension of preliminary and final plat for one year which would be the maximum extension allowed under state law. The Board found that delays in the construction of the Northeast Connector should not delay the recordation of the preliminary and final plat for Saleh Phase I and an amendment to a previously imposed condition was well taken. That condition shall read as follows: "Construction may begin but the Saleh Development is not permitted occupancy until the Northeast Connector is completed."

The previous applicant failed to record the final plat and therefore it expired.

The applicant is requesting approval of a conceptual plan amendment to add the following uses: daycare to the neighborhood center; replacing a 100-unit hotel with a 100-unit independent living facility; and adding a grocery store to the approved use list. The applicant also requests preliminary plat approval for Phases 1 and 2 and final subdivision plat approval for Phase 1. Phase 1 will consist of three lots and Phase 2 will have seven lots, for a total of ten lots. Phase 1 is located on the western side of the property and Phase 2 on the eastern side. The property is within the Planned District Santa Fe Community College District.

Initially, the applicant was requesting a crematorium within the employment center but this use was withdrawn.

On September 14, 2023, this request was presented to the SLDC Hearing Officer. During the meeting, three individuals attending the meeting spoke against the proposal. The issues they presented were concerns with a crematorium, the placement of a cemetery at the entrance of the property, riding stables in close proximity to residential areas, and the placement of a funeral home close to the assisted living center. The Hearing Officer memorialized the findings of fact and conclusions of law in a recommended order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the request to allow the requested conceptual plan amendment, subject to the conditions recommended by staff. The written order and the minutes of the September 14, 2023 hearing are attached as exhibits.

On October 19, 2023, this request was presented to the Santa Fe County Planning Commission. During the public hearing portion of the meeting, one member of the public spoke. That individual's sole concern was ensuring that the prohibition against the development of a crematorium in the Saleh development would be noted on the final plat. The Planning Commission, based on the evidence presented, recommended approval of the request to allow the requested conceptual plan amendment, subject to the conditions recommended by staff. The minutes of the Planning Commission's October 19 meeting are attached as exhibits.

This application has been reviewed for compliance with the applicable standards set forth in Chapter 7 of the SLDC. It has been reviewed for access and roads, fire protection, landscape and buffering, lighting, signs, parking, loading, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, and affordable housing.

Recommendations: As noted above, the SLDC Hearing Officer recommended approval of the application subject to staff's conditions. Planning Commission

recommendation: As noted above, the Planning Commission recommended approval of the application subject to staff's conditions.

Staff's Recommendation: Staff has determined that the application for conceptual plan amendment, preliminary plat for Phases 1 and 2, and final for Phase 1 is in compliance with the subdivision design standards as set forth in the SLDC. Staff recommends approval for a conceptual plan amendment to add a daycare facility as an approved use to the neighborhood center subdistrict of the Community College District, to replace a 100-unit independent living facility, and to add grocery store to the approved list. Madam Chair, may I enter the conditions into the record?

CHAIR HANSEN: Yes, please.

The conditions are as follows:

1. The amended Conceptual Plan shall be recorded with the County Clerk's Office.
2. The Conceptual Plan shall expire in 5 years unless extended by the BCC.
3. The boundaries of the development area shall be clearly marked on site with limits of disturbance (LOD) and fencing or construction barriers to be approved by Staff prior to any grading or clearing and before starting construction in accordance with submitted engineered Grading & Drainage Plan.
4. Applicant must provide an approved Storm Water Pollution Prevention Plan (SWPPP) with the permit application for infrastructure construction.
5. Mass grading of the site will be prohibited and noted as "Special Building Condition" on recorded Final Plat and transferred to any other plats associated with Saleh.
6. Limits of grading shall be shown on Final Grading & Drainage Plan.
7. Applicant must comply with all Review Agencies' Comments and Approval Conditions.
8. Applicant shall build roads within Saleh to a SDA-1 "Local" standard.
9. Construction may begin but the Saleh development is not permitted occupancy until the Northeast Connector is completed.
10. Final Plat shall be recorded within twenty-four (24) months after its approval or conditional approval; otherwise, the Plat shall expire. Prior to the expiration of the Final Plat, the developer may request from the Board an extension for Final Plat recording for a period of time not exceeding thirty-six (36) months.
11. Applicant must submit for staff approval i) a cost estimate for all public and private infrastructure and landscaping and ii) a Financial Guaranty prior to Final Plat recordation.
12. The Applicant shall enter into a Subdivision Improvement Agreement with the County for completion of all subdivision improvements on-site and off-site. The agreement shall be signed by the Administrator, recorded and referenced on the plat.
13. Water restrictions and conservation covenants shall be filed in the

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- County Clerk's office and referenced on the plat.
14. All staff redlines and comments shall be addressed prior to plat recordation.
 15. All roads/easements being created with the subdivision plat shall be named and rural addresses shall be obtained prior to plat recordation.
 16. Affordable housing requirements shall be in accordance with the Affordable Housing Agreement, which must be filed prior to, or simultaneously with, the final plat for Phase 2.
 17. All dwellings, including all affordable homes, shall conform to the energy efficiency standards of the SLDC.
 18. Applicant shall place site LA 116033 in a permanent archaeological easement as specified in the letter by SHPO.
 19. Crematoriums will be permanently prohibited on the Property. This shall be noted on the conceptual plan and on the subdivision plats.
 20. Prior to Final Subdivision Plat approval for Phase 2, an Affordable Housing Agreement shall be entered to and approved by the BCC.

MR. QUINTANA: Thank you. I stand for any questions.

CHAIR HANSEN: Okay, I'm going to go to the applicant.

[Duly sworn, Oralynn Guerrerortiz testified as follows:]

ORALYNN GUERRERORTIZ: My name is Oralynn Guerrerortiz. I'm with Design Enginuity, and we're here in Santa Fe. Our mailing address is P.O. Box 2758, Santa Fe, New Mexico. Several of you have seen this project before, maybe multiple times. We got – two years ago there was missed communication honestly between my client and I. The original client had been Mr. Hadari, and he had sold to Julie Villegas, who is the owner who owns the pink concrete trucks that you sometimes see in town. She supports breast cancer awareness issues. And she owns several sand and gravel mines and things like that.

She had purchased it and I had been telling her about we need a financial guarantee. I need it by such and such a date, and we came down to the wire, and there was a miscommunication, let's just say, and she called her bank a little late and it was impossible to meet the deadline. When we realized that we weren't going to be able to record in time before things expired, she said it was okay. She wanted to make some minor modifications anyway. And so that's why we're before you today, is we did make a few minor modifications, adding the daycare into an area of the project.

This is the original one that was last approved by the Board of County Commissioners [inaudible]. It's very, very similar. We've added a daycare. We've added a grocery store to the use list. And what was potentially was going to be a hotel is instead going to be an independent living facility for 100 units. So we made those modifications. In general, the roads are pretty much the same. That curly road, the second one that's coming off the northeast connector, we do have an agreement with the County where they were supposed to provide two entryways into Saleh in return for us donating 9.5 or 9.8 acres or something to you all. That second entrance, the one that's curly – that's because the end of that road was designed almost ten feet in the air.

It was definitely brought to your consultant late in the game. It was a total afterthought in the design, and so trying to connect to that and making it all ADA

accessible was a little challenging and that's why we got a goofy looking road, unfortunately. But what we're here before you today is basically the same project. We're returning to develop the east side, or the west side first, and that's going to probably be a community – that's a funeral home and a storage facility.

CHAIR HANSEN: Wait a second. A funeral home?

MS. GUERRERORTIZ: Yes, ma'am. No crematorium, but a funeral home.

CHAIR HANSEN: Okay.

MS. GUERRERORTIZ: We became aware that the community was very concerned about a crematorium so we actually withdrew the request for a crematorium and altered our application and removed the whole idea of a crematorium. But there was always a plan for a funeral home here, and a cemetery. The cemetery is going to be going into the open space. Anyway – and the last lot will probably not be developed until the second phase because then the use list grows. The reason the first phase is so small is because with only one entrance we're really limited. We need to have the second entrance for traffic reasons.

And so when they move forward with the second entrance then we'll go ahead and develop the rest of the property. It's going to be connected to County water, County sewer. Pretty extensive offsite improvements because of that for utility line connections. It's all paved roads, sidewalks both sides, street trees, a few parks, including a planned pickleball court and also just plaza kind of areas, more for hanging out.

The main channel in the middle is – it's an arroyo, but it doesn't really fill much, but we're using it as an amenity and we're providing a trail all along. The project in general has trails criss-crossing it. Ones going up the east side, going off on both sides on the west side. You all are building a trail along the northeast connector. We're connecting to it in a couple of locations. And so I think we've got a really nice project and we do intent to move forward this time as soon as we can. Julia brought in some other partners. It also includes a banker named James Shea for now who's providing advice on the financial side of things. And Rudy Guzman, who is a contractor is also involved now in the project. So they're raring to go. This project should hopefully be under construction very soon. And we agree to all staff's conditions and I'm here to stand for any questions you might have. Thank you.

CHAIR HANSEN: Okay. Questions from the Board? Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Thank you, Orallynn. Good to see you. Welcome back. A couple questions. So the first, or maybe this is a staff, and I don't know if it's for the applicant. Once upon a time there was discussion of an off-ramp from I-25 to Richards. Does this preclude this? Is there an issue now with that aspect of connecting I-25 to Richards?

MS. GUERRERORTIZ: Commissioners, Commissioner Greene, from my understanding, when the plans were originally prepared, and you all probably know more about this than I do, but there was a drawing that I saw at one time that showed how they could still fit on-ramps and off-ramps off. And they would actually fit north of the traffic circle, and this would not preclude – anything that we're doing would not interfere with that. We're hoping that someday there is an interchange there.

COMMISSIONER GREENE: Okay.

MS. GUERRERORTIZ: I do hope that as a Commission you guys will push that some day.

COMMISSIONER GREENE: Okay. Is there any – I guess it's pretty much north of the northeast connector so it's not really developing area –

MS. GUERRERORTIZ: No. They may need to come back to us for an easement at that point, because I think we're only really granted easement currently for the northeast connector. But I'll go on record saying we are wholly supportive of that and we'd be more than willing to give easement as necessary.

COMMISSIONER GREENE: But the DOT did not review this.

MS. GUERRERORTIZ: No. It's not – and officially, there's never been a drawing that's ever been released to the public that I'm aware of. I just know that they've made it possible that from an engineering perspective it can be done.

CHAIR HANSEN: When I worked for Oshara I designed the I-25 interchange and it will fit in there. But I'm not an engineer. I did it as an artist. So I believe that it would fit in there, and it was something that Oshara supported at that time for sure, along with Saleh.

MS. GUERRERORTIZ: I think the problems really came from the north and maybe with the extension of Richards Avenue to the north we might be able to overcome that community problem. No one, as far as I understand, ever had an issue with the concept of doing an interchange at this location from the County side of things. It was really from the people north of Rodeo Road that were most concerned.

COMMISSIONER GREENE: Cut down on traffic and cut through traffic but people are [inaudible] Thank you for clarifying that. Does this – are there aspects of landscaping that are in this plan that would sort of screen a little bit and rebuild – you're going to grade this pretty extensively, so making so that from I-25 it doesn't just look like a complex of shopping malls and stuff.

MS. GUERRERORTIZ: Commissioner Greene, the individuals lots will be treated separately. Right today, we're focused on the infrastructure and we're putting street trees in along all our roadways and along our trail. And I can't remember the total number of trees, but it's a phenomenal amount. I believe it really hit our water budget significantly; I'll put it that way. I think it was 100 or 200 trees but I don't know that number off the top of my head right now.

COMMISSIONER GREENE: It's not going to be mass graded at this phase, but it will end up becoming between the cemetery on that open space, that open space isn't going to have a tree left on it.

MS. GUERRERORTIZ: The cemetery is going to be re-landscaped.

COMMISSIONER GREENE: But nothing native, right? All the piñons and junipers that are there are going to disappear and maybe you'll put them back, but those are not really the fastest growing trees.

MS. GUERRERORTIZ: I don't know what's coming as far as the landscaping plan. I've seen some early drawings of the – like walkways and things like that. But I haven't seen the landscaping plans other than some really pretty renderings, but not pure decisions that we all want to see yet. I haven't seen them yet. I don't know if they'll come in front of you or they'll just stop at the Planning Commission level but

there will be plans for landscaping I know. The owners are very concerned about the aesthetics.

COMMISSIONER GREENE: Great. And then as we've seen on the city side of a bunch of I-25, the sort of signage, like marketing signs of whether it's a hospital or a self-storage location, could we get a guarantee that no signage will be – no lit signs will be visible from the highway?

MS. GUERRERORTIZ: Yes, I think so. I can't – the County's rules would not really permit those. You're required to have all signage on site, so they would have to be on the individual lots, and then there's pretty strict requirements as far as signage, signs and things like that. So I don't think you'll be able to see them from I-25.

CHAIR HANSEN: They can't have signage like the church has on the city side. On the county side it's not allowed.

COMMISSIONER GREENE: Okay. Like for instance, one of these lots has what's going to end up becoming a supermarket, right?

MS. GUERRERORTIZ: Hopefully.

COMMISSIONER GREENE: Hopefully, right. But you're asking for approval for that and that's going to be a 34-foot tall, or whatever the maximum height is. I think it's 34-foot tall, box, 40,000 square feet box, more or less. Right?

MS. GUERRERORTIZ: Yes. The biggest ones in town are almost 100,000 square feet.

COMMISSIONER GREENE: So I won't pass judgment except bigger. And those can have large signs put on them to sort of market themselves and that corridor is a scenic corridor for Santa Fe. While the City has not done necessarily in my opinion enough to protect that corridor, even though they have corridor standards that they should be, I feel like we should be putting signage and a lighting standard on this to make sure that all the lighting is below the level of the highway.

MS. GUERRERORTIZ: Easily. We're at the high end.

COMMISSIONER GREENE: I know, right. But you could easily put 60-foot tall lighting stanchions or you could put 25-foot stanchions that are below the –

CHAIR HANSEN: I don't think that's allowed in the SLDC, things that high.

MS. GUERRERORTIZ: Luckily, really, the land is falling away and so it would be impossible really. So there was no problem with that. And then signage requirements, we'll follow County code and County code is really good about being strict on the amount of signage you're permitted and the size, which I'm an advocate for. I'm not big on signs myself.

COMMISSIONER GREENE: But I don't know what you'll be the architect or designer of the next phase, so it's like getting these sort of conditions now is the time to do it.

MS. GUERRERORTIZ: I think that all I'm willing to agree to is meeting County code because I think County code is well written in this aspect. I'd be happy to have somebody like Jose tell you what it is. He probably knows better than I do, but their rules are good on signage. We don't get big ugly signs in the county because of that. It's a blessing.

COMMISSIONER GREENE: And then the loading bays for this big supermarket, are these going – do you have any idea of the orientation of those? Are those going to be facing Richards? Are they going to be facing the highway or the northeast corridor? Do you see where that access is going to be?

MS. GUERRERORTIZ: We're not far enough along in any kind of design to know, but I would anticipate that the loading bays would actually be facing – be closer to Oshara. They'd be on that side of things. The building would probably face the street, the Saleh Avenue, and then presumably, any loading bays would be behind it. Behind the building.

COMMISSIONER GREENE: Towards Richards of the highway, no?

MS. GUERRERORTIZ: Well, the shopping center is going to be in that long rectangle, kind of on the southern end of the property, or in the middle on the south side of the property. That's a really big, flat area. That's where any kind of larger shopping center would have to go.

COMMISSIONER GREENE: Okay. And then the last question. That dotted line that goes south and then to the west, is that a trail, or what is that?

MS. GUERRERORTIZ: Which side?

COMMISSIONER GREENE: The west side.

MS. GUERRERORTIZ: On the west side? That is a trail and also utility lines. So a trail will be built on top of the utility lines, going to Richards Avenue and then they're going south.

COMMISSIONER GREENE: So there will be a trail that connects to Richards Avenue?

MS. GUERRERORTIZ: Yes. And then on the other side, the same kind of dotted line, that's another trail.

COMMISSIONER GREENE: And there's an arroyo on both side and it just sort of cuts across the arroyo there.

MS. GUERRERORTIZ: Well, there's connections actually with the trails so that you won't be crossing through the arroyo if you don't want to.

COMMISSIONER GREENE: Okay.

MS. GUERRERORTIZ: Actually, on the far east side you will be going through an arroyo. It's really, really wide there and it's not a really well defined arroyo on our far east side.

COMMISSIONER GREENE: All right. Thank you.

MS. GUERRERORTIZ: You're welcome. Thank you.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HUGHES: Madam Chair.

CHAIR HANSEN: Commissioner Hamilton and Commissioner Bustamante and then yourself, Commissioner Hughes. I apologize.

COMMISSIONER HAMILTON: Thank you. Do you have any flooding concerns from the arroyo that goes through that area?

MS. GUERRERORTIZ: I evaluated that main arroyo and it really isn't that much water. I can't remember. I think it was 212 cfs in a 100-year storm, which is significant, and so we are doing some grading there, channelization a little bit, and then

we're doing 25-foot setbacks and kind of combining it into a – because right now it's really, really broad. And so we're kind of confining it a little bit.

COMMISSIONER HAMILTON: I'd recommend, and I'm not looking to put this as a condition. I just recommend looking at things like rain gardens and other infiltration features instead of the classic just digging the channel deeper, because it will actually do better at mitigating flooding. Anything that was evaluated on a corrected 100-year storm is going to be inadequate. Currently with climate change, but it's an inexpensive way to mitigate it, so it's just a thought.

MS. GUERRERORTIZ: Thank you. And we do have a detention structure that will capture everything coming down that way, and then overflow, and it will work well as a recharge structure.

COMMISSIONER HAMILTON: Well, maybe not without – that's the classic way of doing it. It's standard. But it's part of the reason Cerrillos floods, because everybody does that and everything now somewhat all drains into the Cerrillos area. So it's like it's a storm watershed. So you can very inexpensively keep all the stormwater runoff onsite to the benefit of your vegetation.

MS. GUERRERORTIZ: I'll look a little more at the rain garden idea. I've certainly been exposed to that and we have them in other projects. They may be practical on this location too.

COMMISSIONER HAMILTON: People think of them as furry little things for yuppies to do in their front yard, and it's really not. There's an industrial application of them that can manage all this water on a site, and like I said, in a comparative sense they're very inexpensive.

MS. GUERRERORTIZ: Yes. They are. Some rock really. And digging holes.

COMMISSIONER HAMILTON: Using it in a recreational space. So thank you. That was my question and comment.

MS. GUERRERORTIZ: Thank you. I appreciate that.

CHAIR HANSEN: Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Thank you, Chair Hansen and Oralynn. Nice to see you. Mine's a similar type of question. When I look at the shopping center area and I think of that runoff and everything has been strip mall oriented now for at least the last 40 to 50+ years, and I don't know if you have any concept of – is that going to be a strip mall plan? Is it something that's TBD? Or could it be something that is the old plaza style that actually allowed for the center, for people to walk around in the middle and capture water instead of having these large asphalt parking areas in the middle or right in front of the shopping and then that water all just goes, as Commissioner Hamilton said, into Cerrillos Road. [inaudible] Cerrillos Road, but that's been the model for so long, and yes, there are other ways to do the shopping center in a way that it can capture water as well as create a walkable space for a community.

I think of what you all were saying because it was exactly related to the shopping center – it's going to sound really dated to say the word yuppyish or whatever. But the point is it's an aesthetic that invites people and that invites communities. So I think there's a real opportunity there. I just wondered. So if you don't have a sense of that being strip mall or plazuela, then that's something that would be an opportunity.

MS. GUERRERORTIZ: Thank you, Commissioner Bustamante. I can say that again, we don't have plans for this yet. But I think that every lot is required to retain or detain its stormwater. So we're creating stormwater ponding, more than is necessary, associated with all the infrastructure we're installing at this time. Additional ponding is going to be required on every lot and anyone who deals with water in our community, it's expensive. It's so practical to reuse stormwater runoff efficiently to feed your landscaping and that often achieves meeting your detention ponding requirements anyway. So it's two-fold benefit when you go ahead and design your system to feed your plants, you're also addressing some of the detention pond requirements if not all of them. Certainly we're going to be encouraging that.

We don't have plans for this yet. That is in Phase 2 and so we're probably three or four years away from that, moving forward. They're more focused on Phase 1 at this point but it's coming and we will hopefully create something of beauty. The real intent, the owners are very focused on everything has to be well done, because like Phase 1's got to look beautiful to help solve Phase 2 and they want a beautiful product. Thank you.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. This looks like an interesting design. I had just a couple questions. What's the target audience for residents for the independent living? Is that a senior project or disabled people? Or hearing impaired or who are you targeting?

MS. GUERRERORTIZ: People like myself, probably, who are getting older and would like concierge services, and maybe a dining room to go to occasionally. It really is a concept presumably mostly for older folks, yes.

COMMISSIONER HUGHES: Okay. Right. And I guess we haven't approved a cemetery since I've started. Does a cemetery count towards your 50 percent open space?

MS. GUERRERORTIZ: Yes, it does. Cemeteries are permitted in open space. The cemetery actually is not before you today. The cemetery use was approved multiple years ago. But there are a few changes on the use list that we are adding today.

COMMISSIONER HUGHES: And where is the cemetery on the plan?

MS. GUERRERORTIZ: Between the Saleh Road and Richards Avenue in that green space.

COMMISSIONER HUGHES: Okay. So near the neighborhood center?

MS. GUERRERORTIZ: Yes.

COMMISSIONER HUGHES: For Saleh Avenue?

MS. GUERRERORTIZ: Yes.

COMMISSIONER HUGHES: The neighborhood center is where you envision the funeral home?

MS. GUERRERORTIZ: Yes. The cemetery will be adjacent to the funeral home.

COMMISSIONER HUGHES: That makes sense. I know someone had complained about the funeral home being too close to the independent living. Is it now a little further away?

MS. GUERRERORTIZ: Well, it's not. We have assisted living planned for – I think it's called Lot 3. I can't see from here, actually. Maybe I can look on my plan and find out.

CHAIR HANSEN: I can see Lot 3 down at the bottom.

MS. GUERRERORTIZ: It's Lot 2. Assisted living could go in Lot 2 but there's actually a laundry list of things that could go in Lot 2. And that includes like a bank and other commercial activities. So we don't know that assisted living is going to go there. We kind of wanted to – we were working with somebody at one point to do this assisted living/daycare kind of combination, and we were moving too slow for them. But as we move along with this project we're going to try to get that going again because I think it's a lovely idea myself.

CHAIR HANSEN: I see that on this map you have it's Lot 4, the multi-family apartment condo.

COMMISSIONER HUGHES: The multi-family apartments, is that where the independent living would be?

MS. GUERRERORTIZ: No, the independent living is Lot 5 in the southeast corner, and the multi-family is between Saleh Avenue and the arroyo, the green strip going through. So we could have up to 95 homes in that area.

COMMISSIONER HUGHES: Ninety-five homes in the multi-family area?

MS. GUERRERORTIZ: Yes. I don't know if we can fit them in. It's actually difficult. We may not get that many in, but that's what we got approved for. We'll see what we can actually accomplish and do it well.

COMMISSIONER HUGHES: Right. Well, I think there's certainly a need for condos and townhouses, so that's great.

MS. GUERRERORTIZ: There's a need for apartments too.

COMMISSIONER HUGHES: Thank you, Madam Chair. And a need for apartments as well.

CHAIR HANSEN: Thank you. Okay, my questions. Who owns the land between Oshara, Phase 1 on Willowback Road? Is that really ever going to be a connection?

MS. GUERRERORTIZ: I can't say. I can honestly say I don't know who owns it. I believe Alexis Girard has sold the bulk of it between us and Oshara, and I do need to contact those people because ultimately, I'd like to see our northwest road make it into Oshara for a connection. I just think that's practical. We want to connect roads.

CHAIR HANSEN: Right.

MS. GUERRERORTIZ: But I was really going to focus on that when I got to Phase 2. I haven't met the new owners yet. I don't know who they are, but I'll dig them up. I'll find out.

CHAIR HANSEN: Okay. I would like to know. So most of my questions have been asked. I see we have a nice trail system, which I think is great. So when you get to Phase 2 and you have this weird road, and you have it shaped like that because of the ten-foot drop?

MS. GUERRERORTIZ: No, I have it shaped like that because I was actually trying to have all ADA sidewalks. It's my desire to have good sidewalks. I'm debating making it a straight shot and doing an eight percent grade instead, and then

maybe doing a side trail that's an ADA walkway. Frankly, I want to really think about that Phase 2 a little more before we actually finalize it. I want to look at options.

COMMISSIONER HAMILTON: I'm going to ask you to think about a roundabout also.

MS. GUERRERORTIZ: At the intersection. Well, the intersection, whether or not it's going to be a roundabout or something else, and I think very likely it could be a roundabout. It's actually a terrible place terrain-wise for a roundabout, but I think it's really going to end up being a roundabout anyway. That will come out of the TIA for Phase 2, what the requirements are, but I suspect we'll be doing a roundabout there. It's just the terrain is really bad.

CHAIR HANSEN: If you've got a ten-foot drop there –

MS. GUERRERORTIZ: It's a lot of retaining walls that will be associated with a traffic circle if they put one in there. That's what I'm worried about is how ugly that's going to be.

CHAIR HANSEN: It's not happening at this point but I'm happy that you're thinking about it because I feel the traffic on the northeast connector is a little too speedy. People drive a little too fast and we will have a couple of roundabouts at the other end and I think that as you're coming up to Richards you want to slow down traffic, especially since you have another entrance so close.

MS. GUERRERORTIZ: I totally agree with you and I've been designing a lot of traffic circles lately actually.

CHAIR HANSEN: I'm glad to hear it. I completely support that. So I see that there is one plaza tract in this first phase.

MS. GUERRERORTIZ: Yes.

CHAIR HANSEN: And then is there another plaza tract in the second phase?

MS. GUERRERORTIZ: Yes. There is on the east side, east of that Willowback Road extension. That's another plaza location. And that's intending to be mostly like a break area with planters with flowers and things like that in that area.

CHAIR HANSEN: So as somebody who has worked in this Community College District, I have to say how beautiful Oshara Village is.

MS. GUERRERORTIZ: The plaza is so used too. Every time I go by there there's people hanging out. It's so lovely.

CHAIR HANSEN: Yes. So I hope that your plazas will be similar, that allows people –

MS. GUERRERORTIZ: Yours is bigger I think.

CHAIR HANSEN: Well, you can make yours bigger. So it's not exactly mine, but I do have to say that I was really pleasantly surprised to see how beautiful Oshara Village has turned out and I would like to see other developments in the Community College District have that same curb appeal and invitation and inviting environment.

MS. GUERRERORTIZ: Thank you. That's my hope that we achieve that, that we get people out walking in their neighborhood and visiting these places that could be gathering locations. Commissioner, do you know how it came to be that there was so much art work in the Oshara Plaza?

CHAIR HANSEN: I put it there.

MS. GUERRERORTIZ: Those are your statues?

CHAIR HANSEN: No, I did a contest or we had art shows and we had people donated it over the years. I put the art piece in the roundabout but. I got Preston to donate it.

MS. GUERRERORTIZ: Wonderful. Thank you.

CHAIR HANSEN: It's one of the things that Commissioner Bustamante and I are looking forward to having at the County is Arts Council so that we can have more art throughout the county.

MS. GUERRERORTIZ: Thank you. I really do appreciate that artwork. It's very special.

CHAIR HANSEN: I was grateful that those artists – many of them just left it there after we had the exhibitions, which was really nice.

MS. GUERRERORTIZ: Very cool.

CHAIR HANSEN: Okay. I believe I have to have a public hearing unless there is any other questions from anybody. Okay. So I'd like to open this up to public hearing. Is there anybody online that would like to speak? Please come forward.

[Duly sworn, Lynn Christiansen testified as follows:]

LYNN CHRISTIANSEN: Lynn Christiansen, 3216 Nizhoni Drive, Santa Fe, New Mexico, 87507. So Madam Chair and Commissioners, I'm really happy to be here tonight. This has been a long road for us. I'm here representing eight or nine villages who opposed the crematorium as originally proposed. So I want to name those now, just so you know. You mentioned Oshara Village, that was right there. Oshara Village, Desert Sage is in the city part, just across I-25, Mission Viejo, Pueblos del Sol, Carlos Rey del Sur, Pradera, Villas di Toscana, Rancho Viejo, Park Plaza, among others. They're building more, as you k now.

So here was a crematorium right in the middle of all these villages that had been proposed. So we worked very hard as a community pulling together and we had a website and that really helped us to get the word out, because the word was not out. I just wanted to let you k now. From the get-go, when we talked to people door-to-door before we had a website, no one knew that there was a proposed crematorium there. So our work was to share that information and to gain support so that we could prevent it.

We made it through well past the Hearing Officer and she moved that forward as a condition that she had and then we were before the Planning Commission and I managed to get some help and one of the Commissioners said I would like to add that the conditions be part of the vote that would approve it to move this forward. And so I'm here tonight because I want to make sure that what has been approved so far continues on with this vote, and that is that one of the conditions was that it will be noted on the subdivision and the plats and the conceptual plan that the crematorium will be permanently prohibited on the Saleh property. We've had it approved to this point. We'd like to see that that continues.

We were glad the developers agreed to that and I'm just here because I want to make sure that happens.

CHAIR HANSEN: Thank you, Lynn.

MS. CHRISTIANSEN: Any questions for me? Thank you very much.

CHAIR HANSEN: Thank you. Next.

JOHN NITZEL: Hello. This is kind of inadvertent for me to do this. I got involved in the project –

[Duly sworn, John Nitzel testified as follows:]

MR. NITZEL: My name is John Nitzel. I live in Rancho Viejo, 9 Crows View Place, which is in the immediate area of the project. I'm here under oath. Yes, absolutely. I should add before I give this brief overview what I have for concerns, I am chair of the County Transportation Advisory Committee and what I'm going to talk about tonight is totally unrelated to that. Of course it's not in the purview of the committee. Also, I'm a consultant with Jacobs Engineering in Albuquerque and a principal technologist for the firm. I'm not here on behalf of Jacobs as well, so this is more of kind of a neighbor thing, I live in the neighborhood and became involved in this. I just happened to be chatting one day with Lynn and friends about things and she said, oh, did you hear about the development that's under question? And so I said, oh, no. I didn't know.

So she mentioned concerns about the crematorium. Being a civil engineer and planning, I thought, well, maybe I could help and do a little research and see what I could find for that and I did. And basically, what it brought to mind to me was the concern about the potential risks that a crematorium presents, and particularly in a residential area, and I'll give you a little brief overview of what I've found in the conversation I had with a national expert.

Basically I did a literature research. That's what I always do. I've been on the National Academy of Engineering committees for over 30 years. That's under the National Academies located in DC, so I do a lot of research, or I've done research and reviewed a lot of papers, so I always start out and do a literature search to find what I can find. And I found an interesting paper, I just want to cite this because it gives a lot of what I will cover. And the reason why I'm talking about this – it's very gracious and I really appreciate the developer dropping the crematorium. It was really a relief to have them do that. So it's much appreciated.

What it also created when I looked at this was an awareness of the potential risks of a land use like this to the area, particularly to residential areas, and I would really suggest that the County, if there's another one in the future that's developed that they really be careful where that's sited. And certainly not in the proximity of a residential area, and I'll give you a few reasons why here real quick.

I also contacted a friend of mine who's a professor at the University of California – Irvine, and she's a national expert in air pollution and teaches air pollution and does research on behalf of the university in the State of California. So a lot of what I'm talking about tonight, I kind of had her do a preview to see if it's valid from her perspective as an expert. So there's kind of two checks on this from what I'm going to mention.

This document was published by the National Collaborating Center of Environmental Health, which is a Canadian research entity, and it dealt with the effects of crematoriums and the air quality and the health effects, so that kind of – I hope this gives you a quick perspective. And I just want to cite a few things. One question I asked, do crematoria emit harmful pollutants of public health concern? Which is kind of what the basis for the neighborhood concern was I think. And they indicate in the paper that there

are combustion gases such as carbon monoxide, nitrogen oxide, sulfur dioxide, and volatile organic compounds, called VOCs that are a menace typically. Particulate matter is also emitted which sometimes it's so small you can't see it, but it is emitted as particulates, besides the gases. And then there's organic pollutants that are also emitted.

All in all, they tallied these and the indications were from their research that a crematorium could emit up to 24 different things that are potentially health-harmful. So it depends on how the emission controls are, but that can happen in this type of use. So it is something we have to be concerned about. Also heavy metals are emitted such a mercury and a few other things and I won't read those, but I think that's an interesting thing.

And just one last comment and then I'll quick, is that the composition of the casket and the cremains were looked at this in paper and this is kind of gory. It says the size of the corpse can affect initial combustion temperature, the duration over which emissions are released, which is 1 ½ to five hours long for one body, and the total quantity of the emissions. So this has been studied. Mercury emissions are affected by the presence of people with dental treatments. Plastics are also emitted from the coffin, caskets, and interestingly enough, plastics are a big concern now. The coffin can be plastic, so that's an addition.

Some people have radioactive substances as part of their situation. So these are a summary of all the things that you might be concerned about. So I hope the County, if you're faced with any more of these types of sites, carefully look at where it should be sited where it isn't in a residential area. Maybe it's in an area that's zoned a little more appropriately. Care needs to be taken.

So that's what I have for tonight. I appreciate you listening. I could add one more comment, is I worked with Jacobs and CH Hill and we did the corridor study of I-25 and the interchanges through Santa Fe, and we looked a little bit at the Richards situation and we suggested as part of an output of that study that an interchange could be feasible there in the future. So that's kind of where that concept came from was our study we did about ten or fifteen years ago. So one comment about the design. We did not do a detailed review of it. That was related to a question by the Commissioners. Thank you. Does anybody have any questions or anything? Thank you.

CHAIR HANSEN: Okay. Thank you. Okay. What's the pleasure of the Board?

COMMISSIONER HUGHES: Madam Chair, I could make a motion.

CHAIR HANSEN: Okay, go ahead, Commissioner Hughes. Wait one second. I need to close public comment. So I'm closing the public hearing. One more question from Commissioner Greene.

COMMISSIONER GREENE: For Kenneth and Jose. Is there a condition specifically saying that no crematorium, and that is in the record?

CHAIR HANSEN: Yes. It's on the plat.

COMMISSIONER GREENE: I just want to – it's going to be on the plat?

CHAIR HANSEN: Yes.

COMMISSIONER GREENE: I just wanted to make sure. So thank you very much. Go for it, Commissioner Hughes.

CHAIR HANSEN: Commissioner Hughes.

COMMISSIONER HUGHES: Okay, so I'll make a motion that we approve the Saleh Conceptual Plan Amendment and preliminary plan, Phases 1 and 2, and final subdivision plat, Phase 1, subject to all the staff conditions, including, especially the condition that there be no crematorium.

CHAIR HANSEN: Have we left anything else out?

COMMISSIONER GREENE: I'll second that.

CHAIR HANSEN: I have a motion from Commissioner Hughes, a second from Commissioner Greene.

The motion passed by unanimous [5-0] voice vote.

CHAIR HANSEN: No opposition. Congratulations. Long time coming. Thank you for all your work, everybody, on this project.

14. Concluding Business

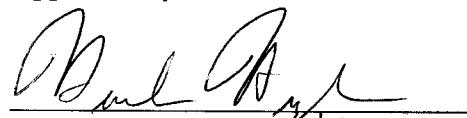
A. Announcements

Best wishes for the holidays were expressed all around.


B. Adjournment

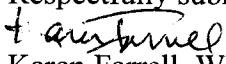
Having completed the agenda and with no further business to come before this body, Chair Hansen declared this meeting adjourned at 8:15 p.m.

Approved by:



Anna Hansen, Chair *Frank Hughes*
Board of County Commissioners

ATTEST TO:

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

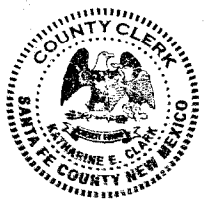
Respectfully submitted:

Karen Farrell, Wordswork
453 Cerrillos Road
Santa Fe, NM 87501

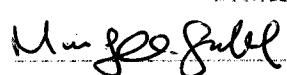


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COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss BCC MINUTES
PAGES: 83

I Hereby Certify That This Instrument Was Filed for Record On The 1ST Day Of February, 2024 at 08:36:44 AM And Was Duly Recorded as Instrument # 2027559 Of The Records Of Santa Fe County



Witness My Hand And Seal Of Office
Katharine E. Clark
Deputy  County Clerk, Santa Fe, NM



SALEH SUBDIVISION AFFORDABLE HOUSING PLAN

This Affordable Housing Plan (the “Plan”) is submitted pursuant to the requirements of the Santa Fe County Affordable Housing Regulations in Chapter 13 of the Santa Fe County Sustainable Land Development Code (the “SLDC”) by Roadrunner Real Estate, LLC (the “Developer”) a New Mexico Company located at 7850 JEFFERSON NE STE. 140, ALBUQUERQUE, NM 87109, and Santa Fe County (“County”), a political subdivision of the state located at 100 Catron Street, Santa Fe, New Mexico 87501.

Section 1. The Development. Saleh Subdivision, (the “Project”) is a proposed residential 10 lot subdivision located 4800 Richards Avenue, Santa Fe, NM. The development is subject to the Affordable Housing Regulations and Chapter 13 of the SLDC.

Section 2. Number and Percentage of Affordable Homes.

The Eight percent (8%) affordable housing requirement is applied to the 10 residential lots permissible in the Project resulting in a requirement of one affordable lot and a residual fee.

1 Affordable Unit in Income Range 2 will be required

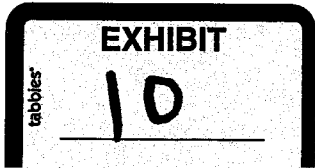
The Affordable Units shall be sold to Eligible Buyers, who shall pay no more than the Maximum Target Housing Prices in accordance with in the Regulations. The Maximum Target Housing Prices represent the maximum amount to be paid by the Eligible Buyer after applying the amount subject to the County Affordability Mortgage or Lien (collectively, “Affordability Lien”). However, the contract sales prices, as set forth in the HUD-1 settlement statement, for all Affordable Units shall be set at ninety-five percent (95%) of the unit’s appraised market value. The Affordable Units required under this Agreement shall meet minimum structural requirements, minimum bedrooms and bathrooms, minimum heated floor area, energy efficiency requirements and other requirements set forth in the Regulations, unless otherwise stated herein.

Section 3. Other means of Compliance. The Applicant can also retain ownership of the affordable unit and lease it to an affordable renter at rates based off of the tenant’s income. The following outlines the method to comply with affordable rentals;

Rent not to exceed 30% of a household’s income – 30% of income varies based on the household renting a nit at any given time, rental limit will be fixed for 12-month lease period. The tenant must be below 80% of AMI, the landlord can hand pick the tenants.

- 1. **Section 4. General Construction Characteristics.** The Project will be subdivided in two (2) phases. The developer shall construct 1 affordable housing lot in the second phase. The Affordable Unit shall be constructed, marketed and offered for sale according to the Project phasing schedule, with the Affordable Units dispersed throughout the Project as described above. As with the market-rate homes in the Project, the Affordable Units are expected to be marketed and offered for sale prior to construction completion. In accordance with Section 13.2.2.2 of the SLDC, affordable units will be constructed and offered for sale in each phase in approximately the same ratio as the number of units to be developed in a phase bears to the total number of parcels in the Project. When 50% of the market rate homes are permitted, then approximately 50% of the Affordable Units shall be permitted and under construction. When 75% of the market rate homes are permitted, then approximately 75% of the Affordable Units shall be permitted and under construction. When 100% of the market rate homes are permitted, then approximately 100% of the Affordable Units shall be permitted and under construction.

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Section 5. Integration into Total Development. The affordable home will be integrated into the overall design and layout of the Project in accordance with this Plan. Affordable homes will not be grouped or segregated from the remainder of the Project.

Section 6. Marketing and Sales. The affordable homes will be constructed, marketed and offered for sale according to the Project phasing schedule, with affordable homes dispersed throughout the Project as described above. As with the market-rate homes in the Project, the affordable homes are expected to be marketed and offered for sale prior to construction completion. At a minimum, affordable homes will be built and offered for sale in general proportion to the total number of market units.

Section 7. Location of Houses and Lot Sizes. The affordable homes will be located on fee simple lots a throughout the different zones in the Project as shown on the project plans, in near proportion to the total number of homes in these zones. Lot sizes in each zone are relatively uniform, and the affordable homes will be sited on lots that are approximately equal in size to the market-rate homes in that zone.

Section 8. Phasing Schedule. The overall Project is expected to be completed in two (2) phases with first phase containing ten (10) lots which will comprise Phase 1 and nine (9) lots which will comprise Phase 2 under the County Affordable Housing Program ("Program"), as set forth in Chapter 13 of the Sustainable Land Development Code ("SLDC"), County Ordinance No. 2016-11, and the County Affordable Housing Regulations ("Regulations"), County Resolution No. 2010-189, the Applicant must provide Affordable Housing Units ("Affordable Units") within the Project and/or comply with the Program through alternative means pursuant to Section 13.7 of the SLDC;

Submitted this ____ day of _____, 2023.

Roadrunner Real Estate, LLC

By: _____

Date: _____

Approved

Denise Benavidez _____

Affordable Housing Administrator

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