

SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS
REGULAR MEETING

September 27, 2022

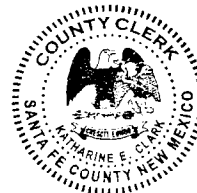
Anna T. Hamilton, Chair - District 4
Rudy Garcia, Vice Chair - District 3
Anna Hansen - District 2
Hank Hughes - District 5
Henry Roybal - District 1

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC MINUTES
PAGES: 193

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SANTA FE COUNTY
REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

September 27, 2022

1. A. This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:35 p.m. by Chair Anna Hamilton in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

Roll was called by Deputy County Clerk Evonne Gantz and indicated the presence of a quorum as follows:

Members Present:

Commissioner Anna Hamilton, Chair
Commissioner Rudy Garcia, Vice Chair
Commissioner Anna Hansen
Commissioner Hank Hughes
Commissioner Henry Roybal

Members Excused:

None

C. Pledge of Allegiance

D. State Pledge

E. Moment of Reflection

The Pledge of Allegiance and the State Pledge were led by Chair Hamilton and the Moment of Reflection by Michelle Hunter of the Public Works Department.

F. Approval of Agenda

CHAIR HAMILTON: Manager Shaffer.

GREG SHAFFER (County Manager): Thank you, Madam Chair and Commissioners. Our initial agenda for today's meeting was posted on Tuesday, September 20th at approximately 6:01 p.m., and the amended agenda was posted on Friday at approximately 5:41 p.m. In terms of changes from the time of the original agenda's posting we added agenda item 4. H to the Consent Agenda, which concerns a request for in-state travel that was not included in the travel for County Commissioners upon which the budget was originally based.

We added Miscellaneous Action item 6. F which is a resolution concerning voter convenience centers in the upcoming general election. Under Matters from the County Manager, item 9. B, we included some reports that were submitted to the County on the

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economic and fiscal impact of Bishop's Lodge in Santa Fe County and finally, for the Short-Term Rental Ordinance, Public Hearings, which is item 12. A, packet material has been added to that item in terms of updating recommendations from staff concerning that ordinance, as well as some additional public comment that has been received.

Finally, while it doesn't change the agenda itself, I would note that for Opening Business, under item 1. G, in terms of Employee Recognitions, we do have the Chief Judge from First Judicial District Court, Bryan Biedscheid, present who would like to recognize some County employees who work at the courthouse, and in addition we did have a request to recognize a long-standing County employee who will be retiring from the Fire Department.

CHAIR HAMILTON: Excellent. Thank you. So with those highlights –
COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the agenda as amended.

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

G. Years of Service and New Hire Recognitions

CHAIR HAMILTON: Manager Shaffer.

MANAGER SHAFFER: Thank you very much, Madam Chair. In terms of years of service for County employees, we do, as you know, recognize years of service in five-year increments. For this month we have several employees who are celebrating their fifth year with Santa Fe County and several others who have reached the 15-year milestone. In terms of those who are celebrating their five-year anniversary with us, from the Corrections Department, we have Manuel Baca. In the Sheriff's Department, Orlando Lopez. We actually have two additional folks in the Corrections Department, Oscar Rojas and Danny Whiteman. In our Health and Human Services Department we have Alejandro Dominguez. In Public Works Justin Martinez. In our Corrections Department, Tracie Ahlgren, and in Public Works, Joseph Black.

Celebrating 15 years with us, in the County Assessor's Department, we have Norman Aragon. From the Sheriff's Department, Sgt. Edward Webb, and in the Corrections Department, Aaron Garcia.

So we want to take a moment to recognize the long service of those employees to the County.

On the other end of the employment spectrum, I did want to recognize some new employees to the County. In the Clerk's Department we have two precinct board members, Kristy Bursso and Ashley Arevalo Garcia. I want to thank those temporary employees in particular. It's increasingly challenging to find election workers and we continue to encourage and echo the Clerk's call for employees who are able and willing to assist in that very foundational service to our community in terms of supporting our elections.

We also have an election supply tech messenger, Alyssa Montoya in the Clerk's

Department. In the Assessor's department, Susannah Lecuyer joining the Assessor's Department as an appraiser-trainee. In the Human Resources Department we have Ashley Archuleta who has joined our team as a supervisor. In the Fire Department, Angel Chacon has joined us as an accountant, and I am very pleased to recognize that we have several employees who have joined the RECC as emergency communications specialist-trainees. They are Kimberly Chavez, Keith Claxton, Destiny Garcia, Denise Gonzales, Jeffrey Herrera, Joseph Madrid, Axel Martinez, and Amy Sandoval. So again, I'm very pleased to recognize that we are turning the corner I hope relative to staffing at the RECC.

In the Sheriff's Department we have three Sheriff Deputy IIIs and one Sheriff Deputy Cadet. Jeremy Apodaca, Nathan Cadroy-Croteau, and Jose Lujan joined the Sheriff's Department as Sheriff Deputy IIIs, and Andrew Wilson joined the Sheriff's Department as a cadet.

Also in the County Clerk's Department we have another election supply tech messenger in Adriauna Depaula. In the Corrections Department, Ashley Hannan, and in Health and Human Services, Lora Domingues, and Project & Facilities Management, James Payne. In the Public Works Department as a heavy equipment operator, Ray Chavez. Also at the RECC Yajaira Salas Banda as an emergency communications specialist-trainee, and in the Sheriff's Department, secretary Kaitlin Maes. And in the Utilities Department, finally, Douglas Crosby.

So again, happy to report such a long list of new employees as well as a substantial list of employees celebrating significant milestones with us. If there are no questions or comments from the Board I would welcome the Honorable Judge Bryan Biedscheid to the podium to recognize County employees who work at the First Judicial District Court.

CHAIR HAMILTON: Welcome. We're very happy to have you here in our chambers, Judge Biedscheid.

BRYAN BIEDSCHEID: Madam Chair and Commissioners, thank you for allowing me to be here. I certainly respect your time but I have to say that when I recently became Chief Judge I became more aware of administrative things and how the court functions as a whole. As part of that process I realize that some of my very favorite coworkers at the court don't actually work for the court; they work for you in this County. And so I haven't had a mechanism or opportunity to express my appreciation and the court's appreciation for their work, and so thank you for giving me a moment to do that today.

Throughout COVID, all of a sudden so many essential workers came to the fore and became the most important people in any organization, and in our organization, Gia Black and Joe Apodaca, they worked to make sure that our courthouse was safe during the COVID era. We could conduct our business, and without them we would have been shut down. And they showed up every day and I can attest to the fact that they also helped me mentally at times throughout that process. It was challenging. They were always good to have a chat with and kept things going. So much appreciated.

We've had some changes at the courthouse as I'm sure you know. We have new programs like pre-trial services and drug court. Other programs at the courthouse that have required I guess retooling and reuse of the building in some ways, and that's

required changes to the building. And I want to thank you all for being so responsive to our needs. We've had new doors installed to help with security and to provide those services, and in providing those changes and other maintenance, Greg Lucero, who is our electrician, Trevor Larrañaga, David Ruiz, Laura Hernandez and P.J. Montano, they have come over, been very receptive to listen to our needs. I can tell you judges are not necessarily great architects, and they have been very patient about listening to what we need and helping us come up with a way to make it work, and they made it work.

And then finally, certainly not last or least, Corporal Chris Valencia and the deputies that allow us to do our work in a safe and secure fashion at the courthouse. We're supposed to pay attention to the issues, the law and the facts, and do it without being worried or intimidated or otherwise concerned about what's happening in our surroundings, and without them we could not do that. So they're very appreciated as well.

And again, I just want to take this opportunity to thank you because if your work environment is anything like the court's there may not be a lot of thank yous coming your way. But I just want to tell you that what you do is appreciated and we certainly are happy to have this chance to say that to you. So thank you.

CHAIR HAMILTON: Thank you so much, Judge Biedscheid. I can't tell you how much we all appreciate the fact that you took your time to be so gracious and give thanks for the things that we do and that we do together. We look forward to our continued working relationship. Thank you so much.

MANAGER SHAFFER: Madam Chair, and Commissioners, the second addition to this item was recognition of Donna Morris, who was accountant with the Fire Department and I'm going to ask Assistant Chief Montoya to come up to the podium if I could, to lead that recognition.

ASST. CHIEF BOBBY MONTOKA (Fire Department): (microphone off) and we will definitely miss her. Donna has always had the answer. If you ever had a question regarding the history of the Fire Department, you went to Donna. She always had the answer. If you had a question regarding a piece of apparatus we were working with ten years ago, she had the answer.

We have a sincere gratitude that we have for her here today and you can see by the support that she will be missed, and we do have a plaque for her.

CHAIR HAMILTON: Yes, I have it. Donna, I think you need to come forward.

ASST. CHIEF MONTOKA: Donna, if you can come up. So on behalf of the Santa Fe County Fire Department we'd like to offer this plaque to you, show you our appreciation for your service and your dedication for over 20 years. We will miss you sincerely and we thank you so much.

DONNA MORRIS (Fire Department): Thank you, Madam Chair, Commissioners, Assistant Chief Bobby Montoya. I appreciate it. I appreciate the recognition and I'm going to miss my family here at the Fire Department and Santa Fe County as a whole. Thank you.

CHAIR HAMILTON: Daniel, do you think we could get an old fashioned picture with everybody who came with Donna and everybody who came from the Fire Department and the Commissioners.

COMMISSIONER ROYBAL: Madam Chair, I just wanted to thank you

for your service and dedication. I don't know if you want to go around through the Commissioners first. It was one of those things I was saying on public record with our Police Department and our Fire Department, you guys are local hometown heroes and it's something that we're very proud of. The Fire Department has been to my house when my mother-in-law and my father-in-law were very sick. I can't express the gratitude and the appreciation that I have for what you guys do on a daily basis. So thank you so much for your dedication and to our constituents of Santa Fe County.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Just echoing what Commissioner Roybal said to the Fire Department. During the last year and a half I've had the Fire Department go out to our property twice. My aunt gives you guys – she can't stop talking about you guys, what you all did at our property. Donna, for an individual that has institutional knowledge – I'm a firm believer in institutional knowledge. You have a lot of institutional knowledge. Anywhere from working with Chief Stan Holden. The vision that Chief Stan Holden had for this Fire Department as into where we are today. You worked for a great man and many other chiefs that were there. Your institutional knowledge in that department is going to be missed, certainly by all the admin staff, and I'm sure everybody else. But congratulations and I'm sure you'll be missed. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you so much. Commissioner Hughes.

COMMISSIONER HUGHES: Well, I don't think I could say it any more eloquently than my two fellow Commissioners, but thank you so much. Twenty-four years is a long time to devote to our service and we really, really appreciate it. So thank you.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: All I can say is Wow. You are definitely going to be missed and that is clear by the example of your fellow coworkers who obviously love you and care for you and as we all do also, but it is a testament to see everyone here. So congratulations. Good luck, and thank you for all of your service to Santa Fe County. We are grateful. Thank you sincerely.

CHAIR HAMILTON: Thank you. Well, you definitely welcomed me to the Fire Department and took care of me lots of times and everybody else. Now you're going to get to go play with horses, which will be wonderful, but you will definitely be missed. Thank you so much. Now maybe we can take a picture.

[Photographs were taken.]

2. APPROVAL OF MEETING MINUTES

A. Request Approval of the August 30, 2022, Board of County Commissioner Meeting Minutes

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the August 30, 2022 BCC meeting minutes.

COMMISSIONER HUGHES: I'll second.

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CHAIR HAMILTON: Thank you. I have a motion and a second.

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

B. Request Approval of the September 7, 2022, Board of County Commissioner Special Meeting Minutes

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I move to approve the September 7, 2022 special meeting minutes.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Thank you. Motion and a second.

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

3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS

A. Request Approval of a Proclamation Proclaiming the First Wednesday in October as "Energy Efficiency Day"

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So before I was elected a Commissioner I was part of Watershed Sol Smart. We created this group called Sol Smart and we had Energy Efficiency Day at the Roundhouse and we did this for a number of years. So when the Coalition of Sustainable Communities sent me this resolution I thought, yay. We're back onto the Energy Efficiency Days. One of my favorite things because it's such a great way to help climate change and keep the energy clean. So if you don't mind I'd like to read it into the record. It's a short one page. Thank you, Madam Chair.

Whereas, energy efficiency is one of the cheapest, quickest, and cleanest way to meet Santa Fe County's energy needs, avoid dangerous pollution, and reduce utility bills for residents and businesses in our community; and

Whereas, implementing energy efficiency and other clean energy policies and programs can help boost economic opportunities and job creation while continuing to move Santa Fe County toward a sustainable future; and

Whereas, smarter energy use reduces the amount of electricity needed to power our lives, which helps avoid power plant emissions that can harm our health, pollute our air, and warm our climate; and

Whereas, for counties and states like ours that are trying to tackle harmful pollution, energy efficiency can get us about half way toward our emissions reduction goals; and

Whereas, energy efficiency makes our homes and work spaces healthier, safer, and more comfortable; and

Whereas, cutting energy waste saves US households billions of dollars on their

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utility bills every year, up to \$500 per household from appliance efficiency standards alone; and

Whereas, improved energy codes for homes and commercial buildings also can significantly reduce utility costs and create new jobs, and Santa Fe County supports increasing the minimum levels of efficiency for new buildings through adoption of a stricter code or the model 2021 International Energy Conservation Code, IECC; and

Whereas, the residents of Santa Fe County can continue to contribute to our energy efficiency efforts by learning about and participating in the United Nations Framework Convention on Climate Change, Race to Zero Pledge, which is endorsed by Santa Fe County and the International Council for Local Environmental Initiatives, ICLEI, USA; and

Whereas, a nationwide network of energy efficiency groups and partners has designated the first Wednesday in October as national annual Energy Efficiency Day; and

Whereas, together we can continue to contribute to our sustainability efforts by learning more about energy efficiency and practicing smarter energy use in our daily lives.

Now, therefore, be it resolved that we, the Board of County Commissioners of Santa Fe County, do hereby proclaim the first Wednesday in October, as Energy Efficiency Day.

Be it further resolved that the Board hereby urges citizens to join us in supporting our clean energy goals and effort to move toward more energy efficiency now and in the future.

So when I was part of this group in 2012 one of the things we advocated was solar on the Roundhouse, and I'd still like to see solar on the Roundhouse, but we're making progress everywhere, in the state and in the county. So with that I would like to make a motion to proclaim the first Wednesday in October as Energy Efficiency Day.

COMMISSIONER HUGHES: I'll second that.

CHAIR HAMILTON: Excellent. Thank you. So I have a first and a second. Is there anything under discussion?

COMMISSIONER HUGHES: Madam Chair.

COMMISSIONER HANSEN: Yes, Commissioner Hughes.

COMMISSIONER HUGHES: I want to thank Commissioner Hansen for bringing this forward and we all know that energy efficiency is the cheapest way to generate new energy. So thank you.

COMMISSIONER HANSEN: Thank you. And it's definitely aligned with our goals and how we are moving forward at Santa Fe County.

CHAIR HAMILTON: Absolutely. That's really excellent. Thank you for doing this. So we have a motion and a second.

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

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: I'd just like to thank my constituent liaison, Laura Jagles for working on this proclamation for me and I really appreciate her and she

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is a new liaison to the County and she's doing great. So thank you.

CHAIR HAMILTON: Excellent. Thank you so much.

3. B. Request Approval of Certificates of Appreciation for 2022 Santa Fe County Fair Contributors

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. Every year we get thank you cards from the fair from the participants that we have. It's really wonderful to see how having that activity with the County Fair and the 4-H, that's part of the County that's such a positive impact on our kids and our youth is Santa Fe County. This year, I was thinking – and every year I say it but it's something that I want those 4-H-ers to know, it's them who make this happen. We have volunteers who have a positive environment for our children for this 4-H event.

In this event it promotes education, sustainability, it's a positive environment, it teaches leadership skills, even as far as public speaking. Every year we have a lot of participants and it's really wonderful to go to the County fair this year and watching the excitement in the children in a positive environment where we have a lot of volunteers that really present a positive environment for those kids. Just the excitement that you see in the kids participating in 4-H as well.

I know as a parent the beneficial impact that it has on these children. So I wanted to bring certificates of appreciation for their participation in the 4-H and recognize them for this. I'd like to challenge the Commission, as you all know, this is my last year on the Commission. I've been termed out as a Commissioner But I want to challenge the Commission to bring this forward on a yearly basis to recognize these participants on the 4-H side. I just want to once again thank all the volunteers, to staff for all their hard work. I know Anna is always working really hard and Gina, they do a lot to make sure that this event moves forward. And a lot of the parents call and bring forward things they'd like to see changed and worked on. I think all together we work in a positive manner to make sure that we make this event successful every year. But it's just – it's pretty neat to see all the kids selling their livestock that they raised this last year. I think a lot of them use that to go to college and so it's really just a great program that we have.

So I just want to reiterate that and thank the Commission for the support that we've brought forward to the 4-H-ers and give these recognitions out today. I think there was a total of 140 certificates. So I want to just thank the Commission for that. And I want to give the opportunity for anybody. I know we have some board members from the 4-H here, if you'd like to come forward and make any comments. And then we'll present you with the certificates for the kids. Thank you.

MONICA LURY: I'm the Fair Board Chair, Monica Lury. Madam Chair and Commission, we thank you for this opportunity to come before you. Most of our kids would have loved to have been here, but a lot of them have participated of course in County fair and also in state fair, and some of them are also getting ready right now to participate at the Eastern State Fair, which is going to start with them taking their animals in at the end of this week. So not very many of them were able to take off of school to be here today, but they do all appreciate everything that you guys have done for them and all

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of your support. So thank you very much.

ERIC SANCHEZ: Madam Chair, Commissioners, my name is Eric Sanchez. I'm the vice chair of the County Fair Board. I would like to just express my gratitude and thank you all for all the hard work the County staff, Anna, everybody that works to make the fair possible. Thank you.

CHAIR HAMILTON: Thank you so much. That's really gracious and we really thank you for what you do to make it happen. It's kind of, as far as I'm concerned, easy to sit in this chair and do the support. It's hard to actually make it real and that's what you guys do.

COMMISSIONER ROYBAL: You're absolutely right, Commissioner Hamilton. We're the cheerleaders and they do all the heavy lifting.

CHAIR HAMILTON: That's right.

COMMISSIONER ROYBAL: I don't know if there's any other comments from the Board, but I do want to present these certificates.

CHAIR HAMILTON: Yes. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Monica Lurie. I've known Monica since before she was a Lurie. Eric, I know him as Lyle. Thank you guys for all you do in putting all the volunteers together. This is actually a year-long process that you all put together and for a good week, week and a half of the County fair. Santa Fe County Fair is probably one of the best county fairs probably in the state of New Mexico. All the individuals that participate in the fair, good job. Well done. I can remember when I worked on that fair from repaving the asphalt on the parking lot, there was probably like three camper-trailers there. I think now, what is there? Fifty, 75 camper-trailers there. That goes to show how many people are involved throughout the county. Thank you for what you all do as well as your team.

Anna, thank you. Thank you for you and your team do as well, for putting this all together. Sometimes we have some difficult questions and I get a little frustrated, but nonetheless we get it all done as a team. Thank you for you and your team as well.

Also another part of the team is the Public Works Department. Steve Gray is sitting back there, as well as David sitting back there. Very essential individuals for programs like this. When they get there, the lights are on and everything is going well. But thank you for everybody that actually participates in the County fair. It's actually a very good thing, 4-H, for the young individuals in the community, this county, as well as definitely the southern part of the county, my district, and the surrounding counties as well. Thank you for what you do. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you so much. Anybody else? Commissioner Hansen and then Commissioner Hughes.

COMMISSIONER HANSEN: Yes. I apologize. I didn't make it to the County fair this year but it was because of the heat. It was quite hard on me, so I can imagine only that it was hard on the kids because heat affects all of us and this summer was quite hot. I thank you so much for all of the work that you do and to make these children be able to have this incredible experience at the County fair and I sincerely hope that I will make it there next year. And I want to thank Anna and all the board of the County fair for everything that you do because you do a tremendous amount of work and I know that you're all volunteers and so that is a great thing to give back to our

community. So thank you very much and thank you to all the kids who get to raise these incredibly wonderful animals and have that experience, because I think it's invaluable. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Well, I get to go last so everything's already been said. Thank you very much. When I've been to the state fair I'm always impressed by how serious and caring the children are, the young people with the animals that they've raised. I thank all of you for providing that very positive experience in young people's lives, which I think is – it's how we make our community better, raising people who can take us into the future. Thank you very much.

CHAIR HAMILTON: Excellent. Thanks so much. So back to Commissioner Roybal for the presentation.

COMMISSIONER ROYBAL: Thank you, Madam Chair. Anna, did you have anything to add?

ANNA WAR (Community Services Department): Good afternoon, Madam Chair, Commissioners. I just wanted to acknowledge this recognition and thank you for that. We work hard as a team. We have the Fair Board who does an excellent job in starting to plan this fair, like Commissioner Garcia said, it's a year-long planning. And all the volunteers that we get, the Fair Association. I also want to acknowledge the staff because without Public Works I would not be able to do my job. Those guys really do get our grounds together. They get everything cleaned and ready for all the indoor exhibits, whatever we need in the barns, whatever last minute fixes, and then they're there for us during the fair for whatever we need, as well as my staff. I have a really hard-working staff and I just want them to know how much I appreciate them. So thank you for the recognition. It really is something wonderful and I want to thank the board for everything that they've done because they really do a great job in getting this all together every year.

COMMISSIONER ROYBAL: Thank you, Anna, and I do appreciate – thank you for acknowledging all the staff that's involved with the preparation. I know it's not an easy task and every year you guys make it just the greatest event. So I really appreciate all your hard work. That's really all I had, Madam Chair. I just need to give these certificates. You guys will distribute these? Okay. Thank you, Madam Chair.

4. **CONSENT AGENDA**

- A. **Request Approval of County Health Care Assistance Claims in the Amount of \$233.31 (Community Services Department/Jennifer Romero)**
- B. **Final Order in the Matter of Case # 22-5080 Los Brios Subdivision Conceptual Plan and Preliminary and Final Plat. JTT, LLC, Applicant, JenkinsGavin, Agent, Requested (1) Approval of An Affordable Housing Agreement and (2) Approval of a Conceptual Plan and Preliminary/Final Subdivision Plat. The Applicant is Proposing a Subdivision of 56 Single Family Lots, Inclusive of Two Existing Homes. The 17.15±-Acre Property is Comprised of Two Separate Parcels (Lot 1, 9.02 Acres and Lot 2, 8.13 Acres). The Applicant Also Requested Approval of the Subdivision Affordable**

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Housing Agreement. The 17.15-Acre Site is Zoned as Traditional Community (TC) Within The Village of Agua Fria Community District Overlay (VAFCD). The Property is Located at 4738 Agua Fria Road, SDA-2 (Commission District 2) (Growth Management Department/John Lovato, Case Manager) (Approved 4-0)

- C. Resolution No. 2022-073, a Resolution Adopting Projects for Inclusion in Santa Fe County's Senior Services Infrastructure Capital Improvement Plan for Fiscal Years 2024-2028; Authorizing Submittal of Plan to The New Mexico Department of Finance and Administration; and Replacing Resolution 2021-076 (Community Services Department/Anna War)**
- D. Request (1) Approval to Award Contract No. 2023-0021-PW/KE for Road Improvements for Multiple Roads in Santa Fe County; and (2) Delegation of Signature Authority to the County Manager to Negotiate and Sign All Necessary Contract Documents and Purchase Order(s) (Purchasing Division/Bill Taylor and Public Works Department/Brian Snyder)**
- E. Resolution No. 2022-074, a Resolution Requesting Budget Increases for the Section 8 Housing Choice Voucher Fund (227) in the Amount of \$124,875 and the Housing Services Enterprise Fund (517) in the Amount of \$234,376 (Finance Division/Yvonne S. Herrera and Housing Authority Division/J. Jordan Barela)**
- F. Request (1) Approval of Amendment No. 4 to Agreement No. 2019-0086-PW/CW Between Santa Fe County and Bohannon Huston, Inc., Increasing the Compensation an Additional \$85,100, for a Total Contract Sum of \$437,390.65, Exclusive of NM GRT, Extending the Term an Additional 120 Days; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Public Works Department/John Dupuis)**
- G. Request (1) Approval to Utilize the Houston Galveston Area Council Cooperative Purchase Agreement Pursuant to Ordinance 2012-5, Section 1, Outside Contracts, to Purchase Two (2) 2023 Ford F-550 4x4 Horton 457 Type I Ambulances for the Santa Fe County Fire Department for a Total Sum of \$678,584, Inclusive of NMGRT; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s)**
ISOLATED FOR DISCUSSION
- H. Request Approval of In-State Travel for Commissioner Rudy Garcia's Attendance at the 2022 New Mexico Outdoor Economics Conference, October 5-7, 2022**
ISOLATED FOR DISCUSSION

CHAIR HAMILTON: Before I move on to the Consent Agenda I wanted to go to Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. Before you move forward through the Consent Agenda I did want to provide some

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additional information relative to Consent item 4. G. If that information causes any extended discussion then perhaps I would suggest that we remove that item from the Consent Agenda. But item 4. G is permission to use a cooperative purchasing agreement to purchase two type-1 ambulances for the Santa Fe County Fire Department, specifically for Station 50 and Station 60.

What I wanted to bring to the Board's attention is that the budget being utilized for those purchases as it was requested and brought forward through the budget process consist of a capital or asset request to purchase one ambulance at \$310,000 and a separate request to purchase a tech rescue vehicle for \$410,000. What is actually being proposed by the Fire Department is to delay purchase of the tech rescue apparatus at this time and instead utilize the money that had been requested for that purchase to address a shortfall for the one ambulance and then purchase a separate ambulance, as well as address some other necessary capital purchases.

The primary reason for that is that the ambulances are the workhorse apparatus of the Fire Department and the current build time for ambulances is two to three years. So again, that's two to three years. We're placing a purchase now for a vehicle that won't be delivered for two the three years and the Fire administration felt that we needed to make that pivot in order to ensure the timely replacement of the ambulances, but because it was different than how the budget was prepared I did want to bring that fact to the Board's attention. Because it doesn't change the budget it wouldn't require a formal action by the Board, which is again, why I'm giving you that information now before you move forward. And if there are any questions, again, I respectfully suggest that we move that item from Consent but I did want to provide you with that information. Thank you.

CHAIR HAMILTON: Excellent. Thank you. I think we will do that just to get further discussion. And are there any other items under Consent? Commissioner Hansen.

COMMISSIONER HANSEN: Yes. I'd like to move off H.

CHAIR HAMILTON: Right. Any others? So we would now be – I'd entertain a motion if we remove G and H, on Consent items A through F.

COMMISSIONER HANSEN: So moved.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Thanks. So I have a motion and a second on Consent items A through F.

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

4. G. **Request (1) Approval to Utilize the Houston Galveston Area Council Cooperative Purchase Agreement Pursuant to Ordinance 2012-5, Section 1, Outside Contracts, to Purchase Two (2) 2023 Ford F-550 4x4 Horton 457 Type I Ambulances for the Santa Fe County Fire Department for a Total Sum of \$678,584, Inclusive of NMGR; and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order(s) (Purchasing Division/Bill Taylor and Fire Department)**

CHAIR HAMILTON: So that would take us to item G. I wonder, from the budget, I understand the rationale for the need for the ambulances, but I wonder how long the tech rescue request has been on the rotating, year-to-year budget. I think it's been there for a while and what would be done to fulfill that need in a timely manner.

MANAGER SHAFFER: I would ask AC Black to address their overall capital planning relative to apparatus. I think I could summarize what the answer is but I prefer to have you hear directly from AC Black.

CHAIR HAMILTON: Yes. Welcome.

JACOB BLACK (Fire Department): Madam Chair, thank you. So, yes. So we do hear that concern about the tech rescue. As Manager Shaffer said, the ambulances are our primary workhorse as 85 percent of our calls are medical calls. The tech rescue that was proposed for the FY 23 budget was for not a specific district but for the countywide tech rescue team. At Chief Lindsey's direction we decided to make the recommendation that we move that – those funds to purchase a regional ambulance. And to keep that, currently we do have a number of tech rescue vehicles on the tech rescue team that are able to respond countywide. So this will allow us to prepare better for the FY 24 budget when we submit a request for a tech rescue vehicle then.

As Manager Shaffer was saying, we are seeing a number of price increases that are continually hitting us when we are working to purchase and build these apparatus, and so this will give us a better window to spec out tech rescue, get to a better budget idea and plan for FY 24.

CHAIR HAMILTON: Okay. The budget was just approved a few months ago. There's a whole long period of time, months, at the beginning of year that's given to analyzing needs. I find it hard to believe that the need for the ambulance wasn't for two ambulances instead of one wasn't known then. So there must have been a rationale for the tech rescue need floating to the surface. I understand it's a judgment call. I'm not saying I'm not supporting the decision. I'm saying that should have been justified a few months ago and frankly, I think there should have been a little more detail about why the change. It had to have been some sort of big change if a few months ago you thought what we needed was one ambulance and one tech rescue.

And I also, given that these things float around for a while, you put something in and things get taken in some order of priority. So there are some things that are always pushed to the bottom of the list. That's what the long-term budget process is for. So I don't have a real specific objection but I think that it's a little – I think it should be a cautionary tale that this change got made sort of in the eleventh hour on an individual request after months of budget planning, which should have been done based on data, like we've spent months analyzing what the County needs are in all kinds of areas. And then the Chief asks for a change – on what? Like a judgment call?

ASST. CHIEF BLACK: Madam Chair, yes, ma'am. I do understand. We do understand the need to forecast out and develop our systems and to understand our needs. Please understand we are trying to work within a dynamic environment. We need to make changes as well as the chassis on these ambulance purchases. We are having to change manufacturers of the chassis because we're not able to purchase the Ram chassis which have been standardized as well as making changes to their deployment and who they're selling to and how those priorities are coming out.

And so these are changes that are coming at a very rapid pace and we are trying to forecast out those needs so that we can make better judgment calls and plan out in the future.

CHAIR HAMILTON: Does the very, very long lead time that's needed, is that kind of a new development? Has that been increasing recently?

ASST. CHIEF BLACK: Yes, ma'am. It has. We've seen that throughout the COVID pandemic that lead times are getting more and more and more. So Madam Chair, we are looking at 12 months just to get a chassis, just to get a cab and chassis for any apparatus, and then after that we're looking at another 18 to 24 months for the manufacturer to actually build all the components. So these are – we are seeing longer and longer build times.

CHAIR HAMILTON: I get that. Okay, are there any other questions on this item? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just want to make sure I understand what's being purchased. S instead of purchasing one ambulance and one tech rescue, we're going to purchase two ambulances? And is that partly because we can get the ambulances faster, or what?

ASST. CHIEF BLACK: Madam Chair, Commissioner Hughes, so yes. The recommendation is that we are moving from purchasing one ambulance and one tech rescue to moving funds to make up for the budget shortfall that we have for our original request for purchase for an ambulance, and then using the remaining funds to buy a second ambulance.

COMMISSIONER HUGHES: And is that because we need the two ambulances? Or because we can get the ambulances faster?

ASST. CHIEF BLACK: Madam Chair, Commissioner Hughes, that's because the ambulances are an incredible need and we are putting on average well over 100,000 miles on our ambulances every year or so, as they are used five to ten times a day, twenty times a day, running medical calls. And with the priority of the ambulances, the wear and tear on the ambulances, we're incurring wear and tear on the ambulances much more than any other apparatus in the Fire Department, thus they are needing to be replaced on a much more regular basis.

COMMISSIONER HUGHES: Okay. So in other words, it's because of the lead time that you're anticipating you're going to need those two ambulances when they finally arrive.

ASST. CHIEF BLACK: Madam Chair, mm, yes. That is correct.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HAMILTON: Thank you, Commissioner Hughes. Any other questions on this item? I'd entertain a motion.

COMMISSIONER HUGHES: I'll move for approval.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

H. Request Approval of In-State Travel for Commissioner Rudy Garcia's Attendance at the 2022 New Mexico Outdoor Economics Conference, October 5-7, 2022 (County Manager's Office/Brittney Montoya) (Item Added)

CHAIR HAMILTON: I'll go to Commissioner Hansen, who pulled it.

COMMISSIONER HANSEN: Thank you. So the reason I pulled this is I don't have any issue with anybody going to this conference. I would like to have gone myself, because I didn't even know until last week that it was a possibility, but I think in the future what we need to do with the budget is I think we need to start looking at the conferences and add in a little bit more flexibility in the travel budget for the Commissioners so that when something like this does come up. I was, as you all know, I was just recently invited to the – I don't think you know, but you know that I participate in NACo and I was just invited to a meeting at the White House for Building a Better New Mexico, and that is something that I would have considered wanting to go to, but the time is quite short for the notice, but it's an in-person meeting.

So there are things that come up like that after the hard work that many of us have done on many projects in New Mexico. I spend a fair amount of time of my own time, since I'm only part time, working with NACo on many different committees, and so part of the reason I was invited to the White House is because of my participation in that. It's a non-transferrable invitation is what it says here.

So I think that the reason I pulled it is just as an opportunity to talk about our budgeting process in the future and how we can accommodate some of this travel for Commissioners when there is really an opportunity to advocate for more money for New Mexico, more money for Santa Fe County and I hope that Commissioner Garcia will find those opportunities for us at the Outdoor Recreation and bring back some of the grant opportunities to Santa Fe County, because Santa Fe County has many wonderful outdoor activities that we would like to highlight and make sure that we find grants and opportunities to do that.

So with that, Madam Chair, I move to approve item H.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Excellent. I have a motion and a second. Is there any further discussion or questions?

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

[Deputy Clerk Gantz provided the resolution numbers throughout the meeting.]

5. APPOINTMENTS/REAPPOINTMENTS

A. Recommendation of County Resident to the City of Santa Fe's Library Board

CHAIR HAMILTON: Do we have Ambra? Welcome, Ambra.

AMBRA BACA (County Manager's Office): Hello. Good afternoon,

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Madam Chair, members of the Commission. I'm constituent liaison for District 1 and I've also been asked to serve as the staff liaison to the City of Santa Fe' Library Board. I am presenting for approval today a recommendation to fill the vacant County board member seat. Created by the City of Santa Fe in 1962 is an advisory board to the City's governing body. The board recommends, in consultation with the City of Santa Fe's Library Division Director of Staff and policies and use of the library, book selection, accession of gifts and other policies.

The board consists of seven members, five of whom live in the incorporated boundaries of the city and two who live outside the city boundaries within Santa Fe County. Library board members serve a three-year term and may be appointed for up to one additional consecutive term. The Santa Fe County Board of County Commissioners recommends County member appointments to the Mayor for presentation and to be approved by the City Council.

The board meets monthly on the third Tuesday at 5:45. Santa Fe County advertised the vacancy for this board position April 13, 2022 with a deadline of June 30, 2022. Staff received letters of interest and résumés for the following seeking appointment. Thao Romero, Sharon Eckland, Flavian Mark Lupinetti, Joseph Stack, Pamela Pierce and Paul Stuart Spalding. Staff recommends the appointment of Flavian Mark Lupinetti to serve a three-year term.

Flavian is a poet, fiction writer and retire cardiac surgeon. Joining us is Margaret Neal. She's the Library Division Director. She is joining us virtually and we stand for any questions.

CHAIR HAMILTON: Excellent. Does the person who's joined us have anything to say before questions or is just available?

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: Did you say that was a three-year appointment, Ambra?

MS. BACA: Yes.

COMMISSIONER ROYBAL: Okay. I don't have any questions but I'll move approval, unless there's any other questions.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: So I have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Ambra. In regards to actually – we got several applicants. Who chooses or makes the recommendation?

MS. BACA: The Library Board does, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Ambra.

CHAIR HAMILTON: Any other questions or discussion? So I have a motion and a second.

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

6. MISCELLANEOUS ACTION ITEMS

A. Resolution No. 2022-075, a Resolution Requesting a Budget Increase in Various Funds to Carry Forward the FY2022 Encumbrance Balances into FY2023 in the Amount of \$21,480,519

CHAIR HAMILTON: Director Herrera, thank you so much.

YVONNE HERRERA (Finance Director): Madam Chair, Commissioners, this is our first BAR for the fiscal year. Since we rolled over all POs related to capital projects we have since increased the budget authority over the amount that we presented to you to DFA for fiscal year 23 and so in order to ensure that both systems align with each other we request that this BAR be approved and then processed with DFA.

CHAIR HAMILTON: Excellent. So are there any questions on this item from Commissioners?

COMMISSIONER HUGHES: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HUGHES: I move for approval.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Is there any further discussion? Looks pretty straightforward.

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

6. B. Request (1) Approval of Design-Build Contract No. 2022-0068-PW/BT with Jaynes Corporation, Inc for Upgrades to, Improvements to, and Expansion of the Public Safety Complex, in an Amount of \$5,167,779, Inclusive of NMGR; and (2) Delegation of Signature Authority to the County Manager to Sign the Contract and Purchase Order(s)

CHAIR HAMILTON: Welcome, Bill. You can lead us into this design-build for Public Works.

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. Pleasure to be here this afternoon. A little bit of background on this project. In 2014 the Board of County Commissioners authorized or approved the use of design-build project delivery. We have gone out a multiple number of times with that procurement and were unable to award a contract due to non-responsive proposals, overbid, things like that. We've revised the scope. We went out again and this time we were successful with a very successful bid and solution to the Public Safety Complex and the RECC Center.

The project – what we're here before the Board is to, we have a contract, negotiating the contract, going through finalizing the design and we're asking the Board to approve the award of that contract and delegate signature authority to the County Manager to sign that contract and the purchase order for it in the amount of \$5,167,779, inclusive of tax.

And so the project is going to comprise construction of a separate building for RECC. We have a couple of renditions I could share with the Board. Hit it, Daniel. That's

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the entrance to the new RECC facility. That's been designed to provide a little over 6,000 square feet of space. In addition, the second rendition, if you could put that up, Daniel, is the expansion of the existing Public Safety building. This is the evidence bay and maintenance bay that they're going to expand out. The departments within that existing building will be able to spread out, occupy the space that RECC was in, get a lot more space for the Sheriff's Office which is critical for their needs in the building.

So with that, Madam Chair, I'll stand for any questions on the project.

CHAIR HAMILTON: Excellent. Thank you. I actually have – well, I'll go to Commissioner Garcia first.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr. Taylor. This is good. We've been at this project for many, many years. Some of the questions I have is the existing Fire Department, their base, where is the Fire Department going to go?

MR. TAYLOR: Madam Chair, Commissioner, the bay right now is going to be a separate project. Believe me, we're looking at opening up the bay and having it as a drive-through. That is still part of the project, correct, Gary? It is not. Right. The Fire Department has funding for that. We needed enough funding for the more critical part. We were in counsel with the Fire Department, negotiating that and they're going to come back with a project on their bay, separate project for the bay.

COMMISSIONER GARCIA: Madam Chair, Mr. Taylor, so the portion of the Public Safety Complex that is at the most westerly end is the Fire Department bays, and that's where the Fire Department currently is located. So with that be utilized by the Sheriff's Office, all of that?

MR. TAYLOR: Madam Chair, Commissioner, no. The Fire Department is still utilizing that. Initially, part of this project was to try to make that a drive-through bay, if I recall correctly. I'll turn it over to Gary. He has more details specifically on the bay.

GARY GIRON (Public Works Director): Madam Chair, Commissioners, Commissioner Garcia, in conversations with the Fire Department they decided they did not need the drive-through bays, but we have been working with them on a separate project and we're working to redesign the space with soft walls and some hard walls inside of the Fire section that will take care of all their needs and should add quite a few additional offices. And we think that is their conclusion that that will address their needs. So that one is in process. It is not part of this now.

And any of the changes for the Sheriff, in the section for the Sheriff, there's going to be a small addition on the east side that is going to expand the space and then use all the RECC's space for the Sheriff's Department.

COMMISSIONER GARCIA: Thank you, Madam Chair. So RECC will have a new separate component.

MR. GIRON: A separate building. Madam Chair, Commissioner, yes, that is correct.

COMMISSIONER GARCIA: And in regards to the bid, does this include furniture, fixtures and equipment?

MR. TAYLOR: Madam Chair, Commissioner, it does not. There's a separate budget for that that the County's going to purchase in conjunction with Jayne's

Corporation in coordinating the design, the trace for the electrical, the cameras, the furniture and all that. So there is a budget for the FF&E. It's not part of the actual project. It's part of the contract with Jayne's.

COMMISSIONER GARCIA: So there's a separate budget for FF&E, furniture, fixtures and equipment.

MR. TAYLOR: Correct. And Madam Chair, Commissioner Garcia, it's the same methodology that we did for the County Admin Building. We contracted for all the work. We did a separate -- the County did their separate procurement for the furniture for the facilities.

COMMISSIONER GARCIA: Thank you, Madam Chair. Because whenever you go into RECC now, sometimes I can't sleep at night I watch Public Safety TV ads and those people can go from Oklahoma, they can go to New York, they can go all over the country with their CAD or whatnot and I would hope that we can do that at our RECC where we have screens that are about this big, maybe a little larger. So I would hope that the furniture, fixtures and equipment in the RECC as well as the Sheriff's Department are up to date. Thank you, Madam Chair. Thank you, Mr. Taylor. Congratulations, you and the entire team and the previous team that has worked on this for moving this forward. Thank you.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Gary. Thank you, Bill, for bringing this forward. Yes, this is something that's been in the works for quite some time. I saw one memo dated 2014 but I think it's probably been going on even longer than that. I would like to know where the money is coming from. Is this money we're bonding for?

MR. TAYLOR: Madam Chair, Commissioner, GRT bonds.

COMMISSIONER HANSEN: Okay. So I think this is a good use of GRT bonds to use to build a County facility. I see that as a good investment and I just wanted to be clear that this is a \$5 million project and that's a fair amount of our bonding capacity.

MS. HERRERA: Madam Chair, Commissioner Hansen, I just want to clarify, it's bond money and GRT money. So two separate funding sources.

COMMISSIONER HANSEN: Okay. Two separate --

CHAIR HAMILTON: I was going to ask what GRT bonds were.

COMMISSIONER HANSEN: Thank you. Other questions that I have -- when do you plan to start on this project?

MR. TAYLOR: Madam Chair, Commissioner, right now, Jayne's has proposed to break ground in January. They're going to finalize the design in December and break ground in January, finish the RECC facility by June of 2023 and complete that and then there'll be a switch-over once they open up and operate RECC they'll move them into there and then they'll go into the existing building. And they are proposing finishing the project in the fall of 2023, which is very aggressive but we like the schedule.

COMMISSIONER HANSEN: Yes. Design-build -- that's one of the attributes or ability we get with that. We built 100 Catron in record time. I just also want to make sure that during that time we'll be working on getting a new JPA with the City for the RECC because I think that is also very important as is the fact that we are

providing this new facility for the RECC. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. So are there other questions or discussions, or what is the pleasure of the Board?

COMMISSIONER GARCIA: Move for approval.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second.

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

6. C. Request Approval of Memorandum of Agreement No. 2022-0233-CSD/MM Between Santa Fe County and the City of Santa Fe Regarding the Use of Santa Fe County Funds for Prevention and Intervention Programs that Address Youth and Community Violence

CHAIR HAMILTON: We have Bill Taylor again.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. We have a memorandum of agreement, as the Commissioner stated, between the City and the County whereby both entities in this memorandum of agreement will fund \$100,000 per year. It is a contract through a term of 2025. That's why it's before the Board for that amount of over \$300,000 in the contract and the number of years with the MOA.

I do need to point out that there has been some modifications to the scope in the agreement and what was uploaded in the BoardDocs does not contain that. We passed around, you should each have a copy of the correct scope under the scope of the agreement. The changes were – it's Section 1 of the agreement on page 3 and 1. B, C, and E, were modified to include that the City will act as the lead agency in E for incoming state and federal funding. The City will contract with a service provider with positive youth development expertise and community credibility to pilot, evaluate, improve, and expand the program to recruit, support, educate and employ youth at high risk of violence to serve as community support workers and contribute to youth. And then B, the County Community Services Department will provide the City with the County's portion of the funding.

Those three items in the agreement were changed. With that, Madam Chair, I'll stand for any questions and additional clarification. But we're asking for approval of the corrected agreement before you.

CHAIR HAMILTON: Thank you. I'll go first to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Bill. Thank you. So I'm concerned and I'll be very direct about it. The reason I'm concerned is that the City cannot receive state funding at the moment until they finish their audit and so if we're going to go enter into an agreement with them I want to make sure that they can receive the money from the state that is being allocated. Because otherwise it's going to come back on us, such as what we are doing with the Recovery Center, since they could not accept that money for the Recovery Center, which is in the city, so we are now once again still the lead. So I would like to know what guarantees we have that this will be – that the City will be able to accept state money.

It says that the City will act as the lead agency for incoming state and federal

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funding.

CHAIR HAMILTON: I think that's a question for some answers or some discussion.

CHANELLE DELGADO (Community Services): Madam Chair and Commissioners, I just wanted to let you know that we have not yet applied for funding from the state or federal funds. At this moment they haven't opened up and we are not able to apply for them. I was not aware of the City's current status. However, within those terms, when we met with the state, they did say that the City or County would have to act as the lead agency for the purpose of the MOA. We identified the City as they had more capacity to do so, but that is something we can address and look into.

COMMISSIONER HANSEN: Madam Chair, I think it is something you have to look into because we're going on the third year where the City has not fulfilled their audit responsibilities and I think this is an important program. I want to see it succeed. I'm good with us working with the City, but I also feel very strongly that I want us to be able to acquire as much capital and money as possible so that we can provide these services and not have it held up or we have to all of a sudden have an emergency meeting to change the agreement so that once again we become the lead agency. So those things concern me.

CHAIR HAMILTON: What do you want to do about that?

COMMISSIONER HANSEN: Well, since they haven't applied for any money at the moment I just – I would like some reassurances from the City, personally, that they're going to get their audits done on time and that they're going to act in good faith.

CHAIR HAMILTON: Manager Shaffer.

MANAGER SHAFFER: I was going to suggest that perhaps we table this item until the next meeting to really identify the practical realities of this concern in terms of what funding might be on offer and then follow up as appropriate relative to the implications for that while having a conversation in the abstract. That would be my recommendation.

CHAIR HAMILTON: I think that's a good idea.

COMMISSIONER HANSEN: I accept that.

CHAIR HAMILTON: Okay. When you're looking into things, I wonder if you could look into the even contribution of money, since the city is a lot more populous, and how that decision was made. Do we have to have a motion to table? Please.

COMMISSIONER HANSEN: Madam Chair, I think Commissioner Hughes –

COMMISSIONER HUGHES: I was wondering if I could ask my question before we table it.

CHAIR HAMILTON: I think that's a good idea.

COMMISSIONER HUGHES: Thank you. I just wonder what's been done so far, like who's been hired, how many years have they worked with – what does the project look like so far in terms of implementation?

MS. DELGADO: Commissioner Hughes, there has not been any implementation. We do not have an identified service provider. An RFP has not been released. We are still just trying to get the process between the City and County solidified

before we move forward with any program or initiative.

COMMISSIONER HUGHES: Oh, okay. So this project is just starting, basically.

MS. DELGADO: Correct.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HAMILTON: Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Chanelle, I just wanted to give you a shout-out. Thank you for everything you do for this community, especially on the south side. Anybody can go down there on a Friday or a Saturday night and see what's happening down there. But thank you for being involved and having passion for your job as into what you do for this area of our community. I appreciate that.

One of the things, whenever we do work out with the City of Santa Fe as into the recognition that we're going to have up here, I'm very interested in the deliverables, how we actually track what the deliverables are for this type of a contract and then also who can actually apply for this money, because I'm very concerned that a lot of organizations, non-profits can apply for this but it's kind of a – it's challenging to ask and you still want somebody to go out there and say we're going to do this, we're going to have these meetings on a Friday. We're going to – it doesn't work for me, that route, but if you can just keep that in mind as you talk with the City or the other providers out there as into very interested in the deliverables and who can apply.

But thank you, again for what you do. You and I have talked about this and there's a lot of stuff, especially down in the south side in my district and Commissioner Hansen's district, but thank you. Thank you, Madam Chair.

MS. DELGADO: Madam Chair and Commissioner Garcia, I just wanted to say that we will be part of the RFP process in developing the actual RFP to make sure those deliverables are covered, and it will be a collaborative process from start to finish.

CHAIR HAMILTON: Are there other inputs or questions at this point? If not I would entertain a motion to table.

COMMISSIONER HANSEN: Madam Chair, I would move to table.

COMMISSIONER HUGHES: Second. First and a second.

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

6. D. Request Authorization for the County Manager to Submit a Letter to the Natural Resources Conservation Service Requesting Federal Assistance to Restore Damages Caused by Extreme Flooding Along the Rio en Medio

CHAIR HAMILTON: We have our Deputy County Manager, Leandro Cordova. Welcome.

LEANDRO CORDOVA (Deputy County Manager): Thank you, Madam Chair, Commissioners. The Rio en Medio Mutual Domestic Water Consumers Association approached the County on behalf of this program that they had gotten some information about from the NRCS, which is the Natural Resources Conservation Service. As we all know, there's been a lot of major flooding occurring up in the Rio en Medio

area in the burn scar from a few years ago affecting not just private owners as well as the County's open space as well as access to the mutual domestic's tanks that they have up at the top at the end of the County road.

So essentially, I also have today on Webex, Mr. John Kadlecek who is the president of the mutual domestic and at some point I'd like to give him an opportunity to kind of present on some of the details. But essentially they asked the County to be able to act as a sponsor for this type of program. It's a federal program that provides emergency health, safety, welfare property help through the federal government and it's a program that would actually allow for us to help private property owners as well, which is something the County's not able to do. They do request that a sponsor take the lead on this, and so the mutual domestic is asking the County to start with a letter of request to the NRCS which the County Manager would sign if approved today. I'll stand for any questions but if I could I'd like to see if Mr. Kadlecek is on Webex and if he's able to provide a few comments.

CHAIR HAMILTON: Yes. Please do. That's great.

JOHN KADLECEK (via Webex): Thank you, Madam Chair and Commissioners, for giving me some time to speak. So I have some pictures that I wanted to show.

So as the Deputy County Manager said, we had the fire two years ago and the BAER area, which stands for burned area emergency response, predicted that because of the fire there could be major flooding. There was even a comparison that there was a one in ten chance that the flooding in the valley could be like the Chama at Bode's in Abiquiu. This is a river that's typically about 30 cubic feet per second and there were estimates that the on flood of July 26th the cubic feet per second ran between 1,000 and 2,000 cubic feet per second.

So we saw water in our creek, which is usually four feet wide and a few inches deep span as wide as 70 feet and 20 to 25 feet deep. This continued five more times. We actually had six floods in a period of about four weeks. I've got a picture of the water tanks. These are the water tanks at 97 Rio en Medio. Between that house and the trees, where there's sand, that used to be a pasture. Everything upstream used to be completely foliated. That's where the four-foot wide river went through. This is the result of flooding.

The first flooding brought down a lot of debris, which is part of the reason that it was wider, and then the second floods – so this is where the road was to the tanks. You can see that once the debris washed through then the river just came down deeper and faster. And so now on this property there are three channels that look like this that completely took the road out.

This is a road at 87 Rio en Medio, which is actually my property. This road here, and when I say road I'm talking about what's on top of that embankment that you're looking at, this road gives access to 91 Rio en Medio and to the two tanks and it's now very destabilized and this is slightly in a bend in the river, so water is going to continue hitting that spot. So part of what would need to happen is cross vane structures in the river to help protect that so that any work that was done to this spot wouldn't just get washed out with the next flood.

So this is now what it looks like upstream. This used to be completely foliated

with willows, oaks and other kinds of vegetation. Now it's been completely wiped out and scoured. The following slides just show more of the damage. So again, this is the new upstream. Actually the trail is right on the right here, so however many of you know this trail, it's completely unrecognizable from what it was. This is actually the first crossing which used to have a completely different look. This is all vegetated land and had a great big rose pasture, which some of it is left there on the left, but a lot of it was washed away.

So we did have someone come out and give us an estimate of what it would cost to fix that in a natural process restoration way, and he came up with a bid of about a quarter of a million dollars to replace the road and put stabilizing structures in the river that would help direct the water in the right direction for restoration of the river. They would use large boulders for this, and do it in such a way that it would protect the work that was done on the roads because there's no doubt that we'll have flooding again the next time we have monsoons.

Let's go back up to the very top because aside from letting you know how badly we need this assistance there's another very important point that gets made and obviously, this is just a small part of the Rio en Medio. We're creating what we're calling the Rio en Medio Watershed Coalition because the river is running through the Forest Service and open space and our private property and there are a lot of agencies involved. We kind of have this vision that we're not the only watershed like this around Santa Fe. We're just the first one to get hit by a fire and then floods.

So we're hoping that we could bring these agencies together, come up with a five-to ten-year long-term plan that addresses all the way up to the burn, so obviously that's the Forest Service, and all the way down through our village. This isn't a problem that's going to go away and fortunately there was no damage to any houses. There were no injuries but a lot of access issues to houses because of the loss of culverts. So I wanted to let you know of our very, very strong desire to work with all the agencies involved because it is a river and it's a river system, so what happens downstream affects what happens upstream. And I learned a lot about the dynamics of rivers. When you have a head cut downstream, upstream wants to level to that lowest elevation, which is why the river just continues cutting upstream, and that's why it's so important for us to get these vanes packed with the big boulders in it as soon as we can.

I guess that's all I had to say. This is just obviously a first step. We would be so happy to work with the County Open Space and have the Forest Service at the table and I know Andrea Romero is putting together a meeting later in the month that's going to try to pull together the stakeholders to work on this and address it in a long-term way, but this grant/loan application at this point is our only prospect. There's others that we're looking at but nothing has moved forward yet. Mr. Shaffer recommended the Emergency Water Fund, the Board of Finance, and we're in the process of doing that. There's a lot of t's to dot and i's to cross to get that application accepted. So that's also something that's in process, but we're hoping that we can get some work done before flooding happens next year.

If we do need to access the water tanks, which serve about 55 households, for the mutual domestic, we wouldn't be able to right now. Certainly wouldn't be able to get any kind of heavy equipment in there, and we have telemetry equipment on the tanks. The

well is downstream and the tanks reach a certain level of water and then tell the well to turn on and fill it full of more water so any kind of issues that we would have with that equipment would have to be serviced and couldn't access it through the road. So the system is at risk, currently, as well as the water table has been exposed, so that's affecting recharge of the aquifer, as well as just the loss of all the topsoil and the sponge quality that that has for helping the aquifer refill.

I think that's all. I'm happy to take any questions and see if I can answer them.

CHAIR HAMILTON: Excellent. Thank you. Before I go to questions, Leandro, do you have any further background to sum up?

MR. CORDOVA: Madam Chair, just to sum up, as mentioned, this program is a federal program. The funding for it had been utilized and used up in this particular funding year and luckily, we're coming to the end of the fiscal year and there should be more allocations made. Our neighbors in Mora and San Miguel counties have been accessing this program with a lot of success and they have used a lot of the money but because of our representation and the importance of it they're pushing to make sure it's fully funded in the next fiscal year.

So this letter gets us in line. It's the very, very start of the process but it's not the end. If we do apply for actual grant funds we'll bring that back to the Commission and we would have to also work on the 25 percent match that comes with this so that would be another decision the Commission can make. A lot of that match could be in-kind, and I want to thank Public Works for working very closely with the mutual domestic and everyone there in Rio en Medio. There's going to be a lot of opportunities to probably come up with that in-kind as we actually implement the project and the suggestions that are made.

So at this time I am requesting that you authorize the County Manager to NRCS requesting assistance and indicating the County's potential willingness to act as a local sponsor for the participation in this program. And I stand for any other questions if there are any.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Thank you. Commissioner Roybal and then Commissioner Garcia, then Commissioner Hansen.

COMMISSIONER ROYBAL: Madam Chair, thank you. I do want to thank Leandro for working with the community and also thank Mr. Kadlecek for his presentation and photographs. I did go out to the community and look at some of those areas and it's really been devastated. So I'm glad we're working in that way but I just want to ask Leandro again to just continue working with the community and seeing how we can help and especially bringing this forward but I do – but if there's other questions from the Commissioners I do want to move a motion for authorization for the County Manager to submit a letter to the Natural Resource Conservation Service requesting federal assistance to restore damages caused by extreme flooding along the Rio en Medio.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: We have a motion and a second. Under discussion, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Mr.

Kadlecek, for actually taking all the time to do what you've done out there. I have a question. About two or three months ago we passed an emergency resolution where the Governor's Office was issuing out some money for emergency funding. Where is that money? Where'd that money go? We haven't done anything out there? Is that state money?

MR. CORDOVA: Madam Chair, Commissioner Garcia, we didn't have direct access to that money, as I understand it. That's why we made the suggestion that they go to the Board of Finance to try to request some emergency funding. And as Mr. Kadlecek mentioned, we're still in the process of trying to get on the agenda for the Board of Finance to see if they can get some emergency funding through that program.

COMMISSIONER GARCIA: So Madam Chair, so whenever the Governor's Office or the Congress issues an emergency declaration that there's infrastructure, major infrastructure maintenance for an emergency, something that we didn't know about, we still have to go through the Board of Finance to get that emergency funding?

MR. CORDOVA: No, Madam Chair, Commissioner Garcia. I don't know if we had direct access to the emergency funding. I don't think we did and that's why we recommended they try the Board of Finance as an alternative to that emergency funding.

COMMISSIONER GARCIA: Madam Chair, I guess I'm a little confused. There's talk about all this emergency funding out there for flooding. There's emergency funding for those, but I guess I felt that we should have been informed about this emergency funding before we actually passed the resolution. But what's the emergency funding for, I guess, at the state level?

MR. CORDOVA: Madam Chair, Commissioner Garcia, I don't know if I could answer your questions directly. I do know that Assistant Chief Vigil has also been working with the community up in Rio en Medio so he's kind of our conduit to federal emergency funding. I don't know. I believe he tried to access that funding. I don't know if he was successful or not. So I don't know if I can answer that more directly.

COMMISSIONER GARCIA: Thank you, Madam Chair. Maybe Manager Shaffer can help us. So whenever this flooding occurred, it's still the same it was two, three months ago? Our blade operators, our Public Works Department has not gone out there and at least assisted in the possibly temporary channel of the existing river out there?

MR. CORDOVA: Madam Chair, Commissioner Garcia, our Public Works crew has been up there doing as much as they can. Unfortunately, at the end of our County road it becomes a private road and we aren't able to work on the private area because of anti-donation issues. So that's part of why this program is alluring because it does allow for direct help on the private properties.

COMMISSIONER GARCIA: Madam Chair, so if there's emergency funding, we are allowed to go on private property if it's health, safety and welfare for that piece of property, correct?

MANAGER SHAFFER: Madam Chair and Commissioner, a couple of different questions and I'll try and take them in order. The emergency declaration by the Board of County Commissioners was a necessary step to pursue federal and state emergency funding but it wasn't sufficient. I did just confirm I don't believe that the

Governor has issued an emergency declaration due to flooding in Santa Fe County but I will confirm before the meeting is over that that is in fact the case. But I was not made aware of any such declaration. There were other counties for which such a declaration was made and I believe that has to do with the fact that our damage thresholds did not meet – our damage assessments didn't meet the necessary thresholds. But I'll confirm that before the meeting ends.

Relative to County maintenance, or maintenance of non-County-maintained roads, by ordinance and resolution, the Board, not this Board, but the Board of County Commissioners as a body passed as established as a policy for the county that work, even in emergency circumstances in terms of maintenance, requires reimbursement of the County. So that is why we feel constrained under existing ordinance and resolution that we're unable to make the repairs on the portion of the road that, again, is not maintained by the County. I hope that addresses the questions that were asked.

COMMISSIONER GARCIA: Madam Chair, Manager Shaffer, yes it does, but I would hope that my colleagues here would definitely look at flooding or something that is in dire need of an individual that cannot get in and out of their homes, emergency vehicle access, health and safety of the general public if there's some sort of a – something that happens, weather or what not. I feel that actually should be able to take our grader out there as we did many years ago as we did many years ago off of General Goodwin Road. But it's just something to think about. Thank you, Madam Chair. Thank you, Leandro, and thank you, Manager Shaffer.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you for this presentation. I wholeheartedly support us having this letter sent and trying to find money for this kind of situation. It is impactful when we see communities devastated like this. I don't know if John is still on line, but is that road even passable?

MR. KADLECEK: It's not. The owner of – my next-door neighbor at 91 Rio en Medio, and she can't access her house and she can't get propane. They're trying to figure out a way for her to get propane. She doesn't have phone service. She's at the end of the road so she has it worse than anyone.

EILEEN JIMENEZ: So – can I interrupt?

CHAIR HAMILTON: Can you identify yourself?

MS. JIMENEZ: Yes, this is Eileen Jimenez. I live also in the area and it took my road, like really bad. We've been without a road for like a month and a half. My husband cut his foot with a chainsaw. We couldn't get him across. We're having to cross through the river, through the field, to the church to get to my vehicle. It's been absolutely devastating for us.

CHAIR HAMILTON: Just for the record, I'm really, really sorry for the difficulties but just for the record, could you repeat your name or ask Mr. Kadlecek to do that?

MS. JIMENEZ: Yes, Eileen Jimenez.

CHAIR HAMILTON: Thank you so much, Eileen. In general, we have a good sense from the presentation of the dire circumstance. So Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Eileen, and I am very sorry also for the difficulty. So I think that whatever we can look into doing to help this

community is really important and I just wanted to say that for the record. Thank you very much for sharing the situation with us. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. I had a kind of a practical question. Have you explored the options for the match? It's been many years since I looked into – I looked into this program for the water system I helped manage years ago. And they're usually asking for a non-federal match – that's cool. From the community – it's like the community's responsibility. I'm not saying we can't participate. I'm just saying that's the way they tend to present it. Have we thought about that? I guess one ask is for the County to be a part of it.

MS. JIMENEZ: I'm getting a bad connection. We have a bad connection here at my house. What was your question, ma'am?

CHAIR HAMILTON: I'm not asking you the question. I really appreciate your participation but I'm asking the Deputy Manager a question, so if you could please mute that would be appreciated. Is capital outlay a possibility?

MR. CORDOVA: Madam Chair, Commissioners, yes. I think we're looking at all options as possible opportunities. We are also still not exact on the entire amount that we're going to request so we don't know we're asking 25 percent of how much because we don't know exactly what that would be. As I understand it, as NRCS receives this letter they'll send out a technical team to work with all of the partners in this project and we can get a better idea of the assessment. We did see that there's rough numbers so we're looking at probably about \$250,000, but there is also a lot of opportunity for in-kind to contribute to the match. And so that is also another component at this time.

There will be continuing compliance and obligations of the sponsor and the mutual domestic as time goes on and because a lot of the work will probably be done on our open space we most likely will be following up on that anyway. So we will have to work on quantifying what that ongoing maintenance would probably cost us and we would be able to use some of that match, the last part of it. Hopefully, we could work with the mutual domestic and then I would have to beg Yvonne to help me find some money and see if we could find that to bring to the Board.

CHAIR HAMILTON: Excellent. Thank you. So is there further discussion? If not I have a motion and a second.

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

6. **E. Request Authorization for the County Manager to Apply for and Manage a Grant Application to the National Telecommunications and Information Administration (NTIA) for the Expansion of Broadband Services in Santa Fe County**

CHAIR HAMILTON: And we have Chris Hyer. Welcome.

CHRIS HYER (Economic Development): Good afternoon, Commissioners, Madam Chair. There is a federal notice of funding opportunity that is being offered through the National Telecommunications and Information Administration, known as the Middle Mile Grant. We are putting together an application known as the

Rural Connect Santa Fe County project. This is a request to authorize the County Manager to apply and manage a grant application.

Broadband is a requirement for life in the 21st century and is a critical economic development tool. It allows for essential economic development investment and is an engine for job creation for rural areas. In fact, a report published by the Federal Reserve Bank of Richmond found that increasing access and usage of broadband in rural areas leads to higher property values, increased job and population growth, higher rates of new business formation and lower unemployment rates.

Thus our proposed service area for this grant application is two-fold. Extending the fiber network approximately 31 miles to the east to Glorieta, and two, run down Highway 14 and provide approximately 33 miles of fiber optic cables to the communities of Cerrillos and Madrid. The intent is to run new fiber optic cable via underground conduit and aerial poles from the existing middle mile point of presence, or the POP owned by REDI Net at the Santa Fe County Fairgrounds to areas that are un- or underserved by high speed internet via fiber optic cable.

The existing broadband map shows all of Santa Fe County as served by broadband high speed internet. However, these maps overstate both availability and speed for rural parts of the county. Broadbandnow.com reports that approximately 6,000 people in Santa Fe County do not have access to any wired internet, and approximately 13,000 people do not have access to the FCC standards of 25 megabytes per second. These households are concentrated in the area which Rural Connect – this is our project – aims to serve.

The Rural Connect service objectives are to expand and extend REDI Net to bring high speed, reliable and affordable broadband to rural Santa Fe County, enable resiliency and prevent single points of failure through alternative network paths and redundancy, and lastly to support the delivery of retail broadband service through partnerships with last mile providers.

Rural Connect expects to increase available internet speeds, increase last mile provider competition by increasing the number of providers, and expanding the range and speeds offered by existing providers to make internet more affordable for consumers and businesses. Further, it will bring One G symmetric service to 22 current institutions owning the routes, increasing the access to internet and improving these institutions' ability to serve residents.

So therefore our total ask for the grant is \$13.6 million. So the federal request will be \$9.5 million. There is a requirement of a 30 percent match of up to \$4.1 million. We've identified \$1.25 million as in-kind for that match, \$716,000 is staff hours and \$522,000 is the waterline right-of-way that goes out to the Cañoncito waterline to Glorieta.

So we have an expected cash match of up to \$2.5 million. We have a deadline of Friday, September 30th and we need to have a commitment letter signed by the County Manager for our application that says that Santa Fe County will ensure that this match is available. If it's not we'll have to turn the grant down if awarded. It will take approximately six to eight months for the NTIA to make a determination of who they're going to award. We have heard from the state broadband office that there is going to be money available in this legislative session for broadband projects, especially middle mile.

We feel confident that we're going to be able to get the capital outlay appropriation from this next legislative session to be able to substitute for Santa Fe County's required match.

So what we're asking is that the Commission allow the County Manager to apply for the grant and then we'll come back if it is truly awarded and update everybody on the progress. I stand for any questions.

CHAIR HAMILTON: Excellent. Thank you. Commissioner Garcia, then Commissioner Hansen, then Commissioner Hughes.

COMMISSIONER GARCIA: Thank you, Madam Chair. It's all about getting broadband to rural areas of the county. This is a challenging project, so correct me if I'm wrong. So you're asking us to give signature authority to our County Manager so we can apply for a grant on Friday, and is this just for the letter, or by us approving this is guaranteeing the \$2.5 million? And if it is, where is the money coming from?

MR. HYER: Madam Chair, Commissioner Garcia, the money is something that can be allocated. Let me start over. If Santa Fe County is committed to provide the match, and we decide to go ahead and provide the match, it will be from appropriations of probably fiscal year 24.

COMMISSIONER GARCIA: Thank you, Madam Chair.

CHAIR HAMILTON: I think Manager Shaffer has some additional inputs on your question.

MANAGER SHAFFER: Thank you, Madam Chair, Commissioner Garcia. Obviously, anything we submit in support of the application would be factually accurate in terms of what authority we do or don't have. We don't have \$2.5 million budgeted nor allocated for this project and we won't misrepresent anything or suggest anything to the contrary. And by applying for the grant we are not committed to ultimately accepting it because there could be a big ask that ultimately comes to the Board in terms of matching funds if we are unable to secure the match from other sources. I asked the staff to bring this forward to the Board now so that you are aware of that and that you were thinking about that possibility as we head into the next budget cycle in terms of potential priority projects. But in addition and as an alternative to using current resources, staff is also starting preliminary conversations with our financial advisor about a potential revenue bond to meet needs such as this and some other large capital projects, the need for which is starting to come into greater focus such as a public safety radio project for our firefighters and Sheriff's Office.

So in the variety of alternatives that we may ultimately bring to the Board should we receive the grant and should we not receive a match from other sources, but because that ask could be coming we wanted to make sure that we were getting out in front of the Board before we even submitted the application. I hope that answers the question, Madam Chair and Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Manager Shaffer. One of the other several questions I have is you have here the POP box, which is built there in between the Chavez Center and north of the County Fairgrounds there, a box where everybody always wonders what it's about. So you say you're going to go from there down State Road 14. So you're going to – your grant is actually going to request that you're going to run fiber from that POP box down Rodeo, down Cerrillos, then down 14?

MR. HYER: Madam Chair, Commissioner Garcia, the idea is to go from the POP down Richards Avenue, then across to Highway 14 and then down around, so we get Valle Vista neighborhood as well as the studios, as well as the emergency complex, and then on our way down 14 through San Marcos and end down in Cerrillos and Madrid.

COMMISSIONER GARCIA: So Madam Chair, this application for this grant, is it required that we already have the right-of-way from the City of Santa Fe, New Mexico Department of Transportation?

MR. HYER: Madam Chair, Commissioner Garcia, there are going to be three railroad crossings that we have put into the grant and we've asked for permission to be able to cross those and in the grant, so that part is taken care of. As far as the DOT right-of-way, we're working with our engineers and they have already apprised the DOT. Again, PNM, of our intentions to be able to run these lines down. So that is already being addressed.

COMMISSIONER GARCIA: Madam Chair, you're the REDI Net Chairman, correct?

MR. HYER: Vice Chairman, yes.

COMMISSIONER GARCIA: So when you speak about your engineers, are you talking on behalf of you representing REDI Net or are you representing the County right now on this grant application?

MR. HYER: Madam Chair, Commissioner Garcia, it is a joint application. Santa Fe County owns the assets and REDI Net is going to be the operator and insurer and maintainer of the lines. So I am a Santa Fe County employee and that's who I'm representing right now. We have a general manager for REDI Net that will take care of operations.

COMMISSIONER GARCIA: Thank you, Madam Chair and the same question I have in regards to the right-of-way down the waterline to Cañoncito. That's actually the State Highway Department of Transportation right-of-way. So we'd have to get approval from the New Mexico Department of Transportation as well. The only – I understand of how we need broadband to rural areas of the community and we can have the Congress give the money out to wherever in the country. But what happens is we go down a public road, just like the previous topic, we talked about private roads. Once we go to through the public road, once you get to the private road and all these areas in Madrid, Cerrillos that access off of a private easement, it stops right there, because that's a private easement and we cannot spend government dollars on a private access or a private road to get broadband to the individuals house way up there. So those are just some of the concerns that I have in regards to applying for this grant.

Also, can you give me an update as to what happened to the previous \$20 million grant that we applied for?

MR. HYER: Madam Chair, Commissioner Garcia, yes. We were actually not approved for that. We were very close. We were what's considered the A List. We had a protest by an ISP. It was New Mexico Surf who shoots wireless, and they claim to have coverage in all the areas. We had very little time to actually come back and refute their claim, and the only way we could do it, probably, as we think about, is through a heat map, and that would require going out and doing speed tests along about

approximately 900 census tracts. And so we lost the ability for that grant. We did have a debrief with the NTIA. They said that we had everything there until that protest came up.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Chris. Your last answer was a question I had. I wondered what happened to that grant. That's unfortunate that this company – and they have continued to cause problems for other people that I know of. So that is really unfortunate for us and makes me feel even more concerned about their activities.

I think we should definitely apply. I think we need to apply. We need to have as many venues and avenues or revenue sources and find as much of the money as we possibly can because that is the only way we are going to be able to get broadband to our communities. Even though this doesn't affect my district, inadvertently it will affect my district, because it will affect the entire county and it will help everyone. And so with that I would like to make a motion for authorization for the County to apply and to manage a grant application to the National Telecommunications and Information Administration.

COMMISSIONER ROYBAL: Second.

CHAIR HAMILTON: Excellent.

COMMISSIONER HANSEN: So thank you, Chris for coming forward. I think this is important to move forward with. So thank you.

CHAIR HAMILTON: Thank you. So I have a motion and a second. Under further discussion, Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just had one point of clarification. You're saying that there's possibly state money for the match?

MR. HYER: Madam Chair, Commissioner Hughes, yes. There is an office of broadband that has been created through the Department of IT at the state. They are working on a middle mile service for the whole state and they're finding that there are some challenges and they are not moving as quickly as they would like. So they have delayed a lot of the ability for us to be able to apply for these grants, yet they support us. They give us a guarantee that they will try to do what they can in their power. Their power is \$123 million. However, it's ARPA money right now, so we can't apply for a federal grant using federal funding for the match.

So they're going to help us go to the legislature and ask for capital outlay of state money.

COMMISSIONER HUGHES: Okay. Thank you.

CHAIR HAMILTON: Excellent. I just wanted to add that I think this is crucially important. Obviously, there are hurdles but there are options if the hurdles are insurmountable and how will we be able to do it if we never apply for these and broadband is just one of those things that everybody says is important but it's actually very difficult, obviously, to get done, because we have these fabulous people at the County and elsewhere trying to get it done. It is very frustrating and I really applaud you guys for doing this again and for having made such a good showing on the first grant application even though there was an unfortunate end. Thank you for that.

So I have a motion and a second.

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

6. F. **Resolution No. 2022-076, a Resolution Amending Resolution No. 2022-071 to Clarify That the Designations of the Mandela International Magnet School as an Additional Polling Place/Voter Convenience Center for the Consolidated Precincts Comprised of Precincts 31, 32, 34, 41, 97, 98, and 178, and the New Mexico School of the Arts as an Additional Polling Place/Voter Convenience Center for the Consolidated Precinct Comprised of Precincts 11, 24, 25, 27, 33, 92, 130, 155, 159, and 160, are Effective Only for Elections to be Held in 2023**

CHAIR HAMILTON: I'm going to go right to our County Clerk.

KATHARINE CLARK (County Clerk): Madam Chair, Commissioners, so this is a bit my fault. Legal believed me when I was ambitious to add three more polling sites and didn't clarify with me that we meant Carlos Gilbert for just this election to try it and measure if people were going to be utilizing more downtown sites, and then that would inform our decisions for next year's resolution. So we wanted to amend it so that we don't have to have a site at Mandela and New Mexico School of the Arts because we're not ready to add additional sites there.

So it's just clarifying that Carlos Gilbert only this year, and then we're hoping to be able to add more next year.

CHAIR HAMILTON: So it's essentially taking off the other two sites.

CLERK CLARK: Yes, but there are the regular sites that we normally have as the corresponding – so like Gonzales, Salazar – we traditionally have those already, so there is just that Mandela and New Mexico School of the Arts were going to be additions, because of the intensity of voting downtown on election day.

CHAIR HAMILTON: So it may just be my confusion, but we are going to have them as sites in 2023.

CLERK CLARK: We're going to try to. Yes.

CHAIR HAMILTON: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Madam Clerk. So my only question is what's going to happen to Salazar.

CLERK CLARK: Salazar is going to remain open.

COMMISSIONER HANSEN: Salazar is a popular voting place.

CLERK CLARK: It's a popular voting place. The idea is that we're trying to add more polling sites, but we have to roll it out slowly because it requires recruiting presiding judges, taking election judges and mentoring them and then moving them up. Presiding judge is quite a big job these days and we don't necessarily have as many as we'd like, so we're working on mentoring them now and then we would have more resources to be able to have more polling sites, particularly downtown where people – voting after work seems to be very popular, because we have VCCs, which means you can vote anywhere, and people are choosing to vote after work and then go home.

COMMISSIONER HANSEN: Okay. So basically, what this resolution is saying is that we're not using Mandela and School for the Arts.

CLERK CLARK: Yes.

COMMISSIONER HANSEN: Okay. So I move a resolution amending Resolution No. 2022-071 to clarify the designation of Mandela International Magnet School as an additional polling place, voting convenience center and for the consolidating precincts, etc., etc. And the New Mexico School for the Arts as an additional polling place. So they will be removed for this year.

CLERK CLARK: For the election in six weeks. Yes.

COMMISSIONER HANSEN: This year. And you will work to reinstate them.

CLERK CLARK: Yes.

COMMISSIONER HANSEN: You'll bring another resolution forward.

CLERK CLARK: Yes. So by statute we have to bring one next June and July to sort of lay out our plan for the next years after that.

COMMISSIONER HANSEN: So I'm moving this resolution.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Excellent. So I have a motion and a second. Is there any further discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Garcia was not present for this action.]

7. PRESENTATIONS

A. Presentation on Dolly Parton Imagination Library by Growing Up New Mexico

CHAIR HAMILTON: We have Anna War, and then Anna, can you introduce the others you have with us?

MS. WAR: Yes. Good afternoon. Today with me I have Jessica Terrazas and Rita Bermudo. They are from Growing Up New Mexico. Back in 2015 Santa Fe County entered into an agreement for Growing Up New Mexico who was formerly known as United Way of Santa Fe County to run the Dolly Parton Imagination program for us. It has been a highly successful program, and so I'd like to invite Jessica and Rita to give you all an update about the successes of this program. We've gone from about 250 kids initially back in 2015 to over 2,000. We won a NACo award for it in 2015. So with that I will turn it over to Jessica and Rita.

JESSICA TERRAZAS: Thank you. It's been an honor to manage the program and oversee it for the last five years. I have no recently changed into a different position with Growing up New Mexico so Rita right here will be now taking my position to manage this program. Like Anna mentioned, we have been very successful with this program, especially we have seen how much with our annual survey the results of the benefits families have obtained from this program, especially because it is completely free, no cost for each of the families we are serving.

With the increase of the program throughout the years we've been able to expand the coverage area with Santa Fe County, covering not only city limits but the whole entire county and all the zip codes that come along with it. So if I am able to, I would like to share our 2021 annual survey results. For example, we send this questionnaire that you

guys see up on the screen once a year to our families to see the benefit that they are obtaining by receiving these books. In comparison to 2021 there was a three percent increase to have these families be from maybe once a week to a daily basis and we had also seen a five percent increase in just reading at all, especially high quality books. This program in itself was established by Dolly Parton herself in her home state of Tennessee in 1995 and it's been a motion to expand it nationwide.

I also know originally, in 2015, when Santa Fe County was the first program to start in the state of New Mexico has now been able to expand in different areas through different affiliates. So with the generosity of Santa Fe County Community Service Department we've been able to now have the honor of sustaining 2,500 kids, and that includes from age zero to all the way age five, and they get a monthly book every month. Every month this book is sent out directly to their home so as kids grow a little older they come and get that knowledge to understand that that book is for them and they look forward to getting that book.

As a recipient for my own son I see the benefit of being exposed to early literacy and being – especially now with screen times being so at the front forward of each families' home that is something that's crucial and we are really trying to expand our efforts community-wide to see how much more interest as this shows. You can see how much there is. An 86 percent expressed that since receiving these books their child has now expressed interest in books because of receiving these books.

In question #5 we are always asking who else in the other household benefits. Through reading these responses we have found out that sometimes because they're receiving bilingual books, not only is the child receiving the books but sometimes if parents don't have that education they are learning how to read with their kids as well. So it really has benefited the entire household and not just one child. Any questions?

CHAIR HAMILTON: That's fantastic. Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I think this is fantastic. Yay for Dolly Parton and yay for our County providing this to our children because clearly early childhood education is the most important thing that we can do for our children and for the longevity of our community workforce and education. So thank you very, very much.

MS. TERRAZAS: Thank you. It's an honor to be here.

CHAIR HAMILTON: Excellent. Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair, and I just wondered, I know Growing Up New Mexico has a lot of programs. How does this fit in with your other programs? In other words, do people who take advantage of the library also take advantage of your childcare options and things like that?

MS. TERRAZAS: Yes. As a matter of fact they do. So the benefit to Dolly Parton is that we, along with Santa Fe County, have opened this program not to only be restricted to families that are receiving services from Growing Up New Mexico, so we're able to enroll anybody regardless of them participating and being part of our programs, but it definitely fits in because through our home visiting programs there is a series of evaluations that are done at these home visits that we provide them, Growing Up New Mexico.

For example, we use the ASQs. Through the ASQs there is a lot of points that are being brought up about literacy. Does your child engage with books? Does your child

interact? How extensive is your child's vocabulary. So that is a key component to our programs in its totality because we are able to really capture what the rate of early literacy exposure is through those families.

COMMISSIONER HUGHES: Thank you. Very good. Very important program.

MS. TERRAZAS: Thank you.

CHAIR HAMILTON: Commissioner Roybal.

COMMISSIONER ROYBAL: I just want to echo my sentiments as well and thank you guys for the leadership that you brought forward. From 250 to 2,500, that's ten times over the years. So the more children we can reach out there because I think everybody knows, it's been said for a very long time that reading is very important to education for our children. So I just want to say thank you for doing that and I'm really glad that Santa Fe County has taken a leadership position in that. So thank you and I do appreciate it.

MS. TERRAZAS: Thank you.

CHAIR HAMILTON: Excellent. Thank you. I just want to add more kudos, just to thank you also. If anybody ever thought one person couldn't start something that caught on nationally that made more difference than many, many other efforts, just look at this program that Dolly Parton started. Thank you for doing that and thank you for bringing the information and presentation. It's so good to stay up on, especially the good things that are happening in the county. So thank you very much.

MS. TERRAZAS: Thank you.

8. MATTERS OF PUBLIC CONCERN

CHAIR HAMILTON: So I have a list of people who have signed up. I'm going to start with those of them that might be here in the audience and then I'll go to everybody who's on Webex. And if you didn't sign up I will ask for anybody else who has something to say and wants to speak. There are quite a number of people here. Daniel, if you could put up the timer. We're going to do three-minute comment periods for each person, so we really want to hear what you have to say but we really want you to think about what you say and stay within the time limit. And I also want to remind everybody that we have a public hearing on the short-term rental things. So I'm not going to entertain comments on that during Matters of Public Concern unless you are not able to be here later. Because it's just confusing. We have the public hearing on that later. So this is for all kinds of other comments.

So I'm going to take this in the order presented to me on the list. We have several people who've wanted to speak about Rio en Medio, which is great, even though that item has already come and gone. Lauren and Wayne Nick Sabato, are you guys here or are you guys on line. I guess if I go in order I'll switch back and forth. Are the Sabatos on line? On Webex? I assume that they're not here or they would have stood up.

DANIEL FRESQUEZ (Media Specialist): Madam Chair, I do see them on Webex.

LAUREN SABATO (via Webex): Hi. We're here. I'm sorry. I thought you said you were starting with people in the room first so I wasn't ready.

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CHAIR HAMILTON: I don't blame you at all. I did say that but it turns out if I want to go through the list I have to take you all from wherever you are. So that was my bad and I apologize. If you could just identify yourself and get sworn in.

MS. SABATO: I apologize. I need to grab my husband because I actually just told him and a neighbor that they're starting but they're starting with people are at the County building, so I really thought we had at least another 15 minutes. I apologize. Is it possible to have somebody go first and I could go second?

CHAIR HAMILTON: We will. I will go to the next on the list and then come back to you. No worries.

MS. SABATO: Thank you so much.

CHAIR HAMILTON: Is Eileen Jimenez available?

MR. FRESQUEZ: Madam Chair, I did see her name before. I'm wondering if she is doing the same thing as the previous speaker.

CHAIR HAMILTON: I think so. Okay. Well, let me try to correct myself. How many people are here in the audience who want to speak during Matters of Public Concern, not the public meeting? Great. Why don't you guys all self-organize and come up one at a time and introduce yourself so that we know who's speaking. And if you're on the list I will check you off and then I will go back to the list. And I apologize for generating more confusion. So somebody who raised their hand? You're close to the front. If you would just come up and please give us your name before you give us your comments.

BILL MUELLER: My name is Bill Mueller. Good afternoon. I'm a poll worker, and I worked the recent election, the primary, and I've not been paid. And I don't know why and I'm down here to see if you guys can help me get paid. I stand for questions.

CHAIR HAMILTON: Well, we don't typically take questions during matters of public Concern but it's definitely worthwhile having come down to let us know and we will look into it.

MR. MUELLER: That's my concern.

CHAIR HAMILTON: Obviously. Thank you and thank you for what you do. It's a tremendous help to have people who are poll workers. Can somebody else please come up and give us your name.

ROMAN GARCIA: My name's Roman Garcia. I'm the former County Manager, and I'd like to ask the Santa Fe County Commission to rethink how jail treats mental health, addiction, and jail deaths. I don't know how to get the word, but get the word. Rethink how jail workers face their misconduct and often failing misconduct. I don't know if you do that now, or if you don't. Define how human rights are viewed and recognized. New Mexico has a human rights statute. It's just not followed. It should apply to your jail.

I think the Commission should establish a policy to oversee the jail, similar to Resolution 2015-136, which the Commission repealed, and also have a Jail Advisory Board. You are not getting the word. I'm starting to try and get it for you. I'd like you to investigate all jail deaths. The District Attorney, the Sheriff, and nor you have looked into how many people have died or why they've died. We have to figure a system to get the work to you. The public safety report that's given to you at the end of this meeting, at the

end of every meeting, lists males and females come and go, but it doesn't tell you how they come and go. Some go by death.

The evidence to establish an evidence chain, a chain of evidence, and storage of evidence. Yes, it belongs to some other department but you handle the budget for that department. You can say how's your evidence locker? That's one thing.

I have about 17 items and I will gladly give the recorder a copy of this document and give the others a chance to speak about deaths at the jail. Thank you.

CHAIR HAMILTON: We'd be happy for you to give that to us. Would the next person please come up?

ANTONIO DE VARGAS: Ladies and gentlemen of the Commission, thank you very much for allowing me these three minutes. My name is Antonio DeVargas. My daughter's name is Carmela DeVargas. Carmela de Vargas died in 2019 on November 9th as a result of lack of care while she was incarcerated at the Santa Fe County Adult Detention Facility.

The County just settled a wrongful death lawsuit for me and I can tell you that my daughter would be alive if they would have only given her a blood test. Now, the jail is nickel and diming the inmates and they're dying. My daughter was in there for a misdemeanor and that should not be a death sentence. That should never be a death sentence. A blood test would have saved her life. A simple blood test. She was sick for two weeks, and not once did a doctor or anybody try to help her. And they released her to a hospital when there was no hope for her to live, and that is outrageous.

Now, the County is going to pay \$80,000. A blood test doesn't cost \$80,000, folks, It just doesn't. Now, the only thing I want to ask from the Commission is this: get rid of your incompetent doctors and get rid of your warden that has no control over the jail. Get rid of your Public Safety Director that was hired after he was fired from an Arizona jail where he was overseeing an inmate gang working with the guard to distribute drugs and sell drugs in the facility. What my [inaudible] has determined is that there are just as much drugs in the facility as there is outside. The difference is the leaders are dirty. The facility is dirty, and the doctors don't manage this.

So I would like to see if the County would institute the medically assisted treatment program for these inmates. At least 80 percent of the inmates are addicts of one sort or another. And they're not there to be tortured. Many of them are even just waiting for a court hearing. They're not even convicted yet. They're not convicts. They're not convicts until – they're innocent until proven guilty. A lot of those folks are just waiting for a hearing. They don't deserve to die and they don't – you just had six deaths this year. Three in the last month and a half.

My daughter died in 2019. You guys have no control over your jail and there's torture going on in there, and it's outrageous. Thank you very much for you time. Appreciate it.

CHAIR HAMILTON: Thank you, sir. Can I have the next person, please?

SUSIE SCHMITT: Good afternoon. My name is Susie Schmitt, and my story is similar to Mr. DeVargas'. My son, Rex Corcoran was in jail November 2019. He died four days after Carmela DeVargas did, for medical neglect. If you're going to have a medical facility in your jail you should be able to have people in there that can treat people to keep them alive. You just don't throw them into medical, lock the door, and

don't check on them. That is ridiculous and in that sense you shouldn't even have a medical facility and you just take them to the emergency room right away. In my son's case, he was ignored for many hours. Then they finally take him to the hospital. The hospital says you brought him too late. Great, huh?

It wasn't great for me. Nobody from the jail ever called me after numerous calls that I did to the facility. You have policies and procedure. Don't you follow them? Isn't there any reprimand if they are not followed? Isn't there policies and procedures in place in your jail? I would like for them to be followed. I did not get a call. My son was in the hospital for three days and I called medical and they kept saying, we assure you, ma'am. Your son is fine. I didn't find out till the day he was to be released that he was in the hospital. Oh, in ICU in an induced coma. I didn't get a chance to tell my son how much I loved him, tell him good bye, and him to go and die by himself.

The warden calls at that time. Oh, he don't care. The warden needs to go. His words to me, not my problem. Seven days prior I took my son to court and he was walking and talking. What I want for your jail that you control, it needs the MAT program to be implemented. If somebody is on medication that is prescribed from a doctor, should continue to receive it, whether it's methadone, whether it's Suboxone. What are you doing? You're discriminating. You take pregnant women but you don't continue to offer what a doctor has prescribed for a person? That's an injustice. All these people need is just the national standard of care.

If you see somebody bleeding out, aren't you going to help them? My son probably begged and pleaded for his life and was tortured and no one helped him till he was down on the ground and was transported. I call that negligent homicide. It is a disgrace and no one here will understand that unless you're standing in my shoes right here. How my heart hurts and how I suffer without my son and how you tortured him. You need to change things. You need to pay attention to your jail. This is yours. Rudy, he's not here. Yours, yours, yours, everyone here. Please take some responsibility for it.

You like to get accountability from people. I want the same. I want you to be transparent and let everyone know what really is going on. Through my lawsuit, everything that I asked for was either lost, not available – everything. I have not gotten answers why my son was treated that way and why I was treated the way I was. I had to pull the plug on my son. Do you know how that feels? I didn't see his eye open. I couldn't tell him how much I loved him and tell him that I'm going to miss him. I live each day this way, and it needs to stop. You need to change things. And it's going to be my goal if I have to be here for every County Commission meeting to go over this with you until things are changed.

But people that you hire in your jail are not doing their job, or they just don't care. If you saw somebody bleeding out, wouldn't you help them? That's the right thing to do. Well, happened? My son didn't get any of that, and many others. So how many more people are going to die? But I would love to have transparency. I want answers. I would love to know exactly what happens instead of what you do spoliation of evidence. You oversee the jail. You were the ones that can make the changes. What is it going to take? More deaths? Or me coming every other Tuesday? Because I will continue.

The MAT program needs to be implemented. The guards, the nurses, the COs that are in medical, they all need to be trained. I would love to see the training that they

receive, because I doubt that they get any. But you really need to look into the people that you hire to run your jail, because it's your jail. And things need to change. Thank you very much for listening to me, but I hope it sinks in.

CHAIR HAMILTON: Thank you. Can the next person who wishes to speak please come up? Is there anybody else in the audience who wishes to speak during Matters of Public Concern? Okay, so we'll go back to the people who are on Webex. Lauren and Wayne Sabato, will you come back?

MR. FRESQUEZ: Madam Chair, I do see their names on line.

CHAIR HAMILTON: Okay, so if Lauren and Wayne are not back yet –

MS. SABATO [via Webex]: Yes, we're here.

CHAIR HAMILTON: Okay. If you could just give us your name and give us your comment.

MS. SABATO: Well, it's Lauren and Nick Sabato. We live in Rio en Medio and we're neighbors with John Kadlecek and Eileen Jimenez, and this situation is unprecedented and devastating here. If you haven't seen it, I think John showed pictures, and even from the pictures, it's very hard to imagine the devastation here. And the thing is, no matter what's happened already that we're trying to move on and fix, that we're in high anxiety for the next monsoon season, because it's going to happen again. It's going to take so many years for the burn scar from the 2020 Medio fire to heal and that we will be having flooding every single year and the water came within a few feet of our house.

There's a cliff going off behind the house that used to be a gentle slope down to what was like a small creek and now it's a cliff. It's like a 15-foot cliff and the water – so thank you so much for agreeing to participate in that grant with the federal government. I'm sorry I don't remember the name of the division. I'm hoping that that will help us here and –

NICK SABATO [via Webex]: I just wanted to add that the devastation is again hard to imagine unless you've come up and see it, and also so many neighbors in this community have been affected. Again, the devastation is unbelievable. Thank you for your time.

CHAIR HAMILTON: Excellent. Thank you so much for your comments. Is Eileen Jimenez available? Is Julie Weymeyer available? And I'm sorry if I butchered your name. I have to give the County Manager a run for his money. Daniel, do you see Julie on the line?

MR. FRESQUEZ: Madam Chair, I do not see Julie on Webex.

CHAIR HAMILTON: Okay. If she comes on, please give me a heads up. Is Leah Morton on line?

MR. FRESQUEZ: Madam Chair, I do not see Leah Morton on Webex either.

CHAIR HAMILTON: Okay. Same difference. If she comes on please let me know. Is Chris Meckles available? Chris, are you on Webex? Okay. Do you see Chris Meckles on line?

MR. FRESQUEZ: Madam Chair, I do not see Chris Meckles on Webex.

CHAIR HAMILTON: Okay. Sue Baum, are you on line? Oh, okay. So this is for short-term rental. I wasn't looking at the heading. Thank you. Just to be clear, is there anybody else in the audience or on line who wishes to speak during Matters of

Public Concern, other than short-term rental.

MR. FRESQUEZ: Madam Chair, William Mee would like to speak.

CHAIR HAMILTON: Okay. William, if you can unmute yourself.

WILLIAM MEE [via Webex]: Madam Chair and Commissioners. I just wanted to speak to the settling annexation committee that was formed per Resolution 2021-105, and in regards to the earlier REDI Net presentation, we have areas in the Agua Fria traditional historic community north of the Santa Fe River that do not have broadband access, and some of the areas that were annexed along the river don't have it and apparently it's because there are no hard-wired connections for CenturyLink and Xfinity, even though they advertised speeds of 100 megabytes per second, and then they only deliver between one and 25 mbs. So people have gone to satellite providers, like New Mexico Surf, HughesNet, Viasat, etc.

This didn't really come to a head until we had the pandemic and people were required to work from home. Students were required to do all their lessons on line and thankfully our schools were able to provide a lot of hot spots. But even in an area you would think is pretty well served by broadband, it isn't. And I think that Commissioner-elect Justin Green, after he got elected he got a lot of first-hand knowledge of tremendous problems in District 1.

The second part of this is in Sol y Lomas, which was an annexed area, and the various subdivisions that they have, the contractor used septic tanks from a manufacturer who is now deceased for probably more than two decades. But he used #9 welding wire in constructing septic tanks instead of a three-inch rebar cage, and so the septic tanks collapsed. So the Sol y Lomas Subdivisions have asked the City, now that they're in the city, to run a sewer line. And the City is very hesitant to do so. So what they're doing now is just having various septic tank pumpers having to go in and pump like once a month. So it's another failed thing that I didn't know when I gave my testimony in 2021 on why we need this settlement annexation agreement committee. So thank you very much and hopefully we can work on this more.

CHAIR HAMILTON: Thank you very much. Daniel, do you see anybody else on Webex who wishes to speak during Matters of Public Concern?

MR. FRESQUEZ: Madam Chair, I don't see anybody else on Webex that's indicating they'd like to speak under this matter.

CHAIR HAMILTON: Okay. Great. Thank you very much. So I'm going to go ahead and close Matters of Public Concern.

9. MATTERS FROM THE COUNTY MANAGER

A. Miscellaneous and COVID-19 Updates

CHAIR HAMILTON: Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. I'll keep it very brief. First, I did want to recognize and bring to the attention of the Board that Chanelle Delgado in our Community Services Department, specifically our Youth Services Program Manager, was recognized by Mothers Against Drunk Driving, for her exemplary work in ending drunk driving and received an award last Thursday at that organization's Honoring Heroes recognition dinner. So again, congratulations to

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Chanelle. We appreciate everything that she does for the County and congratulate her on her richly deserved award.

Secondly, I did want to bring to the public's attention through this meeting that senior centers will be reopening beginning on Monday, October 3rd, on a staggered schedule. I encourage anybody who's interested in receiving in-person services at our senior centers to go to the County's website where you will see the staggered schedule for the reopening per state guidelines, seniors and guests who come into the centers will now be required to be screened and signed in for COVID-19 protocols and facemasks will be required to be work by seniors and County staff in the senior centers as well as the adult daycare facilities. That's all I have, Madam Chair and Commissioners. Thank you.

9. B. Reports of the Economic and Fiscal Impact of Bishop's Lodge in Santa Fe, New Mexico

CHAIR HAMILTON: For this I think we have Deputy County Manager Leandro Cordova.

MR. CORDOVA: Thank you, Madam Chair. Santa Fe County was approached about a potential Local Economic Development Act project whereby the County would borrow money from the New Mexico Environment Department and in turn loan the proceeds to Bishop's Lodge Resort for a new wastewater treatment plant. At its August 30, 2022 meeting the majority of the Board of County Commissioners indicated that they would be willing to use gross receipts tax revenue bonding capacity for this potential project.

Accordingly, staff was directed to continue to work with the resort on a potential LEDA application. In addition, the BCC requested that analysis on the economic impacts of the resort and its planned expansion. The resort contracted with a third party, Impact Data Source, LLC, to analyze the economic impact. The contractor prepared the following three documents that were attached and delivered to County staff on the afternoon of September 22nd. County staff was asked to add these reports to the BCC's agenda and County staff is still analyzing the reports. Consequently, at this time County staff expresses no opinion on any aspect of them. These reports are informational only. Further, as indicated, staff has not completed its analysis of the reports and therefore expresses no opinion on any aspect of them. And finally, no LEDA application has yet been submitted. So for these and other reasons no deal points are before the BCC for consideration or direction today.

CHAIR HAMILTON: Great. So appreciate you giving us these. Everybody here has – we haven't had time to look at them either because they're very new. So presumably in the future you guys will review them and we'll get a chance to review them and take them into consideration.

COMMISSIONER ROYBAL: Madam Chair, I was wondering for the LEDA – I noticed on the memo that it says that the applicant hasn't submitted the LEDA application. Is that correct?

MR. CORDOVA: Madam Chair, Commissioner Roybal, yes. As of yesterday, we still do not have a completed application. We have been working with the applicants on getting that done.

COMMISSIONER ROYBAL: Okay. It's my understanding that the application requires information on the terms of the agreement as far as deal points from the County. And so technically they can't submit that LEDA application until they get that data from the County. Is that correct?

MR. CORDOVA: Madam Chair, Commissioner Roybal, yes, and as we indicate in the memo we haven't had a chance to completely analyze the impact study and get to that point. We are working with them to try to get to some terms.

COMMISSIONER ROYBAL: Do we have a timeframe when we might be able to get that information to the applicant?

MR. CORDOVA: Madam Chair, Commissioner Roybal, we've been meeting weekly with the applicants with the goal of trying to get something before the next BCC meeting. However, that's not a guarantee at this time, but that's the goal.

COMMISSIONER ROYBAL: So right now, we're looking at probably getting it back by October 3rd so we'd be able to bring it forward for the October 11th Commission meeting?

MR. CORDOVA: Madam Chair, Commissioner Roybal, that's our goal. That's what we're working towards.

COMMISSIONER ROYBAL: Okay. And what is the issues that are still remaining or that we have as far as the – originally, we wanted to try and do it during the down time for that resort and for the community because in the down time I think is now in the winter. So is that still something that is a goal for us right now?

MR. CORDOVA: Madam Chair, Commissioner Roybal, yes. Our goal is to get this – we've been working pretty hard on this since the August 30th meeting. We've been trying to prioritize this and so that's still our goal is to get this moving. We're also on the same track working on applying to the NMED for the actual loan.

COMMISSIONER ROYBAL: Okay. And just for clarification, as far as – and for my own clarification, it is based upon gross receipts tax or job creation or do you know that?

MR. CORDOVA: Madam Chair, Commissioner Roybal, I'm going to allow Mr. Montoya to answer that question for you.

JOSEPH MONTOKA (Community Development Director): Madam Chair, Commissioner, the primary driver is job production, although the economic analysis and economic impact is a mandatory part of the review process.

COMMISSIONER ROYBAL: Okay. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Are there any other questions? Thank you.

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 HAMILTON: I'll start with Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you. It's

surprising to have this many people in our audience, so it's nice to see all of you. I wanted to share some of the events and things I've been involved in. Over this last week, the last couple weeks, I attended the RTD Española maintenance facility ribbon cutting. The blue bus has a beautiful new facility. It is a LEDA building, and it was very exciting to have the ability to be there. I was there in Commissioner Hughes' stead since I am the alternate, but I care about the RTD and the RTD is the blue bus that provides service throughout northern New Mexico and it is free. So the maintenance facility is really impressive, so that was really impressive to see the job creation that is being provided there.

Also the Agua Fria Mutual Domestic had their annual meeting on September 17th and Senator Rodriguez and I were both in attendance and talked about the needs of the mutual domestic in Agua Fria.

As a member of the River Commission for the City of Santa Fe we had a wonderful river talk at the Water History Park about who owns the water. The Water History Park is on the corner of Camino Cabra and Upper Canyon Road. I have a special attachment and concern for that park. When I was a Parks Commissioner for the City of Santa Fe I had the opportunity to rename that park and we named it the Water History Park and Museum. It was called the Hydroelectric Park which wasn't that attractive.

So the other thing that I did attend also, New Mexico Environment Department, DOE oversight had an open house up in Los Alamos and since I am somebody who has spent a lot of time watch-dogging Los Alamos and LANL, I was still quite concerned that DOE oversight with the New Mexico Environment Department, they still have not retained their Q clearances that were removed from them during the Trump administration so that was very concerning to me because they need them to check on things up at LANL. So if any of you are also concerned about the safety of LANL I hope that you will let your opinions be known about the fact that the New Mexico Environment Department does need their Q clearances to be able to provide oversight of LANL.

And then the last exciting thing is this morning Commissioner Garcia and I attended the meeting by BLM on the proposed recreational shooting range on public land in Santa Fe County. It was during the NEPA process and we were invited to be cooperating agencies. And so myself and Commissioner Garcia and Elias Bernardino, our Deputy County Manager will be working on a resolution to bring forward because they want a decision on cooperating agencies by the end of October. This is something I've been working on for quite some time. It goes in line with the protection of the Caja del Rio and how important that is.

Then I know that people in the county and in the city are also all dealing with the extraordinary noise that is being generated by mufflers in the county and in the city. I live in the city, so I hear mufflers every night, racing up and down Cerrillos Road. So I asked our County Attorney what we might be able to do about the same thing that the City is doing. They are raising their fees to \$250 for people who are violating the muffler prevention noise and emission control devices. State law states that every motor vehicle shall at all times be equipped with a muffler in good working order and in consistent operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle on a highway. The muffler emission

control equipment or device engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes and smoke. Every registered gasoline-fueled motor vehicle manufactured or assembled commencing With a 1968 model shall at all times be equipped and maintained in good working order with a factory installed device and equipment or their replacement designed to prevent, reduce, or control exhaust emissions or air pollution.

So I think this is a concern. I don't know how we at the County exactly can deal with this since we do not have a traffic ordinance, but it is something I am very concerned about and I think we need to work with the City and the County. I think we need to work together to curtail this activity that is keeping people up at night and that people are concerned about.

So that is all I have at the moment, Madam Chair. Thank you for the opportunity to share that information.

CHAIR HAMILTON: Excellent. Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you Madam Chair. I just have a couple of items. One is that in regards to the jail, I'm very concerned. I know that we take people in who are already probably in very poor health and I know that people at the jail do care and spend a lot of time trying to keep people alive. However, I think we can probably do better. So I would really like the warden and the County Manager to bring us some options for what we could do to make things safer for the people in jail. Working with the homeless, I knew a gentleman many years ago who passed away in the jail. It was very sad. He was a very nice man. He just happened to get into a fight one night when he was drunk and got put in jail and died of a heart attack. And it seemed to me totally unnecessary, and I think that's how everybody feels who has a friend who died in jail, that they should be taken care of.

I'm also concerned that people are not getting medicines that have been prescribed for them. I was assured that that doesn't happen anymore but I want to make sure that if people are prescribed any kind of medicine for any kind of condition that they get that in jail.

And then I think I'm also a little concerned that we may be overusing solitary confinement or what we call special management, because I think that makes people more susceptible to bad health outcomes, mental health outcomes especially.

So anyway, on a different note, I have a townhall meeting with District 5 next Tuesday at 5:30 on Webex if anybody wants to join, and I think one of the things we'll talk about a lot is preserving of open space and development in District 5. There's been a lot of housing developments approved in District 5 which is concerning a lot of the residents of District 5, but also I think we need to offer assurance that the places we've designated for open space are going to remain open so that we don't totally change the character of Santa Fe County and turn ourselves into Albuquerque.

I grew up in the lovely little city of Lancaster, Pennsylvania that was the size of Santa Fe when I was in high school and not it's the size of Albuquerque, and nobody there wanted that. And so over-development is something we need to worry about. So anyway, we'll talk about that on Tuesday. That's it for me, Madam Chair. Thank you.

CHAIR HAMILTON: Excellent. Before I go on apparently Commissioner Hansen has something else.

COMMISSIONER HANSEN: Yes. I forgot to mention – I forget what day it is in the month, but on October 8th I'll have Coffee and Tea under the Trees at Reunity Resource, the last Coffee and Tea under the Trees for the season. The topic is the Forest Health and Community. Forest Director James Duran will be there along with the Española ranger district, and we are going to talk about the forest and its health. There will also be a complexity scientist, Valerie Gremillion, who will also be attending and it should be a very interesting and lively discussion.

And yes, I agree with Commissioner Hughes that we need attention paid to the jail. We do pay attention to it but we are all concerned about the situation there. So thank you.

CHAIR HAMILTON: Thank you. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I wanted to circle back a little bit to the 9. B item for Bishop's Lodge. I just want to make sure – I think I asked this in one of my questions but I just want to reiterate the need to discuss the collateral that Santa Fe County is looking at and also the terms with Bishop's Lodge prior to October 3rd.

And then I just wanted to thank my fellow Commissioners for the support on the certificates that we provided to our 4-H participants. I think it's real important to recognize them for their contribution and their participation in the County fair, so I just wanted to thank the Commission again for that, and also I was remiss for not thanking my liaison, Ms. Ambra Baca for her hard work in putting that together. If she hadn't worked on that I wouldn't have gotten those certificates ready, so thank you Ambra for the spark that you give to my district. That's it. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much. So I just want to remind everybody that I'm going to have Coffee with the Commish tomorrow night, Wednesday night. It's virtual. Everybody is more than welcome to join from 5:30 to 6:30. And we're going to have opportunity to talk with our Public Works people about our projects in District 4, including roads, which I know there are some real concerns about. So I hope everybody can join.

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

CHAIR HAMILTON: Deputy Clerk, do you have things from the Clerk?

EVONNE GANTZ (Deputy Clerk): I just have a few comments. The Clerk and I had a meet with Mr. Mueller a few weeks ago and explained the election issues, the payment process and so he was unable to provide at that moment some of the documents needed.

The early voting begins October 11th and at that time, the regular voting registration, the paper registration forms, that does close the 11th but there will be same day registration during the election, so people will be able to go into the voter convenience centers and register to vote if they have not already. But early voting begins in just two weeks, October 11th.

CHAIR HAMILTON: Excellent. That's it?

MS. GANTZ: That's more than enough right now.

CHAIR HAMILTON: I can believe it. Okay, are there any other elected officials? I assume, primarily on Webex because I don't see any in the audience. Our Sheriff or our Assessor or our Treasurer? Anyone want to provide any information at this point? Hearing none, Daniel, do you see anybody on?

MR. FRESQUEZ: Madam Chair, I do not see any elected officials on Webex.

CHAIR HAMILTON: Okay. Great. Thanks for the double-check.

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. *Enterprise Bank & Trust v. the County of Santa Fe and the City of Santa Fe*, D-101-CV-2021-02309**

CHAIR HAMILTON: Just to let everybody in the audience know, we will have executive session and then we will come back out for the public meeting. Hopefully, it will not be too long. And I appreciate everybody's patience. So Attorney Young.

JEFF YOUNG (County Attorney): That's right. Thank you, Madam Chair, Commissioners. I would ask that we go into executive session to discuss 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 that's specifically on *Enterprise Bank & Trust v. the County of Santa Fe and the City of Santa Fe*. I don't expect it to take very long as you mentioned. Perhaps maybe 15, 30 minutes if the Chair would like.

COMMISSIONER ROYBAL: Madam Chair, I'd like to make a motion to go into executive session for the items that have been summarized by our County Attorney.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. I have a motion and a second. Can I have a roll call please?

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

follows:

Commissioner Garcia	Not Present
Commissioner Hamilton	Aye
Commissioner Hansen	Aye
Commissioner Hughes	Aye
Commissioner Roybal	Aye

[The Commission met in executive session from 5:41 to 6:25.]

CHAIR HAMILTON: Good evening, everybody. Thank you all for your patience. We are back. If I could have some order in the chambers and I would entertain a motion to come out of executive session.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I'd like to go ahead and make a motion to come out of executive session and the only items that were discussed were the ones that were summarized by our County Attorney before going into executive session, and there was no action.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: So I have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Garcia was not present for this vote.]

- 11. B. Discussion and Possible Approval of Settlement Agreement between Enterprise Bank & Trust, the City of Santa Fe, New Mexico and the Board of County Commissioners of the County of Santa Fe, New Mexico and Santa Fe County Pertaining to *Enterprise Bank & Trust v. The County of Santa Fe and the City of Santa Fe*, D-101-CV-2021-02309**

CHAIR HAMILTON: Commissioner Hansen, we're on item 11. B.

COMMISSIONER HANSEN: Madam Chair, I move to approve a settlement agreement for Enterprise Bank and Trust versus the Board of County of Santa Fe Commission of the County of Santa Fe and the City of Santa Fe, D-101-CV-2021-02309.

COMMISSIONER ROYBAL: I'll second.

CHAIR HAMILTON: Thank you. So I have a motion and a second.

The motion passed by unanimous [4-0] voice vote. [Commissioner Garcia was not present for this action.]

12. PUBLIC HEARINGS

- A. Ordinance No. 2022-____, an Ordinance Amending Ordinance No.**

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**1992-3, The Business Registration and Licensing Ordinance, and
Ordinance No. 1999-10, The Lodgers' Occupancy Tax Ordinance, to
License and Regulate Short-Term Rentals in Santa Fe County
(Second Public Hearing)**

Exhibit 1: Corey Mansfield email to staff; Exhibit 2: Listing of 15 cities that require STR be the host's primary residence; Exhibit 3: Robert Wiles letter; Exhibit 4: Dave Oboler email to staff; Exhibit 5: Elena Guardincerri email to staff; Exhibit 6: Marion Cox, letter to Penny Ellis Green; Exhibit 7: Email to staff from Pueblo Encantado owners; Exhibit 8: email from Median Isbell; Exhibit 9: Adam Fulton Johnson redlined ordinance via Commissioner Hansen; Exhibit 10: Series of communications from David Carr; Exhibit 11: Additional Comments on proposed STR Ordinance provided by staff; Exhibit 12: Staff memo dated 9/27/2022; Exhibit 13: Draft proposed STR ordinance; Exhibit 14: Ordinance 2009-3; Exhibit 15: STR – Fire Department Requirements; Exhibit 16: Staff memo dated 8/17/2022 from Penny Ellis Green; Exhibit 17: Cover page of STR Draft Ordinance Public Comments 9/20/22 – 104 pages on website; Exhibit 18: Proposed STR Ordinance; and the inclusion of the entire staff report regarding this item.

CHAIR HAMILTON: Our Director of Growth Management, Penny Ellis-Green is going to make a presentation and we want to give everybody a heads-up. They've spend quite a bit of time and effort in the quick time between two weeks ago's meeting and tonight to make changes that were responsive to the public input we received two weeks ago, and I know there's been minimal time to get out any public information on that so there are a lot of changes here that Penny is going to give us a summary of. So Penny, if you can take it away.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Madam Chair, Commissioners. On August 9th the Board gave authorization to publish title and general summary of this ordinance to regulate short-term rentals. At the September 13th BCC meeting staff heard a number of issues raised by the public and the Commissioners. Much of this related to the feeling that an owner-occupied short-term rental should be treated differently from a non-owner-occupied or investor type short-term rental. In that situation the owner is generally onsite when an STR is rented which may lessen the likelihood of non-compliance and negative community impacts. To address the comments and concerns raised by the public and the Commissioners at the first public hearing, staff is proposing a new draft which distinguishes between owner-occupied and non-owner-occupied STRs.

The two tiers are as follows: An owner-occupied STR, whether it's in the same house as the primary residence, or an accessory dwelling on the same property, would apply for a business registration. That has a yearly fee of \$35. The renewal is automatic through payment of the registration fee. There would not be a requirement to come back to the County for review unless there's a change in the application. This greatly simplifies the process for owner-occupied short-term rentals.

As owner-occupied short-term rentals will be reviewed administratively appeals will be heard by the BCC. Only one business registration would be approved per owner and notice would be provided to adjacent property owner and owners within 500 feet of the dwelling used as a short-term rental. The other tier is the non-owner-occupied short-term rentals. They would continue to apply for a business license which has a fee of \$375, a renewal of \$300. Renewal requests would be submitted for review. The fee is based on review processing and issuance time, inspection, tracking through our

contractor, and use of online permitting.

A non-owner-occupied short-term rental would be reviewed administratively, again, and appeals would go to the Board. The notice would be provided to adjacent property owners and owners within 500 feet of the property boundary. Yearly current water meter readings would need to be submitted if the property is subject to existing County water restrictions.

All short-term rentals will be permitted within all zoning districts where residential are allowed as a primary use. Applicants for both registration and a license would have until March 15, 2023 to come into compliance. All short-term rentals would meet the following requirements. To display the registration license and a notice providing additional information for guests, such as the number of vehicles, quiet hours, owner's contact number and solid waste disposal. All listings would include the business registration or business license number. All short-term rentals need to pay applicable taxes, and this is a general requirement. People have said that the taxes are paid by the platform, but as with all taxes, it is the responsibility of the owner to ensure that the taxes are being paid. And there is already a lodgers' tax ordinance that requires all short-term rentals to pay this tax to the County.

All short-term rentals would comply with occupancy limits of two people per bedroom and daytime occupancy limits. So again, that was a change. The previous draft had the occupancy limit based on the septic tank standards.

Everyone would comply with existing water restrictions, as just a reminder to applicants that may not even know that they have restrictions. They provide onsite parking or designated off-street parking, certify that the short-term rental has fire protection requirements that the Fire Marshall listed. That list will be provided to the applicants and they would just sign that they've complied. It includes smoke and carbon monoxide detectors, fire extinguisher, egress requirements, a spark arrester on a chimney and storing flammables away from the structure. Provide for solid waste storage with a minimum requirement to store inside or in a container and remove at least monthly. Provide rural addressing on the property, and just to note that address signs are the red and white reflective numbers that emergency services use to find an address. Our staff is available to post these if a property owner does not have one. And comply with quiet hours between 10:00 pm and 7:00 am.

Please note the short-term rental application requirements relative to water meter readings have lessened. In the previous draft applicants were required to submit utility bills or readings showing water consumption or water meter readings from a well for the previous two years. Under this proposed ordinance, a non-owner-occupied short-term rental would need to provide water meter readings upon application and thereafter on an annual basis. There is no such requirement for an owner-occupied short-term rental.

The requirement for applicants to provide permits for a dwelling has been removed. The short-term rental must be within a dwelling legally recognized under the SLDC. As necessary, staff will review our photographs and all permit files to confirm dwellings are approved as we do for all current permitting and platting requests that we get. So the applicant doesn't have to do research or provide documentation. We've added definitions for accessory dwelling unit, owner-occupied, non-owner-occupied, primary residence, and vendor, and we have kept in the technical cleanup language.

Additional public comments were added to BoardDocs on Monday and I handed out a stack of additional comments that were received either yesterday or today. This is the second public hearing. Required legal noticing has been completed for action to be taken by the Board. Staff recommends approval of the ordinance, and Madam Chair, if I could enter the entire memo and all exhibits into the record. Thank you, and I stand for questions.

CHAIR HAMILTON: Yes. So there's no reason not to go directly to public hearing on this, but hopefully everybody has heard some of the changes. Raise your hand if you're here to make comment on this. Okay. Can everybody who wants to make a comment please stand up and be sworn in.

[Those wishing to speak were placed under oath.]

CHAIR HAMILTON: Thank you everybody. We're going to do – because there are many, many people and I imagine there are also some people on Webex. We're going to do a three-minute time limit for each person and I think Daniel will put the timer up on the Board. Daniel, can you put our timer up? If you're not testifying I'd like to just keep some decorum. Everybody's lining up. That's great. You can use the full three minutes but I don't want to have a lot of redundant testimony. Everybody was great last time. The information is incredibly valuable, but if somebody has already testified very specifically to things you were going to say if you could simply indicate your support for what was previously said and add new information it will be most efficient that way. And I really appreciate everybody being here. If you can start.

[Duly sworn, Kathleen Casey testified as follows:]

KATHLEEN CASEY: Hi. I'm Kathleen and I live in Madrid on Harvey Road.

CHAIR HAMILTON: And you're under oath?

MS. CASEY: Yes. So I really appreciate all of the changes. I feel like that was awesome that you listened to what everyone was saying. The one thing that I'm really still concerned about is the tax collection. When you look at the Airbnb website, and also when you look at your website, it's difficult to discern what taxes were being collected from our customers for Airbnb and then remitted to you. When you look at their website it says they pay for Taos County, Taos, Taos Ski Valley, the Village of Taos Ski Valley city tax, Ruidoso, Santa Fe, and Albuquerque. So a lot of people that I've even talked to here think they've paid your lodgers' tax and I am telling them that they haven't, that Airbnb has remitted only the City of Santa Fe tax, which we thought was gross receipts tax, I assume.

So it's been very confusing. Also when you go to your website, I cannot find that lodgers' tax nor can I find where to pay that lodger's tax. And I think last time I spoke to the fact that I have a business and I do pay all of my taxes that are required of me, so it seems onerous that we should have to pay in arrears when it is very difficult to find out that information. So I haven't found out about it, honestly.

And the other thing I thought was important to bring up is that Rudy isn't here, so all of us in District 3 that live in Madrid, and we have a very significant issue that is different than the rest of the county, isn't being heard by the person that's supposed to represent us. So I don't know how that gets resolved. I realize you've changed the date to March 2023 but there won't be another public hearing where we'll have a representative,

so I'm not sure how that resolves but I just don't feel like that's fair.

And then also as far as the issue of Madrid, I think affordable housing is the main issue and this is just a floodlight on that. And when it is that we come to you I hope that there's some way that we can figure out how we can be helped as an unincorporated town. But that's it. The big thing is that Rudy isn't here and I don't see how that's supposed to happen when our issues are very specific to our village and he's our representative.

CHAIR HAMILTON: That's okay. I don't have an answer for you but everybody else here is listening to the issues so if you have something more specific to say about the affordable housing issue in Madrid, but you may have said that last time. Everybody else will hear it.

MS. CASEY: I feel like it would be better said in a different setting so you don't have to listen to every single little issue that we have, so that we could go to our person and then they could make you aware of it at whatever meetings that you have. So I'm just pointing that out. That's all. Thank you.

CHAIR HAMILTON: Okay. Great. Thank you very much.

[Previously sworn, Adam Johnson testified as follows:]

ADAM JOHNSON: My name is Adam Johnson. I live at 121 Arroyo Hondo Trail and I understand that I am under oath. Madam Chair, members of the Commission, I am the director of the Old Santa Fe Association and I speak on its behalf this evening. Short-term rental are sometimes used to offset costs of homeowners who rent casitas or rooms in their homes and yet still live in and contribute to their communities, like the woman who spoke before me. We support the right of primary residents to use their properties in such a way. However, we do not support the removal of housing stock by speculators who are not part of the communities in our county, which the ordinance in its present state leaves open to unlimited speculation.

When non-owner-occupied rentals are bought up in villages like Tesuque and in Madrid, these communities suffer immensely. Not only does rental income leave the community but the constant flux of short-term rentals are unpredictable elements. Short-term rentals can disrupt and even exploit the thing that makes such a place special to the people that live there. It is one thing to rent a room in your house or in your casita and still be a part of a thriving neighborhood, and it's another thing entirely to make neighborhood residential units into businesses at the expense of neighbors and community culture.

We would like to lend our support as the Old Santa Fe Association to your efforts to write an ordinance regulating short-term rentals. We really applaud you for trying to tackle that. We recommend adding several items to the ordinance as written. Mainly, we strongly recommend the inclusion of a primary residence requirement. This will allow permanent taxpaying and community-contributing residents to have short-term rentals in Santa Fe County. A primary residence requirement will not affect the vast majority of people here today speaking on behalf of their Airbnbs and their Vrbos.

What's more, a primary residence requirement is a tried and tested standard for STR ordinances around the country in tourist destinations – Santa Monica, Miami Beach, Boulder. These popular destinations protect their local STRs and prevent outside speculators from buying up property through their primary residence requirements.

Bigger cities – Portland, DC, New Orleans, San Francisco Denver, Los Angeles, New York – all major tourist destinations in the country have primary residence requirements. And yet Santa Fe lacks on. We have a chance here tonight to change that.

So please amend the ordinance as written to prevent non-owner-occupied short-term rentals. For those existing, I would recommend grandfathering them in at a term of five years. Thank you for your time this evening.

CHAIR HAMILTON: Thank you. Can I ask a clarifying question? The very, very last thing you said was grandfathering for a term of five years meaning they get five more years and then they're out.

MR. JOHNSON: We would propose that non-owner-occupied short-term rentals be allowed to continue to remain for five years. Yes, that's correct.

CHAIR HAMILTON: Thank you.

MR. JOHNSON: You're welcome.

[Previously sworn, Emmet Soper testified as follows:]

EMMET SOPER: My name is Emmet Soper. I live at 21 Sabroso Road in Eldorado, and I am aware I am under oath. I'm very interested in the tax issues because I'm trying to get clarity on that. Currently, Airbnb for example does collect the lodgers' tax, but I'm concerned it doesn't pay it to the County. So that might be something the County would like to look into.

Under the new proposal, if I understand it correctly, Airbnb would no longer collect the lodgers' tax and the lodgers' tax would be paid by the individual owner. Is that correct?

CHAIR HAMILTON: No. And maybe this is a good time to get a little bit of clarity on that.

MS. ELLIS-GREEN: Madam Chair, Commissioners, no that's not correct. The ordinance just states you have to pay all applicable taxes. How that is done would be down to whether or not you use a platform or you don't use a platform. It's just a statement that short-term rentals need to pay the applicable taxes. I don't know if Legal has an additional statement.

MR. YOUNG: Madam Chair, Airbnb and some of these platforms do enter into agreements with local governments and depending on how this ordinance shapes up that is something the County would definitely pursue with Airbnb. Those are typically voluntary collection agreements, I think is what they call them, whereby the platform agrees to pay on behalf of the host those taxes, and there's an agreement there and it's clear. So that is something that I would recommend pursuing with those platforms.

CHAIR HAMILTON: So thank you. So that's my understanding is that the County will pursue that with the platforms, but actually that becomes important for each individual who uses those platforms to make sure that they know you're with Santa Fe County and not the City.

MR. SOPER: Great. And I think the County is missing an opportunity if they're not getting these lodgers' taxes which they could be.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: I'd just say one thing, Madam Chair, from the research I have done. We have to have – Santa Fe County – an ordinance filed with

these platforms. And once we have an ordinance filed with the platforms then they will send appropriate taxes to us. That is what I have understood. I can't guarantee that because I don't have an Airbnb.

MR. SOPER: That makes perfect sense, because then there's a name and a number, a business license, and everyone knows how to pay their taxes.

CHAIR HAMILTON: Yes. Which is why the County committed to looking into that.

MR. SOPER: Well, thank you very much.

CHAIR HAMILTON: Excellent. Thank you.

MR. SOPER: You bet.

[Previously sworn, David Carr testified as follows:]

DAVID CARR: My name is David Carr. I live at 3411 Via Magdalene, Santa Fe, 87507. And I am under oath. I testified last Commission meeting regarding asking if the County STR ordinance will apply to the Phase 3 annexation, or if the City of Santa Fe will apply. I am chair of the Sierra Lumbre Homeowners Association Architectural Control Committee. We are in the process of updating our rules and regulations and want to be able to clear the proper City or County STR ordinance.

According to the Santa Fe Extraterritorial Land Use Authority Ordinance, 2013-01, the Area 1, Phase 3 annexation area is in the presumptive city limits. Section 11 of the ELUA specifically states that the City shall issue business and vendor licenses such as short-term permits within the presumptive city limits. Section 12 of the ELUA also states the City shall issue development and building permits within the presumptive city limits. The Sierra Lumbre Subdivision falls in the City of Santa Fe annexation area. We have one homeowner who applied and obtained a short-term rental permit from the City, and we have one other short-term rental guesthome candidate within the last year but a permit was not required.

Based on the ordinance, the ELUA it appears to me that the City of Santa Fe would be the agency to issue short-term rental permits in the Area 1, Phase 3 annexation area. This has been confirmed by Ms. Ellis-Green. Subsequent correspondence with the City of Santa Fe STR office regarding the permit that's issued by the City within our subdivision, stated, and I quote, "As currently outside the city limits and in the Phase 3 area of planned City annexation." Since it is not within the city limits, they don't need a City-issued short-term rental permit, and whoever issued -- it seems to be Dennis -- it is apparent the City and County are not on the same page regarding this issue.

I would request the County governing body and the County Attorney contact the City Attorney to resolve which jurisdiction governs STR in the Phase 3 annexation. I also would request that specific language be included in both the County and the City STR ordinances to make it clear which entity applies in the annexation area. I also would request that County and City staff responsible for enforcing STR ordinances be informed and trained in responding to requests for STR permits. And I have some documents here I'd like to enter, this correspondence.

CHAIR HAMILTON: Yes, if you could give them to -- that will take care of it.

[Previously sworn, Pat Lillis testified as follows:]

PAT LILLIS: Hello. My name is Pat Lillis. I live at 2119 Conejo Drive,

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Santa Fe, and I'm under oath. First of all, I'd like to start out that I've read this ordinance. It allows one license to a permanent primary resident, but allows unlimited licenses to investors, the short-term rentals that are currently affecting our affordable housing in this area. I ask that you pass a short-term rental ordinance with a primary resident requirement, a requirement that would help prevent Santa Fe County from losing even more housing to investors and speculators that buy up homes to run as short-term rentals.

Because of the disappearance of affordable housing stock, and because the impact and detrimental impact short-term rentals have had on homeownership and affordable housing over the past few years I started to research the impact of short-term rentals on tourist communities such as ours when the City of Santa Fe proposed changes two years ago. The topic is complicated and not easy to understand but is one of the reasons why it has taken so long to set standards and restrictions locally and nationwide. Using Airbnb as an example, what started out as a cheap way to travel by renting someone's couch or extra room has turned into an industry, and now, if a community allows investors to run non-owner-occupied short-term rentals that community will be on hundreds of websites recommending it as a place to buy homes and invest for short-term profits.

For example, without restrictions, speculators can and will buy up less expensive and smaller properties and run them as short-term rentals that will negatively impact local housing. One example is when a person or company with wealth outbids the average income person looking to buy their home, their primary residence. Another example is when a long-term renter is evicted to make way for a possibly more profitable short-term rental. For example, in the City of Santa Fe one person has 50, another 32, and that's the way it goes.

A primary resident requirement where the host is the owner of the property and is permitted to rent their guesthouse or bedrooms is now the most common requirement in tourist communities where short-term rentals have caused housing challenges among working people. A primary resident requirement is the ideal because the reality is that short-term rentals that do not have that requirement take a home away from a potential homeowner or long-term renter. Every investor that purchases a home to run as a short-term rental is taking away a potential home from a county resident.

Please help protect Santa Fe County residents by passing an ordinance with a primary resident requirement. Thank you.

CHAIR HAMILTON: Thank you.

[Previously sworn, Robert Wiles testified as follows:]

ROBERT WILES: Good evening. I'm Robert Wiles. I live at 1331-A South Sierra Azul and I acknowledge I'm under oath. I appreciate the opportunity to speak to you because it is quite an important topic and I hope Santa Fe gets it right about the opportunity to have an owner-occupied short-term rental. I would agree with that, and I have written several points about my case regarding that and why that would be a good thing to support, and now that it's been address by some of the changes, I'm just going to leave with the scribe up there for each of to see what my individual situation is.

CHAIR HAMILTON: Perfect.

MR. WILES: Also, what I would like to know is I was so happy to hear some changes here tonight from being here last week. Is there going to be changes perhaps initiated from this week, as it's further studied as to what's to be implemented as

the actual ordinance? And if that's the case that there could be some more changes, how would we be able to see what the ordinance is so that we can make a comment regarding those changes before it was to occur?

CHAIR HAMILTON: I think it's important to address that. If the suggestion is for substantive changes we would have another public meeting.

MR. WILES: Okay. And so how can we see what the current rewrite is that she was so eloquently reading tonight?

MS. ELLIS-GREEN: Madam Chair, members of the public, we did put a banner on the front page of our website. If we needed to go into a rewrite again after this we would do the same thing. So it was a banner right along the top of the Santa Fe County website.

MR. WILES: So that would be Santa Fe County.com?

MS. ELLIS-GREEN: santafecountynm.gov.

MR. WILES: Santa Fe Countynm.gov?

MS. ELLIS-GREEN: That's correct.

MR. WILES: Okay. And I appreciate the evaluations you've made and the changes that are for supporting the owner-occupied, and I'll leave these with you.

CHAIR HAMILTON: Thank you very much.

COMMISSIONER ROYBAL: Madam Chair, would it be a possibility for staff to maybe make a copy for him or for anybody that needs a copy for the revised –

CHAIR HAMILTON: Anybody can ask. I'm sure we could do it if they want copies made. Come on forward.

[Previously sworn, Edita Ladd testified as follows:]

EDITA LADD: Good evening, ladies and gentlemen. My name is Edita Ladd. I live on 3 Tano Vida, and I believe I'm under oath. I speak under oath. So this is very interesting because I thought I was going to be the first to speak on this matter but actually it seems like this is a very concerning subject matter to many. And I want to be clear too that this is not an objection to owner-owned STRs who have a vested interest in maintaining their property. This is a really grave new situation we are facing. On our small private street of seven homes, mostly occupied by retired professionals, a house, a quite sizable beautiful property was sold to a start-up investment company in Miami through crowd funding for as little as one dollar share.

It is advertised as a rental sleeping 12 people and they expect an 85 percent occupancy. So for 310 days a year this de facto party house could impact our tiny road by 12 or more cars daily just for starters. Even though the company is on the other side of the country there is a lack of transparency as to how this will be managed. The probability of stressing out and overloading precious resources, such as the water well, septic tank, trash accumulation, fire hazards, noise, etc. is of grave concern.

There is no control over what can go wrong. No one to monitor closely the comings and goings, and what needs may arise to maintain the safety and peace of this community. So I believe, Commissioners, that this is the time to initiate regulations to ensure this doesn't spread and equally importantly, to control what has already happened. Because I ask you, would you buy a home on a street where there was a hotel without an onsite concierge, reception staff, maintenance, housekeeping, etc. and was a free-for-all right next door to you. And these are just some of the concerns.

Santa Fe is a destination place so it would be hard-hit I think by these investment companies that have no personal interest in supporting the community and upholding the good for the people here and the benefits of the city. And I do believe that the grandfathering annoys me because that gives you five years more free rein of havoc to be wreaked in these small communities. Thank you.

[Previously sworn, Corey Mansfield testified as follows:]

COREY MANSFIELD: My name is Corey Mansfield. I live at 2842 Highway 14 in Madrid and I acknowledge that I'm under oath. I spent the last week gathering some online signatures on an online petition which I did submit earlier today that now is up to over 160 signatures in favor of these proposed regulations on short-term rentals. Over – I think we're now over 85 of those signatures are from Santa Fe County residents in particular who feel that their housing options have been limited due to a lack of regulations on short-term rentals in the area. So I just want to start by saying thank you for considering this and that there are voters and constituents that might not be in this room that are very much in favor of what you're doing.

I think a lot of my main issues are kind of addressed in the updating of the ordinance. I do agree that owner occupancy is very different than people who own multiple houses that they are not onsite for. I've seen it in my neighborhood. I've seen it in friends' neighborhoods, and just since there are so many people who want to speak tonight I just want to kind of respond to something I heard at the last meeting. I was there on the web conference. A lot of Airbnb operators were referring to themselves as Santa Fe County ambassadors and I just want to remind everyone that Santa Fe County ambassadors include service and hospitality workers, retail and gallery workers, public maintenance workers, public transportation providers, healthcare workers and many, many other working class members of our community and we deserve access to housing in the communities that we serve. And also a reminder that the short-term rental industry would not exist without all of those and other industries that I just named, and as soon as you lose the people that can work in those industries you're going to lose your tourists too and your Airbnb isn't going to mean anything. Thank you very much.

CHAIR HAMILTON: Thank you.

[Previously sworn, Caitlin Lord testified as follows:]

CAITLIN LORD: My name is Caitlin Lord. I live at 6 Red Dog Road and I realize that I am under oath. Also agreeing with the primary residence ordinance. I think there is a difference between owner-occupied land and Airbnbs because we need housing. We need housing, not people who claim to love their communities but then look away as they turn people like veterans out on the street. Twice in the last year in Madrid veterans have had to relocate or leave their community entirely due to being evicted for the sake of starting an Airbnb.

I've had friends evicted with a note card on their door giving notice of eviction so the landowner could pursue their dream of having an Airbnb "oasis". I implore you to see that if this is unregulated this will continue to negatively affect the lives of people who do not have the economic privilege to compete in the housing market, and it certainly doesn't happen working for minimum wage in New Mexico. In the years they were paying your rent, they were paying your mortgage, they paid you to have an Airbnb. Renters don't have anything to show for being a good tenant. They don't own property.

They can't claim rent on their taxes like mortgages.

I think that if we open our eyes to an experience outside of being a landowner and having an Airbnb you'd realize how detrimental it is to be hoarding and withholding housing from your community. Additionally, as a teacher for the Santa Fe Public Schools I'm very aware about the inaccessibility to housing in Santa Fe County for families. And this is part of the problem. So while we're standing here inside, talking about this, there are children out on the street that could have a place to live. Thank you.

CHAIR HAMILTON: Thank you.

[Previously sworn, Diane Pierce testified as follows:]

DIANE PIERCE: Hi. My name is Diane Pierce. I live at 2410 Avenida Chaparral in Santa Fe. I know I'm under oath. So I've lived in this area for 30 years. I've been teaching for 25 years. I will not be able to live on my retirement. I bought a fixer-upper in Agua Fria and I want to turn it into a vacation rental. And I don't see – I see the problem people are talking about with investors from out of town and out of state, buying up gobs of property and diminishing the amount of affordable housing for residents who live here. However, for myself personally, I understand you're going to make a distinction as to whether I live in the vacation rental. I don't feel like I should have to move out of my house to live in the vacation rental. I'm setting that up so that I can retire.

And so I feel like the regulations mostly make sense. I very much object to two people per bedroom. I've been remodeling this house and planning on three people per bedroom. I actually want to be able to have 12 people sleep in the house. I feel like there are times that families want to stay together. I haven't ever stayed in an Airbnb but I hear a lot of stories about how happy families are when they get to stay in an Airbnb together. Okay?

Where the property is that I bought, the zoning is for – I have 2 ½ acres and so does everyone else on my street. We maintain that road privately. I have a well. I have a septic. And I don't feel like – I understand people don't want a party house next door, but there's other ways of enforcing those kinds of laws if people are partying and they shouldn't be. Also, in my neighborhood, there are plenty of homes that have probably way more than 12 people in them. Certainly the neighbor across the street from me has way more than 12 cars every day coming and going. So I think that – I hope the regulations will work for a variety of scenarios including mine, and I would hope in the future too – I work in the schools. It would have been so nice to just see a power point and get to see in writing the new proposal instead of just hearing it and having to take notes. Thank you.

CHAIR HAMILTON: Thank you.

[Previously sworn, Chris Leslie Curtis testified as follows:]

CHRIS LESLIE CURTIS: Good evening, Madam Chair, fellow Commissioners. My name is Chris Leslie Curtis and I am president of the Santa Fe Short-term rental Alliance and I am also a county resident and I am speaking on behalf of myself as well as my organization. I did testify September 13th and I want to take this opportunity to primarily thank you. I work in advocacy. I've worked in advocacy for early childhood education for many years and now, later in my life, for the allowance of reasonably regulated short-term rentals.

I was going to stand up here and thank you for the revision of all the ordinance

removing septic and occupancy limits and all the things that you have already discussed. But after listening to previous testimony I'm now going to think on my feet and shift gears and let you know that I'm here to also advocate for my property rights as a non-owner-occupied STR owner. I have a daughter in medical school, her third year of medical school. I have another one who's a junior at San Diego State University. I manage my own properties. I'm a second generation small business owner. My father, Ed Leslie, built some of Santa Fe and some of the affordable housing that is being occupied now. My uncle Walt Chapman, was a builder in Santa Fe and helped develop this beautiful town into what it is.

We are not outside investment corporations. We are a second generation family trying to send out kids to school and we should have a right to have a non-owner-occupied short-term rental. And it is false that you are not requiring in the ordinance that non-owner-occupied renters can only have one permit. Isn't that correct? I believe that that is in your ordinance. It is for owner-occupied but I believe it's also the same for non-owner-occupied. I don't believe you're allowing an unlimited number of permits for non-owner-occupied, just as the City is not. I own two non-owner-occupied units in the City of Santa Fe and they have limited that to one permit per natural person. I was grandfathered in with two, but I want to know who owns 50 STRs because I don't believe anyone does.

According to Isaacson at the City, the maximum number of multiple ownership of city STRs was less than five, so who owns the 50? So it's not a discussion, but I call into question these facts and I ask the County to please research these facts and make sure that this is actually based on real data. If it's an out of state LLC or something of that sort, I think that we have to understand that. But I will say as a New Mexican resident that I do not believe that there are huge outside investment companies coming in and buying county property.

So I will say that and I will also say that I personally oppose the residential requirement. I lived in Albuquerque and managed my properties in Santa Fe. So where does the residential requirement pertain to? The County of Santa Fe, the City of Santa Fe, or the State of New Mexico? So I think more research needs to be done about that before the County imposes that regulation. Thank you.

COMMISSIONER ROYBAL: Madam Chair. It's not really a question but I know that we did have some of the questions earlier answered right away and I was just curious on the question where she asked about one permit. Can you clarify that, Penny?

MS. ELLIS-GREEN: Madam Chair, Commissioners, the current draft does not limit the number of non-owner-occupied short-term rentals. It limits an owner-occupied because it needs to be your primary residence and you only have one primary residence. Thank you.

CHAIR HAMILTON: Thank you.

[Previously sworn, Liz Emmens testified as follows:]

LIZ EMMENS: My name is Liz Emmens. I live at 43-B Lavadero Road, Santa Fe, and I understand I'm under oath. I have only been here for about six years. I've been in the western part of the United States for about 25. I used to live in Denver. I understand the changes that have happened in Denver, both due to legalizing pot and the adding on of short-term rentals. As a 25-year veteran of being a business analyst, data is

critical to analyzing any issue. When this all came up I wasn't aware of the proposed ordinance until about five days before the hearing on the 13th. After that I dove into the numbers. This is what I'm an expert at.

There is no data available for rural environments. It's all based on urban. The City of Santa Fe has legitimate issues. Anywhere in the country that is a high density area has legitimate issues. Let's be clear. Affordable housing around the county has been an issue for decades. This is all verifiable. You can verify it with the federal government. The federal government has recently declared that they will not be able to catch up with the need for affordable housing for decades.

STRs are not the issue in Santa Fe County, the rural environment. We are never going to have a density issue. Aamodt has taken care of that. There's not going to be any new well permits issued. We're not going to have this influx. Yes, there's going to be concerns with regards to some big companies coming in, but folks like Chris who are residents of New Mexico, why are we not allowed to prosper here? Isn't that we're afforded in the constitution? We have to be mindful of these things.

I'm all for – I'm not an elitist, people. I come from nothing. Nobody gave me anything. I've had to work for it my entire life. No man gave it to me. My daddy didn't give it to me. Nobody did. So what I have is because of me. So that's what I'd like people to consider.

And I'll now add one more thing. Onto Commissioner Hansen, what she testified to earlier with regards to the taxes. I have had a conversation with the senior management at Airbnb with regards to the remittance of taxes, because I am a pit bull when I don't get information that I want. I badgered them for six months until I got a phone call with a senior manager. The issue is this. They currently do not see a difference between the City and the County. In order to change that the County must have an ordinance such as Commissioner Hansen said with a directive in it directing them to separate out county residents from city residents. Further, they must give a directive that the hosting platform provide documentation of remittance to the owner as proof of payment. Airbnb, Vrbo, does not allow us to collect and hold those taxes that we are responsible for remitting. They will not allow us to do it. So it's up to the County to order them to do it. Thank you very much.

CHAIR HAMILTON: Thank you.

[Previously sworn, Patricia Bentley testified as follows:]

PATRICIA L. BENTLEY: Good evening. My name is Patricia L. Bentley and I own #10 and #12 Camino Cieneguilla in La Cienega/La Cieneguilla, which is Santa Fe County. So I had lived at #10 Camino La Cieneguilla for about 12 years when the property next to me was sold by the owner then, the previous owner, who started renting it out to 20 people at a time. There were many dogs being abused, 20 cats on the property. The property – the people living there, the renters were violent. I was always nervous going home. So I bought the property. I sought out the owner who was under water. I bought the property.

I turned the property that was in shambles into a beautiful property. I tried twice to rent it. Twice I had to – one time I had to evict the tenant. Again, a very terrible tenant who was destroying the property. Another one couldn't pay his rent but I kept very low because I understand the other side of the coin.

So, it's a five-bedroom property. I live next door to it so technically, I'm not owner-occupied, but I am next door. I keep a hawk-eyed view on that property. I have multi-generational families coming in there. Five bedrooms, it sleeps up to 15 people. I have very peaceful families come and be there. Five generations at a time in that home. All of my neighbors love what I have done to that property. It's beautiful. I cleaned up all the rubble, and I ask that the County take into consideration that Airbnbs generally are managed by people that really care about their guests.

Every time we have a renter come into our home, they have an opportunity to rate us, and they will tell the world if they found an ant in the house. They will tell the world if the bed was not comfortable. We take extremely good care of our property and I am asking the County over and over again to please cut the weeds on my roads. To please stop my neighbors who illegally dump rubble all over their property. We're listening to dump trucks all day long come and dump rubble. And I called County land management and I'm told they've been asked to stop doing this. They have 30 days. Whether or not they continue to dump rubble is not the issue. And I don't understand why if it's illegal, it's not an issue.

So here I am, trying very, very, very hard to do the right thing for my community, for my pocketbook. It's taken me a lot of money to turn that terrible looking property into a beautiful property. I'm still in debt over it, and with the ordinance that is proposed to limit the number of people, in my particular situation there's five bedrooms. It's my understanding then that I would only be allowed ten guests. In the city, the city is not regulated. There will be a four-bedroom property and there's many of them that have nine beds and they're bringing in 16 people. And it's not regulated. So I would be – it would probably put me out of business because large families come to my place because I keep my rates low and I take really good care of it. And if I can't bring in groups of 12 people, or right now it's 15 people that I allow, quite often a number of them are children. If I can't bring in those large groups it's going to put me out of business. So I'll have to go back to trying to find that perfect family to rent that property. I have not had good luck. I wish that was not the case.

CHAIR HAMILTON: Thank you very much.

COMMISSIONER ROYBAL: Madam Chair, for clarification on that question, was that children that was also part of it or was it two adults per bedroom?

CHAIR HAMILTON: I think it's just two people but you can ask Penny.

MS. ELLIS-GREEN: The occupancy limit says two per bedroom but that doesn't include any child under the age of five.

CHAIR HAMILTON: Okay. Thank you.

[Previously sworn, David McMath testified as follows:]

DAVID MCMATH: Hello. My name is David McMath. I live at 55 Arroyo Seco Circle, and I understand that I am under oath. So my siblings and I, we grew up being taught the values of hard work and that you reap the benefits of your labor. We ended up starting a construction company in which we all work in it, and through saving and hard work, we have been able to acquire a short-term rental. I know there have been a few minor adjustments to the proposed ordinance, but in all reality, not much has changed, and it would still negatively affect the majority of those here whether we know it or not.

Let me give you an example of what it is like working with the County on getting different approvals and permissions. We purchased a run-down building in our neighborhood back in 2020 with the goal of using it as an office for our paperwork and for our business, and also to help get an eyesore out of our community. We were originally told that in connecting the utilities all we had to do was submit a hand-drawn application and it wouldn't take that long to get approval but our paperwork was rejected, stating that we needed more planning.

We hired an engineer and have submitted and resubmitted plans multiple times, each time being sent back, asking for more and more details. After over a year and a half, and thousands of dollars we finally got verbal approval, but now we have been informed that they won't actually sign off on our plans until we sign a water covenant agreement which requires us to meter our well and submit annual meter readings. We live 20 miles outside of the City of Santa Fe but we have been informed that the water metering ordinance is required throughout the entire County of Santa Fe not just the city. So when it says in the proposed ordinance that STRs will have to comply with existing Santa Fe County water restrictions, that still means that all of our wells will have to be metered, regulated by the County.

Speaking to everyone here, even those supposed changes have been made in the proposed ordinance, STRs will now be considered businesses, and as such, that's how everyone owning an STR will be treated, having to spend hours upon hours of time and thousands of dollars trying to get everything up to the County standard of approval, and for many of us here, it just won't be worth the effort anymore. I would like to also encourage all the Commissioners to look out at the audience. The people here, they aren't big investors. They aren't huge corporations. These are people that live within Santa Fe County. People that are hard workers. People that contribute to the community, and a vote in favor of this ordinance is really a vote against the people of your communities. Thank you.

CHAIR HAMILTON: Thank you.

[Previously sworn, Elizabeth West testified as follows:]

ELIZABETH WEST: Good evening. My name's Elizabeth West. I live at 318 Sena Street in the city and I know I'm under oath. Thank you for being here. Thank you, Chair and Commissioners for the work you do and it is really a pleasure, a footnote here, to be in this gorgeous room. I want to say right off the top of my head that I think when people invest in short-term rentals it is a kind of business, and most of the people here today, I would say all of them, are responsible people, whether they right on the property or live in the county, they appear to me to be responsible people who care. I wish all short-term rental businesses were run like that.

We do know there are a lot of exceptions. For the time being, I just want to say for sure I do think you all have made a lot of effort and little tiny things that you've done make sense by and large. I do recommend that you pass the ordinance with the amendment that would require primary residence occupant. I can see a way around that in a way, if there were some definition of what is a primary residence if you lived next door as the person two people before me was speaking. That could be worked in there. That would require a lot of complicated stuff and I pity the people who would have to go through it, but that's where we are now.

One of the things that I like what you're doing is, in fact, I hope, raising the taxes for the state, but also requiring a fee, and that will go – I read about it. It will go to contribute to assessment of people following the rules or people taking care of places, and that's incredibly important. Enforcement is the new big word. Remember, it was transparency for a while. Now it's enforcement. And friends of mine who live in the county are pretty upset about lack of enforcement. Of course when it happens to ourselves.

It's a tough thing to own some property and want to make some money from it in a decent way, and I don't think I've heard one person here this evening who strikes me as an evil owner. Not at all. But we do have to have regulations. Thank you for listening to me. I think this could be worked out. I hope it is revisited, even though that sounds exhausting to you. So thank you very much. Please pass this. If you're going to pass it tonight and not address it later, which I hope you do, actually. If you do address it tonight I hope you pass it. Thank you.

CHAIR HAMILTON: Thank you very much.

[Previously sworn, Santa Quintana testified as follows:]

SANTA QUINTANA: Thank you for hearing me. My name is Santa Quintana. I would like to do my best because my English is not so well. My husband used to be a developer and I remember him working very hard just to have a permit for building something. They take years and a lot of work. Right now, I can see builders all over the places and I just mention this because I think it's very unfair to try to make it difficult for people like me who live with children because the population and the water, when you can see on other sides some monstrous construction.

My husband passed and I have an 11-year-old daughter. Before my husband passed we had a lot of problems or issues with money and he started to tell me that maybe our house would be good to do an Airbnb, because he had read that maybe it was something they could do. Later, when he passed I decided to do that and that has been my salvation. That has given me the opportunity to keep my house. We owned the house, we had a couple more guests and we have a small house belonging to his mother in the city.

I received notification that I cannot rent until renting in the city and it's the place I live now. I'm renting the big house outside the city on Camino La Tierra, and I'm just coming from my country four days ago and I see the letter that says that now they intend to not permit such renting, and that was very scary for me, because I'm not a big corporation. I'm just a not very educated person who found through Airbnb the way to do something that made me feel proud and made me feel like I do this business and I contribute because I have people to help me to clean, the manager, the handyman, the landscaping. I don't make a lot of money but I survive in this way. I tried to be very reasonable with my neighbors and I go next door and give them my information and when something they don't like, like in the past, one of my neighbors knocked on the door and told me my guests talked too loud for too late and from that day I put it in the rules. You're not allowed to talk loud on the patio later than 10:00 pm.

The way the manager things, I listen to my neighbors. It's something that has been there. My house has so many rules one person said, oh my god, I've never seen a house with so many rules and I was afraid I wasn't going to rent my house anymore, but I

understand I have to do that.

So far I have been doing good. My neighbor has been nice to me and hopefully, you're thinking of people like me. I'm here; what about me? Please, before you make a strong decision, because I can't rent the small house anymore, it's in the city. That's my only provision. And my daughter, she wants so hard that we keep the house because it has her father's memories. Thank you.

CHAIR HAMILTON: Thank you so much.

[Previously sworn, Ben McMath testified as follows:]

BEN MCMATH: Hi, my name is Ben McMath. My address is 55 Arroyo Seco Circle and I understand that I am under oath. I'd like of like to maybe present this from a standpoint that really hasn't been looked at here. Our founding fathers gave us the constitution to protect our rights to live, liberty and the pursuit of happiness. I understood the pursuit of happiness to be the ability to earn a living and to own private property without ridiculous and quite honestly tyrannical regulations placed upon us by government officials.

We believed these rights were god-given and that elected government officials were – had the duty to actually uphold these rights. I'm going to be honest. An ordinance like this is just blatantly unconstitutional and tyrannical. As public servants you're elected to serve the people. You don't work for lobbyists and public interest groups. You work for we the people. Section 1 of the 14th amendment of the constitution grants us the right to private property without deprivation. Ordinances like this are a direct violation of the 14th amendment because they allow government officials to regulate private property in such a way that removes the benefit of even owning private property, and what's the point of owning property if you can't even decide what you can and can't do with your own property. That's ridiculous.

It's just taking away the free market concept that this country was founded up and honestly it's making it impossible for people to comply without going out of business and in turn it's helping big corporations and big businesses that have the resources to be able to comply with this stuff, but you're hurting the small entrepreneur. You're hurting the small business owner and I would like to just strongly urge you guys to actually uphold your oath the constitution and to just drop this ordinance outright, because honestly, it's ridiculous.

[Previously sworn, Joel Lashefka testified as follows:]

JOEL LASHEFKA: Hi. My name is Joel Lashefka, 16 Sendero del Oso, and I understand I'm under oath. I didn't expect to talk tonight so I'm going to riff a little bit here, if you don't mind. A couple things that I heard that I wanted to reiterate. I have a secondary life where I make a career with online platforms, and what I've understood about online platforms is they are not great about communicating with people. So if the County is going to require that we submit and document and back that up I think that the County has a responsibility to ensure that the platforms are doing that within their ordinance. Making it our responsibility is really going to be onerous. It doesn't sound like it would be, but it is. It's hours on the phone with people that have no idea what you're talking about and pretending they know what you're talking about and then send you somewhere else and then you're all in these different places.

So understand, I want the County to get that money. Absolutely. I live in the

county. I want the County to have that money. I want to have increased bike lanes. I want to have lots of stuff that I don't get by living in the County. There are many things. That's probably a different meeting, right? So I just wanted to say that. I really hope that you can take that into consideration when you move forward with this, if you move forward with this.

The other thing that I would say is that I'm standing here as an owner-occupied Airbnb owner but I do not believe that you should make a blanket statement that says non-owner-occupied Airbnbs shouldn't exist. Why am I saying that? That actually goes against my personal interests as a business owner. I want less people out there competing with me, right? In my business mind. So I want you to get those people away, like don't let them have those Airbnbs. I just want to have it as owner-operator. But it's not really the reality. What you're hearing from a lot of people, and what I'll tell you in myself is that I do not have a retirement fund. That's ridiculous. I'm 45 years old. I don't have a retirement fund. I don't get them. I don't trust them. I don't get the market.

So what I have done is I've invested in property. I have two properties in the City of Santa Fe. I do long-term rentals. Me and my family make a personal choice not to Airbnb those properties. Santa Fe has a real issue with housing. I've lived in cities that have that issue and I believe in providing a home for families to live in. We struggled to find a home when we moved here years ago. It was really, really hard. So I get that.

When we're talking about the county, it feels a little bit different. It's not like that. We're not piled on top of each other. We're not experiencing the same issues there and I do believe that a lot of people have invested their life savings, as I have, in property. And they did that because they don't want these restrictions. One of the reasons we moved to the county and we were able to afford the home that we moved into, a home that we truly love, that I have been waiting 20 years in my life to buy, as a self-employed, self-made person as a lot of people are explaining to you as well, is that I would not be able to do that if I could not rent out that property.

What I have found in given that property that already existed, that was there to purchase is that it is best suited for an Airbnb. Okay? And I understand that's not really what we're talking about here. So maybe there is a happy medium here, because the county is quite big. So I understand that certain communities are having a real issue with Airbnbs in them. Perhaps the county is too large to give a blanket policy like this. Or perhaps there shouldn't be just a very specific thing that says you can or cannot do this. Perhaps there's a compromise. Five? Is five properties not a corporation? Does five properties allow somebody to continue to send their kids to school? To plan for their future? To buy their coffin? There's a lot of things happening here. So maybe there's a balance that we could strike here. I don't think anybody in this room is saying they want giant corporations to come into Santa Fe County but I do think that it's a little draconian to say one or the other. I'm very sorry for taking so much.

CHAIR HAMILTON: That's great. Thank you very much.

[Previously sworn, Sherilee Vogt-Speer testified as follows:]

SHERILEE VOGT-SPEER: Hello, I'm Sherilee Vogt-Speer. I live at 100 Pine West, and I understand I'm under oath. And I just wanted to say, first of all, I appreciate the amendments to the ordinance. I think those are very good and very positive. What I just would like for everyone to consider is equal treatment for short-term

hosts as is given to people who have long-term rental properties. They're both legitimate businesses, and it seems unfair to penalize people who chose a business. Maybe the short-term rental, but not do anything – treat them differently, like it's a business that isn't legitimate. I don't think that's fair.

And I also would like to question, is there any evidence that there are more disturbances with short-term rentals versus long-term rentals? I know Airbnb has codified its no party house rules this year. They've instituted many measures. They include a 24-hour safety line, a neighborhood support line. They've partnered with Vrbo to keep repeat offenders from renting properties. They have consequences for hosts that include account suspensions to full removals from their platform. So I think that helps ensure that hosts operate responsibly, as opposed to – I'm not sure what is in effect for someone who has long-term rentals. Are there any consequences for violations of their tenants or renting out a house to 20 people? I don't think there's any rules about that in the county.

It just doesn't seem fair. And I also think there's a false assumption that restrictions will resolve the housing shortage. So I think that if the restrictions are so onerous that they have to sell their properties, that doesn't mean that they're going to be added to affordable housing in the county. It may mean that they will be purchased by wealthier new residents. So I just would like for you to take that into consideration. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much.

[Previously sworn, Rachel McMath testified as follows:]

RACHEL MCMATH: I want to just say I don't covet your job listening to people complain all day long. My name is Rachel McMath and I live at 64 Arroyo Seco Circle, and I understand that I am under oath. With all the time, effort and hard work that goes into drafting and passing an ordinance, it's logical to assume that there's definitely a purpose behind the proposing of these regulations, so here's a few questions we would like to ask you. Is safety or negative impact really your concern behind drafting this ordinance? As brought up multiple times, safety regulations have been built into short-term rental platforms and your data is extremely inconclusive on negative impact concerns.

Is environmental health a concern? Your data shows that short-term rentals are occupied less than other housing options and therefore put a smaller strain on the environment. Is money the concern? Specifically, community money. As we've already conceded, short-term rentals bring money into our communities through obviously the short-term rental itself, restaurants, stores, galleries, shops, street vendors and on and on. So is money for local government the concern? STR owners are one of few housing providers that pay gross receipts and lodgers' tax, and the money tourists spend gets taxed again because everything gets taxed. And STRs bring money.

But the fees that you're asking for don't, because licensing fees will go to pay salaries for increased staffing, materials needed for the licensing process, and this doesn't even take into consideration the additional monies that will be spent trying to enforce the new regulations.

Is the short supply and high prices of housing the issue? I have to laugh every time I think that we're talking about two percent of all the housing in this county. Further, you've admitted that the same two percent fills a much needed hole for firefighters,

traveling nurses, LANL workers, etc. If you're concerned about big corporations, this could go two ways. Do you want to keep out large corporations? Creating regulations that mainly affect individuals and small businesses totally defeats this purpose.

Do you want to help large companies who would be the only ones able to comply with new regulations? Are there special interest groups pushing you? I thought it was really interesting that you included the two points as negatives. I quote: STRs may impact traditional lodging partners, e.g., hotels and B&Bs, and although STRs bring substantial economic benefit to communities, when unregulated STR platforms can put pressure on communities and the lodging industry.

The only other thing that I can think of is the true purpose to regulate people's private property. We're coming here to ask you, would you be opposed to spending your time and energy instead on something more needful to our community, such as finding ways to help our huge addiction problems, or helping businesses find much needed workers, or helping willing workers find a business that will actually give them a full-time job and not just a part time, or keeping out the large stream of poison-infested drugs coming in? Is this really too much to ask?

[Previously sworn, Kathleen Casey testified as follows:]

KATHLEEN CASEY: My name is Kathleen Casey. I live on 49 Gold Mine Road in Cerrillos, and I know that I'm under oath. I thank you for all the work that you've done. I agree with short-term residences – I'm a B&B owner and it's been, as a retired person, it subsidizes my income and I've made a living. I'm not rich, but there's no question that I'm really concerned about now and it's 7.1.1, and it says here, for the year immediately preceding the application, the gross rental income from the STR, and proof that applicable gross receipts taxes and lodgers' occupancy taxes have been paid through the most recent reporting period.

Now, I am not savvy. I own those sites and like this young man a couple of times before me, it is so difficult to get on and get somebody to answer questions. I don't really understand this. So could you explain this part to me?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I'm not sure what that section is. Which section? I think you're reading from the old ordinance. I think that was the one that was done last time.

MS. CASEY: Yes. So that no longer exists? It no longer exists?

MS. ELLIS-GREEN: No. There's just a statement saying all short-term rentals need to pay applicable taxes.

MS. CASEY: Okay. So I do not have any receipts that I have that show you from the year before or any of that.

MS. ELLIS-GREEN: Madam Chair, Commissioners, that's not in this ordinance.

CHAIR HAMILTON: It's not in this ordinance.

MS. CASEY: Okay. Thank you.

[Previously sworn, Scott Lippman testified as follows:]

SCOTT LIPPMAN: My name is Scott Lippman. I live at 1242 Caminito Tranquilo. I have severe stage fright and I'm trying not to pass out. I'm serious. And my phone died and so all my notes went past my battery time. But I took the oath. I actually agree with most everybody. We'd have to sit here for hours and discuss it. Just a few

things. Can you clarify the owner-occupancy? Generally, I vote selfless, not selfish. This affects me, meaning that when I vote for things it's not whether it's personally beneficial to me. It's for the better of the community. It shouldn't matter what my personal history is, but I did build my house 27 years ago as a social worker in town. My wife is a teacher.

From my understanding, primary residence shouldn't be defined here but it should be defined by whatever the larger federal guidelines are for primary residence. So I'm not on-premise if I rent my house if I leave for three days and I use that to do a staycation in Santa Fe. Does that exclude me as a primary resident? Or would that be acceptable? Because I can't live on the same property because the County doesn't allow me to have a guesthouse. Otherwise I'd love to do that, based on the size of my land.

Also, if I rent under 15 nights, I'm not required to report income tax per federal taxes, guidelines, including state, though the lodgers' tax are required to do and gross receipts sales tax. Just as a suggestion, because I use them, Avalara is the company that I use. I rent my house three nights this year. They coordinate electronically once you register with the platforms. Every month they send me a bill or report to do. If I had a private amount to report, I would report three nights at x-amount, and as far as I understand, though the platform is the person for the lodgers' tax, that comes to me when they pay me and I have to pay that monthly as I do through that site.

Maybe there's something that the County could join with Avalara so that every individual doesn't have to do it. I choose to do and pay the \$15 – I think it started at \$15. I pay that and 11 months this year I will pay the \$25 a month and report zero income, because I rent my house three nights. But according to this, I have to go through all the regulations to make sure that those three nights I pay for my vacation or my staycation or whatever it is that I want to use it for, but that's my primary residence. And as long as I'm filing my taxes, my house is my primary residence, because quite frankly, if I change it and make it a business, I no longer get a primary residence deduction, and I don't want to exclude myself from a primary residence deduction so therefore I don't take any deductions on that.

Also, under 15 nights you're not allowed to do any deductions. What else? Since I can't see my phone and I have seven seconds so I'm going to go thank you very much.

CHAIR HAMILTON: Thank you for that information.

[Previously sworn, Eileen Morvazhy testified as follows:]

EILEEN MORVAZHY: My name is and I'm here for two reasons. One, to fight for my landlord, and the second is because I'm a student here in Santa Fe. This is a city that offers different types of eclectic learning. I'm here studying Feldenkrais.

COMMISSIONER ROYBAL: Madam Chair, I don't think – you need to acknowledge you're under oath. If you could do that. You can do that for the beginning –

MS. MORVAZHY: I was sworn.

COMMISSIONER ROYBAL: You need to state that for the record. Your name, your address and that you're under oath.

MS. MORVAZHY: Oh. I said my name. My address right now is 831 Bishop's Lodge, and I'm a long-term rental right here.

COMMISSIONER ROYBAL: And you're under oath.

MS. MORVAZHY: Yes. I'm under oath. My landlord has her primary residence right here as a long-term renter. I'm also – has no primary residence that rents

as a short term. It has been her main source of support for her and her little girl. I see how hard she works on it and after hearing all of this I do believe that they have a right to rent the houses. Yes, there might be a limit on how many houses they have because I'm also seeing that in my school, the Feldenkrais School, they have lost a lot of their students because there's not enough housing for them to stay here. So we lost half of the students this year.

Also, the rent of some Airbnbs are getting outrageous. Some of my classmates are paying \$5,000 a month for one bedroom apartment. \$3,500 for one efficiency. So it's an issue. The schools are losing a lot of their students, international students as well as other states. So I think we do need the housing, owner-occupied, but also there needs to be some regulation about how much they can charge on it, because other businesses are losing business. So thank you.

CHAIR HAMILTON: Thank you.

[Previously sworn, Timothy Seniky testified as follows:]

TIMOTHY SENIKY: Good Evening, Timothy Seniky, 779 Old Las Vegas Highway. I understand I'm under oath. Thanks this evening for the opportunity to say a few things. I'm like a lot of people, have a real job and busy and stuff so just to get over here is nice and I know you all work hard and you'll looking for the best solution to a lot of really deep issues, because there's things on the service and then there's deep issues with housing shortage and crisis and at 2 ½ minutes I'm not going to get into all that.

I think it's nice to know a little bit about a person. My history in Santa Fe County, I came here – I'm 62 – I came here in my early 20s, lived on the street for three years. Lived in my van, worked. I was never begging on the side of the road or whatever, but fast forward to purchasing some land out in Cerrillos, living off the grid, pulling a battery out of the car for electricity. Without running water. You know. Grapes of wrath sort of existence which a lot of people here behind me may have had a similar history. But the point of saying this is that through hard work – also I heard that from another builder – I'm a builder. I've been building a long time. I've built short-term rental Airbnbs in the past few years. I own two properties on the Las Vegas Highway. I'm not entitled one bit. I don't feel entitled at all. When my parents died I didn't inherit anything; it cost me money.

I owe a lot to this county and this state from the freedom given to me. I remember building my first one down on that dirt road and the building inspector came out and he said good luck. He didn't say, here's a red tag. This is the 1980s. We should be on the same side. This is an opportunity. I want people around me to prosper. I want the county to prosper. I have four long-term rentals. I notified my tenants – next year – I'm giving you a year notice. I think I would like to experiment with short-term rentals.

Now, yeah, did I build something without a permit? Yeah. I had – I changed something from a shed into a building. I don't know how difficult this is going to be. You should make it easy because for all these people to accomplish this, not notifying neighbors who don't like you. I get along great with my neighbors but I can sure see every time I – we've got 20 seconds, so that's my main message. I'll start and end with. Make it easy. It's the freedom that allows us to rich people that you can collect taxes. Make it reasonable and grease it so it works for both of us.

[Previously sworn, Luke McMath testified as follows:]

LUKE MCMATH: Good afternoon. My name is Luke McMath. I reside at 39 Bar D 4, Unit 3, Española, New Mexico. And I understand I am under oath. I'm a United State military veteran. I joined the Marine Corps because I love our country and wanted to serve to protect those freedoms that we all enjoy. I have brothers and sisters in uniform who have given their lives to protect those freedoms. Wrongly, it spits in a veteran's face to have elected officials on the home front vote away our freedoms as if there were no sacrifice made to gain those freedoms.

With all due respect, let me remind you as Commissioners of Santa Fe County, you were elected by the people to serve the people. You swore an oath before taking office to uphold the constitution of the United States. In the constitution we have clearly been given the right to private property. This proposed short-term rental ordinance is a huge overreach into private property. People of Santa Fe County, mark my words, if we give an inch, they will take a foot and continue to take until one day, the freedoms of owning private property will only be a story we can tell our children and grandchildren.

Commissioners of Santa Fe County, you have a choice to make. Will you vote in favor of the people that you were elected to serve, the constitution you swore to uphold, or will you vote in favor of special interest groups that are pushing their agenda all across this country. We the people urge you, vote for freedom. Thank you. Thank you for taking the time to listen to us tonight. I appreciate we need your help. Thank you.

[Previously sworn, Suzanne Baum testified as follows:]

SUZANNE BAUM: My name is Suzanne Baum. I live at 6 Via Nova and I'm in your district. I'm glad to meet you, and thank you other chairperson and Commissioners. I'm only here in Santa Fe, Santa Fe County, because of short-term rentals. I came here and wanted to try it out and got a two-week condo. And then I came back, and I got a two-month. And then I came back and got three months. And I kept alternating until I couldn't stay away.

And now I own a condo, which I rent out long term right now, and I own a fabulous home, which I adore and some of my neighbors do rent out short term, which I think is great. I have two suggestions for you. I have one complaint. What I'm going to tell you why I'm qualified to help you make some better decisions here. As Anna mentioned, she started out as a Park Commissioner. So did I. and then I became a Zoning Commission. I became a City Council member, and I became a mayor of my town, a suburb in St. Louis County named Creve Coeur. I have many not through sat through meetings where there were 25 people speaking but I've sat through many meetings and I appreciate your still paying attention.

What I've heard, and I haven't read this specifically, but I've heard that you need an additional segment. You have owner-occupied, you have not owner-occupied, but you need something else in the middle for people who live next door to their property, like me, live two miles away from their property, and I'm actually not going to rent out a bedroom in my house. So as an investor in real estate in Santa Fe City and County, I want the ability to be flexible and I think you haven't covered all bases by only having two categories of renters, of owners.

At the same time I also see that you're charging or proposing to charge a \$35 fee for an owner-occupied, and \$350 for the other category. I think you need to pull both

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ends in and charging \$35 for a fee does not cover your administration costs. Charge \$100. \$100 to \$350, that's a giant spread. And they're charging the same kind of rents, you would think, depending on the size of the home and the facilities. So bring that down and then put one in the middle. If you would create three categories and more reasonable fees people would be more likely to participate willingly and to work with you.

I think a lot of the other topics have been covered but there's something I heard several times that really agitates me and worries me. Notifying the neighbors. Why? Why does a neighbor need to know, other than just observing how I'm using my real estate. Whether it's a long-term renter, short-term renter, my uncle, cousin, daughter, family. All of the regulations that have been addressed like noise and mufflers and trash being left out are either covered by County ordinances, City ordinances, HOA ordinances, condominium rules and regs.

I don't know why you have to notify anybody's neighbor. Neighbors tend to be rather problematic, and the ones that want to complain are just going to not stop. So why go through that additional cost, administration issues, to tell the neighbors. I've been in your seats. I appreciate your work so very, very much. Keep it simple, Sample. You know that rule. Let's move forward, taking into consideration the good ideas that have been brought forward. I don't believe I have to have people renting the back of my home or parts of my home in order to be a landlord. I don't believe I have to give up my condominium because that's my future easy place to live when I can't care for an entire home again but keeping it occupied and well maintained in the meantime is important for both you and me. I thank you for tonight.

[Previously sworn, Constance Langston testified as follows:]

CONSTANCE LANGSTON: My name is Constance Langston. I reside part time at 12 Via Nova here in Santa Fe. I did not intend to be last, but somebody's got to be last. You have an impressive group of citizens who have come here to give you their most sincere concerns and I applaud the community and the time that you've given to this very delicate issue. It's going to impact families. There are people who cannot maintain that property without the rental income. I hope that message has come across.

Now, my property has been long-term rental and short-term rental. The Fire Marshal can come in and check it out. Someone can call the Sheriff if there's too much noise. As Ms. Baum pointed out, there are ordinances in place. My suggestion to you now is that you make your funding of the tax revenue ordinance clear and clean. Just do that, get your money coming in. All these platforms are collecting the rent from renters. I see it every rental. About 30 percent, they have a little bit of a fee, but the rest of it is the lodging and occupancy tax. Get that cleaned up.

I think one of your main objectives should be to collect this tax and then these definitions and qualifications and exceptions – this mass amount of confusing and conflicting language can still be perhaps hashed out. Maybe you need a task force. Maybe you need everyone who spoke here to come and give their scenario of what would be a reasonable owner-occupied, non-owner-occupied.

But I want to tell you, it has happened. I bought my home in 2019 and I was contacted, and I still get solicitations from the industry that wants to manage my property. Hotels know. Family hotel/motel industry knows. Families don't want to stay in a box in a high rise. Families want a little bit of yard, maybe. A real kitchen. That industry has

changed and we can't deny it. So don't push all of us out. I think you're walking that fine line, and thank you for the time and the attention to the problem.

CHAIR HAMILTON: Thank you.

[Previously sworn, Doug Speer testified as follows:]

DOUG SPEER: My name is Doug Speer. I live at 100 Pine West in Santa Fe and I am under oath. Listening to the comments throughout the evening and at the previous session, I believe that making a law and a regulation is a hard thing and I don't envy you at all. But I would offer one word to you tonight, to keep in mind as you consider all of the comments you've heard, and that is the word "nuance". I think you've made tremendous strides from the original proposal to the current proposal, and it demonstrates nuance in many areas. But there are areas that still could use a finer comb.

You've heard from people like myself who have contiguous properties. My property – I always tell people we have ten acres. Well, they happen to be right next to each other, and guess what, my casita is on the other side of the property line that my house that I live in is on. So there's a situation where I guess I'm not owner-occupied. I don't know. It's a small house. It's the original house on the property. The owner I purchased from actually changed the property line so that it would be a separate address from the home that I live in. I kind of wish he hadn't done that now.

The home has one bedroom. It has a nice large living room and a kitchen, bathroom, that served as the primary residence for a number of years – 30, 40 years – but it's only got one bedroom. But I have a sofa couch that allows someone to comfortably sleep. But according to the regulation that I read, it would appear I couldn't have that third person in the house. Nuance.

The ten acres that I call my property has a 40-acre lot next to it, another 40-acre lot, a lot of probably 20 acres. There's no house on it. I've never seen the owner; I don't know who they are. The notification process seems a little extreme. I live in a rural residential zoned area in east Lone Butte. So I think that we need to find some nuance still in some of these regulations. I love the idea of the third, the county owner non-occupied residence. Maybe that's a good idea. Maybe that would provide nuance for the people who have a couple of homes and they take care of them because it's their livelihood. Big corporations in Florida, buying homes, let the chips fall where they may. You need to decide how onerous it needs to be for them to try and buy properties here. I realize I've gone over. I thank you very much. You've done a great job. It's hard work and I do appreciate it. Thank you.

CHAIR HAMILTON: Thank you so much. So just to be careful, is there anybody else present in the auditorium that wants to speak who has not spoken? Come forward, and if you haven't been sworn in you'll have to be sworn in.

[Previously sworn, Misty Dennis testified as follows:]

MISTY DENNIS: Misty Dennis and I live at 9 Katasee Way and I'm aware I'm under oath. So I do want to speak up for the short-term rental side of it. My husband and I and my two sons are a family of four who like most, found ourselves without jobs during the pandemic. I know it has been trying times for most everyone for the last few years and we are ones that try to look at the positive aspect in life, but I will say it was definitely trying on us, both losing our jobs and getting pregnant with another mouth to feed to then find ourselves welcoming him into the world nine weeks prior to

his due date, having him in NICU for two months and having a bill to match.

Not wanting to rely on any corporation as to whether we're over-qualified, under qualified or being overworked and underpaid. We made the decision to find another avenue to put food on the table. So with the background of both of us being in customer service and hospitality we decided to purchase our own property that allows us to be able to welcome artists, authors, visitor, nomads and more into our home. This was something that my great grandmother did as well in Chicago, so following in her footsteps.

Both my husband and I are born and raised in New Mexico and as locals we wanted to opportunity to connect with others, an opportunity that was taken from all of us during the pandemic. Without human connection, trauma and separation has caused a sense of disconnection within society. Our goal was to nurture this and create an atmosphere of comfortable living quarters that allow a safe and local living environment. We are respectful neighbors and expect the same out of our guests. We also appreciate not only being able to provide a space for visitors that bring in much needed revenue and jobs into Santa Fe's economy, but we also provide long-term living for a local couple as well, splitting the need up for both.

We are onboard with Searcher and having rules and regulation in place, for that is why things can run more smoothly and setting the stage is a must, although I wouldn't rush the process. Counties are run differently than a city and therefore if they want to take on city ordinances then we believe they should provide city benefits, i.e., gas, road maintenance and more maintenance, etc. Excuse me for saying so, but we think it's wrong that the County wants to monitor our own well water that we pay for and we maintenance. We should be lifting up the local community, and I understand there are companies out there that have 50 short-term rentals and big corporations, but it should be handled a different way. Outside of the locals trying to be self-reliant, trying to provide a cultural environment. That is what makes Santa Fe so special, founded on bringing like-minded individuals together to create. We are doing the same by creating a space to enjoy. Investors are usually given incentives to create infrastructure and not punishing those. I would propose having something in place for the locals, something similar to colleges where you have a local set standard and then non-residential. So thank you.

DOROTHY DEAN: I'm not sworn in but I just had a question. My name's Dorothy Dean. I live at 26 Quartz Trail, and I'm under oath. If that's good enough. So my question was is there going to be any regulations about density and a limit on the number of short-term rentals? That's not in the ordinance, is it?

CHAIR HAMILTON: It's not.

MS. DEAN: I think that's something that should be considered, especially for the traditional villages. I live in Cañada de los Alamos and in listening to a lot of people in Madrid, I've been renting my house out for about seven years with a two-year break during COVID and I've just watched houses sell up the street from me and one after another is turning into just a short-term rental. And not to be hypocritical, but I am a part of the community there and I have really great neighbors and I do notice that people are getting irritated with just a lot of outsiders coming in and not being aware of the fire hazards and that kind of thing.

When I rented, I put caution tape over things. I'm just really aware of all the water issues and the fire issues and I just think there should be some consideration to the

density and limiting the number in the county, because I think they do that in the city. And friends in the city who live in certain neighborhoods, they feel like the density of rentals in that neighborhood is what's affecting their community negatively. So I really appreciate all the work you've done. I think it's important to have some guidelines and ordinances, and those tax issues.

My other question is, when I'm calculating my lodgers' tax, it's like, okay, I pay the gross receipts tax, I have the gross amount. I calculate – when I do my bills for my landscaping clients I have a subtotal and then I have the gross receipts tax. So is the subtotal what I'm charging four percent on? Or the gross including what they collected for the gross receipts.

CHAIR HAMILTON: I can't really give you that answer right now but I think part of the plan is to do outreach for everybody.

MS. DEAN: Great. I think there's just a lot of money because I know that they're collecting some money and I had to make a lot of efforts to say I'm paying the taxes because I didn't want to get stuck with their mistakes. And so I do think that there's a lot of double taxing and that's probably going to the City when it should be going to the County, and there's just a lot of issues like that that need cleaning up. So I appreciate everybody's comments, and I didn't mean to speak but I just thought those couple of things were important. Thanks.

CHAIR HAMILTON: Thank you. I don't see anybody else standing up. Daniel, do we still have people on Webex who want to speak in this part of the hearing?

MR. FRESQUEZ: Madam Chair, yes, we do. We have six people that pre-registered to speak, and then we also have an additional six on Webex who also want to speak.

CHAIR HAMILTON: Okay. Can you please introduce the first person and they'll have to be sworn in.

MR. FRESQUEZ: Absolutely, our first person is Sue Baum.

CHAIR HAMILTON: Sue, if you can unmute and then get sworn in and then we'll take your comments. There was somebody with a very similar name, but Daniel should be looking for people who are on Webex.

MR. FRESQUEZ: Madam Chair, I do not see a Sue Baum on line.

CHAIR HAMILTON: Oh, you're just looking at the list. No, she was here in person. Thank you. If there are people on Webex, can you please unmute yourself and identify yourself and we'll try to get you one at a time.

JULIE BENNETT (via Webex): Hi. My name is Julie Bennett.

CHAIR HAMILTON: Great. Can you get sworn in?

[Duly sworn, Julie Bennett testified as follows:]

MS. BENNETT: My name is Julie Bennett. I live at 5 Rancho Valle, Española, which is in the historical traditional community of La Puebla. I want to recognize all the very eloquent and cogent comments – oh, and I am under oath. Shall I continue?

CHAIR HAMILTON: Yes, please.

MS. BENNETT: I want to recognize the very intelligent and eloquent predecessors in the chambers tonight that allowed me to cross off a lot of my points. I

also appreciate the much appreciate the much abridged version of the ordinance that I read. It didn't read like an ordinance but I assume it's going to be put into a format that will be a legal document. I want to reiterate how important it is that the County check their ordinance against their intentions to regulate STRs and that they consider themselves supporters of short-term rental hosts in all ways.

We are not an untraditional lodging alternative. We are now a mainstream lodging alternative that needs to be recognized as offering something different from a hotel or even a B&B. A previous speaker referred to us as ambassadors. We consider ourselves ambassadors of the real New Mexico. We don't market stereotypes of the artifice that some hotels might market. We're different and we are mainstream now. We should be considered as such.

I also wanted to reiterate the data point that Airbnbs or short-term rentals are two percent of the housing stock in Santa Fe County. I don't really think that we impact long-term renters. I would like to see the County pursue the shortage of housing stock in the county through such ordinances that are on the books like the transfer of development rights program that is here to support development of low income housing in areas where it's suitable, and preservation of rural spaces as a benefit of that transfer of development rights.

I also want to speak in favor of venues that I understand are being closed down, such as wedding venues. We've had four or five listings from a wedding venue in Santa Cruz that was just closed down and I don't think they'll be reopening and I understand there's several others of those in the county. Please, Commissioners, consider those wedding venues as another form of income for not only short-term rental hosts but for the county in general. And continue to clarify and simplify this act. And the last question is, I still, after all these comments tonight, don't know if a person actually can be renting a short-term rental on an accessory dwelling in their house, because they're not living in that accessory dwelling while they're renting it. So do they have to be on the property – still unclear to me after listening to everyone. Thank you so much.

CHAIR HAMILTON: Thank you. And can we actually hold everything down. Penny, if you want to answer that, but my understanding is accessory dwellings are part of your house.

MS. ELLIS-GREEN: The definition in the ordinance of owner-occupied is a dwelling that is the owner's primary residence or an accessory dwelling unit located on the same legal lot of record. So it would include an accessory dwelling unit.

CHAIR HAMILTON: Thank you very much. So James Brown, I see you just came on screen. Can you please get sworn in and then give us your comments?

[Duly sworn, James Brown testified as follows:]

JAMES BROWN (via Webex): My name is James R. or Jim Brown, and I live at 15 Via Suma in the Tessera Development, which is right next to Aldea, and I am under oath. I assume it's okay to proceed then.

CHAIR HAMILTON: Yes, please.

MR. BROWN: Okay. Thank you very much for the time and effort you're spending on this very, very important ordinance. It's a long time coming for Santa Fe County. A lot has changed over the years and it's timely and important that the county as a whole address the issue of short-term rentals. I want to say first of all, I appreciate the

distinction that's been developed between owner-occupied short-term rentals and non-owner-occupied short-term rentals. I think that's a significant step forward. I also have detected during the course of the meeting tonight – I've listened to all the comments, not a lot of enthusiasm for corporate take-over of short-term rentals in Santa Fe County, that the primary emphasis seems to be on either owner-occupied or individual owner short-term rentals, and I think making a distinction between those two is very important.

I also appreciate the use of the word nuance from a couple speakers ago. I have found over the years in working with major policy issues that it's often difficult to write a regulation that covers all situations. It may be possible to write a waiver process into the ordinance so that people can appeal on individual circumstances. I have to say I'm not a big fan of short-term rentals in general because of the impact they have on a neighborhood. In general, they really do change the nature of a neighborhood if not properly managed or occupied. So I appreciate some of the steps that are being taken to address that.

The important issues from my perspective are to create for all short-term rentals a 30-day minimum occupancy period, to be sure there's a point of contact that homeowners in the area can call and address when there are abuses, and believe me, there will be some. We've experienced that in our neighborhood. That there's some respect for the ability of HOAs to develop specific regulations that affect their developments. That we also have mechanisms to hold individual homeowners accountable for adhering to the regulations in terms of fining procedures or whatever it takes to make sure that people know there's an element of accountability.

I think the issue of affordable housing is a very critical one. It's a huge public policy issue and we don't want to do something that prevents the development of more affordable housing in the area. And finally, my last comment would be that there were a lot of me comments tonight. I think it's time to recognize the importance of what I would call the social compact and the respect that we owe to our fellow neighbors and what works for them. Thank you.

CHAIR HAMILTON: Thank you very much. Can the next person please come on line and unmute and get sworn in?

MR. FRESQUEZ: Madam Chair, the next speaker is Charles Burkhardt
[Duly sworn, Charles Burkhardt testified as follows:]

CHARLES BURKHARDT (via Webex): My name is Charles Burkhardt. I live at 13 Desert Plume Trail in Santa Fe County, and I understand I'm under oath. So I just wanted to kind of echo – I wrote all of you letters a couple of times, but I kind of wanted to echo some of the comments that I've heard here tonight, mainly asking for simplicity and understanding that there are lots of different situations that different owners have in regards to short-term rentals.

One thing that I think – I've heard a couple people ask for only owner-occupied rentals. I hope that that's not actually on the table. The main concern seems to be about investors and different things being bought up, but if I remember correctly, there was only two owners in the whole county that had more than one or two properties. So it's not really an issue that actually exists. One thing you could do is require for anybody that is an out of state owner to have a local operator or manager. That would ease a lot of concerns, I think, from neighbors. I think if there were unruly guests or whatever they

would have somebody to call if they did have an issue.

The other thing too, I know that the lodgers' tax is part of this proposal. I wasn't able to find any actual documentation for that, so I wondered if we could somehow get a copy of what that would look like. We've heard a few different ideas of how Airbnbs collecting and remitting or not remitting taxes. My understanding is that they're only collecting gross receipts at the moment and sending it to the state but they're not collecting or remitting lodgers' anymore, and I think you guys do have to have an agreement in place with them in order to make that happen. The City did something similar. There's no way to actually get proof that they've paid those taxes on our behalf, whether with the state or with the City.

Just a couple of thoughts I wanted to share and that's all I have for now. Thanks for your time.

CHAIR HAMILTON: Thank you very much. Can the next person please come on line and unmute yourself?

MR. FRESQUEZ: Madam Chair, the next speaker is Shakti.

CHAIR HAMILTON: Shakti, can you please unmute yourself and get sworn in?

[Duly sworn, Shakti Kroopkin testified as follows:]

SHAKTI KROOPKIN (via Webex): Hi. My name is Shakti Kroopkin. I live at 20 Yerba Buena in Cerrillos, New Mexico. I am under oath. Thank you for having us communicate with you tonight. I have a few questions and I know that this isn't exactly the right format to be asking them, but I'm looking at the amended ordinance and I see that it says that the STR must be in a dwelling legally recognized under the SLDC. I don't know what that stands for. So maybe if you could answer that.

I currently have a couple of Airbnbs going on my property. I live against the Cerrillos Hills State Park and I'm nervous that what I'm currently doing isn't going to be allowed with this. I have an RV camp spot and a tepee, and I only run a few months out of the year. I'm an artist and a single mother and I do this as a side income.

CHAIR HAMILTON: We lost you, Shakti. Are you still speaking? Did you mute yourself?

MR. FRESQUEZ: Madam Chair, it does not appear –

MS. KROOPKIN: I'm sorry. Did you lose me?

CHAIR HAMILTON: I can hear you now.

MS. KROOPKIN: Hi. Okay, sorry. When did you lose me?

CHAIR HAMILTON: You have an RV and a tepee and you only run seasonally.

MS. KROOPKIN: Yes. I also hope to do Airbnb experience. I'm an artist and I like to do workshops, so I'm working on getting permits for an art studio that could also be [technical difficulties] So I'm worried about – I don't understand, I'm just nervous about the new proposed ordinance and how it will affect my plans for the property. These spaces aren't taking away from potential long-term rentals and I am on the property. Those are some concerns I have and I have other friends in Madrid and Cerrillos who this is part of the charm of the area, having school buses and trailers and different things for people to stay out in the country and I hope that that isn't taken away.

CHAIR HAMILTON: Thank you. Actually, that's something that Penny

could comment on.

MS. ELLIS-GREEN: Madam Chair, Commissioners, an RV or a tent is not considered a dwelling unit under the SLDC, which is the Sustainable Land Development Code. They're regulated under RV and tent sites. So that would be the route for someone to go if they wanted to rent RVs or tents, not the short-term rental route.

MS. KROOPKIN: Okay, so that will be available, just a different way?

CHAIR HAMILTON: Yes.

MS. ELLIS-GREEN: Madam Chair, Commissioners, yes. That's available now, yes.

MS. KROOPKIN: Thank you.

CHAIR HAMILTON: Thank you very much. Daniel, can you introduce – is there somebody else?

MR. FRESQUEZ: Madam Chair, we have Myra Canterbury.

CHAIR HAMILTON: Myra, can you unmute and get sworn in?

[Duly sworn, Myra Canterbury testified as follows:]

MYRA CANTERBURY (via Webex): My name is Myra Canterbury. My address is 15 Mesa Encantado, #227 in Santa Fe, and I know that I'm being recorded and I'm under oath for that purpose. Thank you. So I may be the only out of state owner at this meeting today. I haven't heard anybody else say they were out of state. But I've owned my home in Santa Fe for four years and love it, and I use it as a vacation home, so it's not my primary residence, but our community or HOA has a full-time property manager on site Monday through Friday and I'm available whenever my guest needs something in order to be able to rent on Vrbo and Airbnb you have to have a nice place and you have to keep it up and people expect cleanliness.

In our place, we're right across the street from the Four Seasons Hotel, and our community has always been a vacation home community. The Four Seasons, it was used as an overflow for a horse camp at one point and then the Four Seasons used it as overflow when they were building their place, so we're about half-way between owner-occupied and half vacation homes. So I would like to ask for consideration as that middle ground. I don't live on the site, but I pay homeowners dues that allow me to have onsite management and local support any time, practically day or night. And there are many – I'm probably speaking for several of my owner-neighbors who also rent.

I do both. I put my home on Vrbo and Airbnb and have some short-term rentals throughout the year, but I've had more luck with people who rent a month or more. In fact my current guest has been there for 75 days and these are people that, again, I'm just supporting. I really appreciate all the comments of all the previous speakers and I understand the concerns a lot better than I did before this meeting. But I'd like to be considered as something in the middle. Not an onsite owner living in my dwelling at the time, but I live there when I go there, and I go there about eight weeks a year. So that's all I have to say. I really appreciate this meeting, especially the fact that it's going on for hours and hours and that people are still here talking. So thank you very much for your service to our community.

CHAIR HAMILTON: Thank you. That's definitely what we appreciate about it too. Daniel, can you introduce the next speaker?

MR. FRESQUEZ: Madam Chair, our next speaker is Jose La Cruz Crawford.

CHAIR HAMILTON: Jose, can you please unmute and get sworn in?
[Duly sworn, Jose La Cruz Crawford testified as follows:]

JOSE LA CRUZ CRAWFORD (via Webex): My name is Jose La Cruz Crawford. My address is 127-B Camino San Jose, and I am under oath. So, yeah, I just wanted – one of the first things I want to start with us just I'm looking at the regulations and I'm thinking to myself, I think regulations are great, right? Because we are technically running a business here. And so businesses should be regulated in some fashion. I heard one of the previous presenters mention the fact that – and I think it's a good idea – is essentially, let's start the regulation at a baseline. Right? Let's get the taxes for the County started. Let's start regulating STRs with some of the minimum items that are in the current ordinance.

What I've been hearing in particular with respect to the primary residence occupancy amendment that came in, there's a couple of changes and amendments that came through from the original resolution, and this is a three-way process. Right? What I'm worried about is the fact that we might – the Commissioners may decide to approve a particular resolution that includes regulations that have not been fully thought out yet. So I like the idea of starting with a baseline with respect to the ordinance and saying, okay, let's start taxing folks, etc. but what I don't necessarily like on some of the discussion is the fact that there's some potential of essentially punishing businesses to an extent because of some of the stigmatization with respect to short-term rentals.

So that's one thing that I would recommend is that certain amendments that I've been hearing should be tabled, because we are dealing with a different animal. We are in the county versus in the city, and I feel like the County is taking on the same regulations that the City of Santa Fe has done in trying to impose in the county which deals with a much larger area, different issues, etc.

So I think that's one of the things that I think is important to understand. Everybody that I've been hearing, presenters, etc. is that there are some different ways to attack that, because I think the concern of having big business come in is totally a legitimate concern, but it feels like there's kind of a blanket regulations being put in place that would be harmful to locals that are trying to make a living with short-term rentals, and yet are not that harmful for businesses, because we don't regulate how many hotels a La Quinta can purchase or property can purchase, etc. How many McDonalds in a particular area, etc. yet we're trying to regulate how many STRs a resident can own or operate, whether they're owner-operated or as a primary residence or what not. So I guess that is my time so I guess I will sum in brief that is one of the points that I want to make. I think it's good to just go back and start a base and then we can deal with amendments and start a task force to kind of come up with regulations that would be better suited for all.

CHAIR HAMILTON: Excellent. Thank you very much, Jose. Daniel, can you introduce the next speaker?

MR. FRESQUEZ: Madam Chair, our next speaker is Rick Goldberg.

AMANDA TUCKER (via Webex): Hi. I'm actually Amanda Tucker married to Rick Goldberg.

CHAIR HAMILTON: Okay. Can you get sworn in?

[Duly sworn, Amanda Tucker testified as follows:]

MS. TUCKER: My name is Amanda Tucker. My residence would be 86-B Paseo Encantado Northeast in Santa Fe, and also 207 New Mexico 76 in Santa Cruz, New Mexico. And I'm under oath. So I wanted to speak because I, like a lot of people, learned about this issue pretty recently, and I just think there's some really valid points that have been brought up and I also think that I have a little bit to offer.

We have owned a short-term rental since 2017. We found that actually when we had the most visitors was during COVID and I think it's really important for the County to recognize that a lot of things have changed since COVID. Not all travelers want to stay in hotels. They want space. They want privacy. They don't want to be checked in. They don't want to be around other guests. A lot of them want to stay with just their families, kind of be in a bubble, and I think all of that is really valid and I think it's a lot of the ways that the lodging industry is changing. My husband and I also own a motel in Santa Fe, so I feel like I can speak to both the traditional lodging as well as short-term rentals.

And I think there's a need for short-term rentals in Santa Fe. I think it brings in valuable income and tourism to the city, and I don't think these people are disruptive. I think they're coming to ski and have a good time and spend time with their loved ones, for the most part. And I agree that Airbnb has really restricted what we can do with our short-term rentals anyway, so I think that point has been addressed. But some of the other points to think about which I don't know have been address is that as a short-term rental owner, we have vendors that we deal with. We have housekeeping. We have landscaping. We have maintenance. And we bring money as an owner into the City and into the County as well. Our housekeeping woman started as one, and because of how busy she's been, she's been able to buy, actually, a house with her family, something that she couldn't achieve beforehand, and also she's grown her business to five women.

That's something if we're talking about making things affordable for people, we feel like we're providing opportunities for locals that may not have those opportunities otherwise. And I think when you shut down short-term rentals or restrict them to the point where people have to shut down, you're also taking opportunities away from people that work in the short-term rental industry as well; it's not just the owners.

I think that there is not always an affordable housing issue. We're in Tesuque. Tesuque has never been affordable, if we're being honest. So I don't think that we're taking housing away from other people. We certainly did buy a house at a bargain. But we did buy it from someone who'd been renting to a long-term renter and the house was in shambles. It was hoarders that had cars in their yard and trash everywhere and we've greatly improved the value of our property. And I think that's something else to consider. No one is going to rent a house to someone that's not nice, so if we're putting our house on the market, we're doing everything we can to improve our house and that in turn improves the neighborhood. And I think that's something that's really important.

I think that it's also important that we are treated the same way as the city if there are going to be regulations in some ways. We used to have a City short-term rental permit last year until we sold it and we were not required to give our neighbors notice that we short-term renting. We were not required to keep track of our utilities, and I just feel like there's a lot of kind of punitive issues that are being directed at county owners that aren't

be directed at city owners. And I'm not asking for the City to have more impositions on them, but I also don't understand why we have to have those.

As someone who's owned a short-term rental in both places, I know there's a difference and I have a lot of issues with the neighbor requirement as well. I feel like there's going to be a lot of harassment, both to the city and to the owners, and potentially to guests that occurs as a result of that. And I also think I have a right to privacy as everybody does sitting at this meeting and living in the city or county. And I would ask that the County respect that privacy the same way we respect everybody else's.

I think just on some final notes, like this is a – I feel like having a short-term rental and a lot of people have said it, is a right we have not only as property owners but we live in a capitalistic nation and it is a right for me to run a business as long as it's within the laws of the state or the County, and I don't understand why that opportunity needs to be taken away. I just think it's really not what this was built about and not anything that serves a purpose outside of actually reducing the amount of income and traffic that comes into Santa Fe and the traffic is tourists, which it is traditionally a tourist city. And I don't think we're trying to change that so why would we limit the lodging available to those people?

CHAIR HAMILTON: Thank you very much.

MS. TUCKER: And I also think this issue just needs more time, and I think on a final note, you guys should really take the time to sit down with short-term rental owners and understand their position outside of the three minutes we're given. Because there's a lot of issues here and how it will impact us.

CHAIR HAMILTON: Thank you very much. Daniel, can you please introduce the next speaker?

MR. FRESQUEZ: Madam Chair, the next speaker is Mike K.

[Duly sworn, Mike Koster testified as follows:]

MIKE KOSTER (via Webex): Yes, my name is Mike Koster. I live part time at 12 Triple Spur in Santa Fe County, and I understand that I am under oath. So I would start out by saying that I've lived in or worked in Santa Fe for over 25 years. During the pandemic, my wife lost her job and with it all our health insurance for our family. And we were uprooted and when we landed with a job, when she landed with a job it was in Honolulu. So for economic reasons, technically our permanent residence is not in Santa Fe. But we only own one home, one house, and it is in Santa Fe County. We don't own property anywhere else.

We built it, we raised our kids there, we've owned it for over 20 years and we intend to retire there if we ever make enough money in this world to actually retire. So I guess I fall – talk about nuance – I guess I fall through the cracks and I'm one of those people who is out of state that is – a lot of people are using the word speculator. I guess I'd be considered a speculator, and I'm not a speculator. I'm just one guy. I work with a Santa Fe non-profit and I spend about three months of the year in my house in Santa Fe, working with that non-profit and the rest of the time I work remotely.

In fact, I spend more time in my house than guests do. Guests occupy our house for about 25 percent of the time and I occupy it for about 30 percent of the time. And so in hearing these comments today, I just keep getting a sinking feeling because I'm being lumped in with this idea of speculators or out of state speculators or corporations that are

buying up properties, and I understand that that is a legitimate concern, but it seems to me that the question is not where you live, whether it's in Albuquerque and you rent one or two properties in Santa Fe County or you're the guy who lives right next door to the property that you're renting, or whether it's an admittedly odd situation like mine where I live out of state and I'm renting the property. It's really a question of scale. Do you own one property and you rent it, like me? Or do you own ten, like a corporation might?

And I really think that when you're retooling this, and I hope that you do, that you'll take that into consideration and realize that it's not where you live, exactly. I live part time in Santa Fe and part time elsewhere, it's really how many properties do you own. It's a big difference between one property and say, ten properties. I know I'm almost out of time so I would just say two more things. One, Airbnb has collected probably in the tens of millions of dollars now in taxes. I don't know where those are going. They tell me they're going to Santa Fe County. I don't know if that's true but it seems to me that someone from the County should probably talk to the City and see if they City has gotten all your money over those years and there should probably be a check written to Santa Fe County for all of that money.

The final thing that I'll leave you with is I really appreciate you listening to me and listening to all these people. I've learned a lot by listening to all of these people, and there really is a lot of nuance and I hope that when you go back and retool this, and I hope you do, that it's not made more punitive but it's made less punitive in a way that takes into consideration small business owners like myself. Thank you so much.

CHAIR HAMILTON: Thank you very much, Mike. Daniel, can you introduce the next speaker, please?

MR. FRESQUEZ: Madam Chair, the next speaker is Andrea La Cruz Crawford.

CHAIR HAMILTON: Andrea, can you unmute and get sworn in?

[Duly sworn, Andrea La Cruz Crawford testified as follows:]

ANDREA LA CRUZ CRAWFORD (via Webex): My name is Andrea La Cruz Crawford. My address is 127-B Camino San Jose in La Cienega and I am aware that I am under oath. I don't have a lot to say because I think so much has already been said, but I will tell you is that my husband and I – I was born and raised in Santa Fe. I grew up playing on West Alameda before it was paved. And one of the things that I wanted to add is that I have really seen the toll of development on our local community. When I was growing up most kids I knew had parents who had been born and raised in Santa Fe. Over time I have seen that I am one of the only people I know who was born and raised in Santa Fe.

And so I absolutely recognize the housing crisis, the inflation that's occurred, and I also am someone who came from a background with not a lot and built myself up and my husband and I now actually own two short-term rentals. So what's really interesting about it to me is one of our short-term rentals is in the City of Santa Fe and the other is next door to our property in La Cienega. I have witnessed people that I know who used to be able to have long-term rentals in Santa Fe who literally had to relocate very recently because they have been told that their long-term rental rates were going to increase to such a high rate that they wouldn't be able to afford to live here anymore.

The house we purchased next door to our house we purchased and our mortgage

is close to \$3,000 a month. If we were renting it as a long-term rental I think we could maybe make \$2,300 a month, and our plan for that is to have it for our children. When we grow old and die we want to have two houses next door to each other where our children can reside. And if we were not doing it as a short-term rental I don't think that we would cover that mortgage, and right now it's just barely covering itself anyway, because it's kind of a rural community out here.

That said, I absolutely support some sort of ordinance that will help to regulate short-term rentals. I think it needs to look at how many rentals a person has. I think that's very important and I think that people who have more than one short-term rental should be charged a higher rate. Now, the problem you're going to run into is that smart, rich, corporate folks are going to open up multiple corporations that each hold separately these short-term rentals and it's going to look like they only own one when they may own 50.

So there's a lot of complexity to it, but I think what we need is a baseline ordinance, and then I think we need continued discussion in the future and to continue this wonderful and inclusive discussion that you have created here today. So thank you so much for your time and I appreciate it.

CHAIR HAMILTON: Thank you very much, Andrea. Daniel, do we have any other speakers?

MR. FRESQUEZ: Madam Chair, I am not seeing anybody indicating that they would like to speak.

CHAIR HAMILTON: Okay. Great. So I am going to go ahead and close public comment at this time and really want to say how much I appreciate everybody who came in person and who came on Webex to give us input. So at this point I think we still have a lot to do but I want to open it up to the Commissioners for comments or questions, if there are any at this point. I'm not seeing anyone. Just joking. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. Well, we heard a lot of comments tonight and of course we've talked to a lot of people and heard from our constituents. In the meantime, I guess there's three things that I heard that interested me. One was that we should perhaps charge more than \$35 for the owner-occupied ones in order to cover some of our costs, even though they might be fairly minimal. We're expecting the owners to basically keep everything under control, and I think most people appreciated that change, the changes we made to the ordinance since the last time.

The next thing I think is more controversial but I've always felt that there needed to be limits on the non-owner-occupied ones and I think it's interesting to consider the idea of limiting it to owner-occupied with a grandfathering in clause for the non-owner-occupied. And then I did hear that limits should be – we do need limits in some of the traditional communities. I think we've heard about Tesuque and Madrid and the woman from Cañada de los Alamos, I guess concerned that it was starting to ramp up there.

I moved to Santa Fe in 1986. It was quite a bit different back then and even when I moved here, people were complaining about how much things had changed. Things have changed just as much if not more. When I moved here there were local businesses on the plaza. Now we have given over the plaza to tourism. It's probably a fair trade. We have a living plaza. The only place I shop there is the five and dime. But I think we do want to be careful not to turn the whole county into just a big hotel for tourists. So I do

feel pretty strongly about having limits on the non-owner-occupied, and whether we want to – I think we got just yesterday, I think around midnight or so, Commissioner Hansen and I got an email which she then shared with the rest of you of a suggestion of how to do that. I think it's not – we don't want to do exactly that. It's not perfect, but I think it's a starting place for discussion perhaps.

CHAIR HAMILTON: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I agree with Commissioner Hughes. I like the three tiered, like \$100, maybe \$200 and maybe \$300, \$350. I like that idea of a tiered approach. Like the people who are owner-occupied only with a casita next door. Maybe their fee is \$100. Then people that have a second home, or it's their only home or they're the owner, I think that's another separate category. And then somehow I do agree with Commissioner Hughes that we need to limit the people who have more than one or two houses. There was a woman who had the house right next door to her. To me that's kind of like the same property. You're right there, as owner-occupied. Because they're right next door. But then there's the people who are the owner-occupied and have a couple – one other house. Mostly what I heard is most people have just one other property. There's like two owners, two pieces of property they own, or maybe three. So maybe there's a limit and there's a middle category.

And then also limiting the people who are the corporations and the businesses. I like that idea. Looking at my notes. There was an issue about notifying the neighbors. I don't know what to do about that. I feel like we did try and make some changes. Penny made some good changes in the 500 feet from the property. So in reality I think we're still at the drawing board. I would like to see us maybe do one more iteration of this ordinance and try and bring in some of those nuances so that we can actually get a good base ordinance to begin with that is – that really recognizes that many of the people who own, have short-term rentals are owner-occupied and that it is completely legal to do just primary resident requirement, but I also recognize that Santa Fe has a lot of people who do own two or three homes and I don't think we can tell people how many houses they can own, but I do think that we can limit in some way, like some people might own two homes and they rent one out long term, and we don't regulate that. And I know that short-term rentals has a different effect than long-term rentals because those long-term rentals are actually people who work in the community.

I want to address Area 1, which is in my district, since you are still sitting in the audience. That is something that is a problem. Annexation is a problem. The City needs to complete it and make a decision one way or the other. They are in violation of a court order that ended in 2018. We have requested them to come to the table. We are trying to talk to them. We are trying to resolve these issues. It is not easy and they don't feel pressed to do anything at the moment. Maybe they do. We're hopeful. We're always hopeful over here at the County that the City will show up and they'll work with us and we'll be able to get this done, and I've been hopeful for six years but so far I haven't see too much results. So I understand your frustration with Area 1 and I'm sympathetic, especially since I am your only elected official, even though you have to go to the City for all of these other requirements and you have no representation over there. So it's kind of like taxation without representation. So that's what you have with Area 1. So I wanted to address that for you since you are in the audience.

And we did get this thing that says many US cities experiencing affordable housing challenges have short-term rental primary residence requirement only. So there are many cities that do this – Boulder, Santa Monica, Miami Beach, New Orleans, Miami. So it has to be legal since they are able to do it in all these other places.

We do have this markup of this ordinance from the Old Santa Fe Association which I know Penny has a copy of because I forwarded it to her, and I think we should look at some of the grandfathering in of non-owner-occupied short-term rentals and how large we can allow that to be. I know this is a complicated issue and that is why we have had so many people in the audience for two different meetings, which I find really amazing. And so I think it is going to take some more hard work from both the Commission and from staff and I am grateful to Penny for the hard work that she has done on this, and thank you, Penny. You deserve a big round of applause actually for the work that you've done because this is not easy, writing an ordinance and making these changes.

I think one of the things that is really important that we need to put into the ordinance is that taxes need to be collected so that Airbnb and Vrbo and whoever these people are who are these platforms understand that we are directing this ordinance towards them, that they have to work on the reporting and that they have to send us the money, but I know from people who spoke that we need an ordinance passed in order to get money from them. Okay, I think I'll take a break for the moment.

CHAIR HAMILTON: Thank you. We'll come back if you need it.
Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I want to thank Penny as well. I know she was working all this last weekend on trying to make the adjustments and changes to the ordinance as requested by our constituents. It's a process and I think we still have a ways that we need to try and make some more changes. I think that if you think about a mortgage – we talk about affordable housing and right now the rent for a small two-bedroom home is \$3,500 a month. And the thing is that if you go and get a \$400,000 mortgage, it's actually right around that same amount or a little bit less. So it's one of those things where I can see how we might look at the fact that rent is so expensive here and we're looking at STRs but at the same time, these are investments that people make in their property. I know even my own parents have bought some properties that they do long-term rentals on. And possibly there's more money to be made on short-term rentals possibly, but at the same time, I think that in their rentals there's a lot more maintenance after a year or two that somebody lives there. You go in and you have to spend thousands of dollars patching or repairing, whereas maybe a short-term rental, there's not quite as much maintenance.

I think it's something where people make these investments and I think that we need to let them make the decisions on how they're going to use that property and when you simplify what we're bringing forward to our constituents, because in the long run, we need to look out for their best interests to help them to survive. Like a lot of them are using this for supplemental income. We need to be aware of that and work with our constituents.

I did want to ask Penny, I guess it's my understanding that the septic tank requirement is no longer there and as far as in my district, I think we talked about that in

my district we've been adjudicated a water well and think there was verbiage put in relative to the wells already being adjudicated in that district. The rest of the county though, people that have wells, they will need to put meters? Is that correct? Meters on their wells that aren't in that district?

MS. ELLIS-GREEN: Madam Chair, Commissioner, there's not a requirement for the owner-occupied. There is a requirement for the non-owner-occupied to report their meter readings. We do state in the ordinance that if you have existing water covenants you need to comply with them but we won't be requesting that information for part of the short-term rental business registration, just the license.

COMMISSIONER ROYBAL: Okay. And another thing, in the traditional community where I live, there's parents that have made investments and they actually give an inheritance to their kids and you could have a rental of your own and then your parents give you two more homes when they pass away and so now they would have three rentals. So as far as restrictions, I don't feel that house that you inherit in my district we should have to consider selling your grandparents' home, your parents' home, that you grew up in because you've inherited these. And so that's something that I don't know about restrictions on the amount of short-term rentals that you have. I think that we have to keep in mind that we have to work with our constituents and allow them to do what they think is best on their property.

Those are some comments that I did have to make sure that we are addressing concerns from constituents. And then as far as where the taxes are going. There's a lot of taxes that are paid on some of these sites and do we have a definitive answer of where those taxes are going? Penny, do you know that? Or we don't at this point.

MS. ELLIS-GREEN: I don't think we have a definitive answer at the moment. Our Finance Director has confirmed that GRT is being paid to the County, but is not finding that the lodgers' tax is coming to the County. So when we have an ordinance, we will send that on to the platforms to identify that the County is actually different than the City.

COMMISSIONER ROYBAL: Okay. Thank you. And I think one lesson that we've kind of learned from the constituents and the concerns that they've brought forward. It's obvious that one size doesn't fit all. So I think it's something that we need to consider and further on. So thank you.

CHAIR HAMILTON: Thank you. So one of the things that I was thinking that many of the changes we made from two weeks ago, largely address this, but my main interest is to not disadvantage the people who are residents in the county. There's nothing magic necessarily about the single home, but that they are living near where they're renting and taking care of it and it is part of the way they make their way in life. And I don't think anybody's intent is to impair that. And so – but it is a complicated issue. So people are concerned about – and there are some communities like Madrid where this is apparently happening. People are coming in and there are many, many rentals that are causing community problems, but I for one don't really know – I don't think we have the data to know exactly how to address that, and that's part of the reason we wanted to take this in steps and have a basic ordinance and then consider if there are some places that for instance, that might need some additional regulation on number of rentals as a second step when we actually have data.

Because right now, a couple of people have mentioned that we published the data that short-term rentals are about two percent of our homes. That's really very small. And that we are different from the city, which is totally true. We are not a big urban area. We're not regulating – we're regulating the unincorporated part of the county, and the issues are completely different. But we don't have the level of detail to know how that two percent is distributed and the differences among communities that occur in the kinds of problems they're having.

So I got the sense that at the present we have two tiers is good to a great extent, there are people who fall through the cracks and I don't know whether the people that do fall through the cracks that aren't big investors and are in areas that aren't creating problems for their communities, whether what we're doing doesn't give them a path forward to continue to be able to support themselves in this way. I don't know how many people it would be if only two percent of our houses are in short-term rentals, it not more than two percent roughly of the community, but that's important. Every constituent is important.

So the concept of the possibility of adding a third tier or changing wording a little bit may make some sense to me. The thing about eventually regulating against investor-owner, not just to have a primary residence requirement, like that's the only short-term rental, at this point doesn't make sense to me. I think it's something that if it's considered, that could be something that's in phase 2 of the regulations. If there are places where that kind of regulation would mitigate a real ill. We're very different than LA and New York City and I get the competition with affordable housing, but I frankly have to agree with the person who said it's a myth to think that our affordable housing is going to be fixed by disallowing short-term rentals from people who own more than one house.

Nevertheless, there might be communities where that's exactly the kind of requirement needed, and that's what our phase 2 of getting data and understanding that, I think, was supposed to address. So it's good that you guys brought that forward. It's good that the gentleman who works for the non-profit who is willing to work with us but I don't think that that's something – the Old Santa Fe Association, but I don't think that that's something would fundamentally change what we're going after, which right now is only two tiers.

So I could see having – if we want to postpone this and have an additional – basically, I think what we have is the base regulation. But if we feel there are aspects of the base regulation that still need more nuance, which might be the case, and I think that is something that needs more public hearing and probably would take another month to do. So we can extend this and consider what some of the modifications need to be and have another public hearing when we vote on the ordinance.

But I do want to point out that this is, the way it is, a pretty good base regulation. If we added tiers, if we added a middle tier, to cover people who are county residents or New Mexico residents and live here but have multiple houses, we could charge them \$100. I'm really not sure – I know our retired mayor spoke about shrinking things in towards the middle, and it sounds like it has some wisdom, but I'm not sure that actually fits in our business registration thing, so that's opening another can of worms and for the group of people that do have the one house they live in or their casita and that's what

they're renting, I'm not sure why I'd want to raise rates on them. It's part of our home business registration ordinance to do it at \$35. So I'm really not that tempted to postpone this for another month just for that change. Yes, Commissioner Hansen.

COMMISSIONER HANSEN: So I think there are some things that need to be added into this ordinance and need to be thought of a little bit more, and that is why I think that it's important, especially the language about the Airbnbs and the taxes and having that in this ordinance. There are things that need to be added into it. I think I respectfully disagree about the three tiers. I think that would be a good idea.

CHAIR HAMILTON: I think three tiers could be a good idea.

COMMISSIONER HANSEN: So I think that if we had one more round of working on this I think we would have a better ordinance to begin with as a base ordinance, and I would like to make that motion to – Penny, would you like a month, or would you like two weeks?

MS. ELLIS-GREEN: Madam Chair, Commissioners, at least one month.

CHAIR HAMILTON: The two weeks comes with the rope that you can hang yourself with.

COMMISSIONER HANSEN: So we're going to respect that you want a month.

MS. ELLIS-GREEN: I do look to Legal a little bit. The way that we were able to do the two tiers is the business license ordinance has business registration and business license. And it doesn't have a third tier. And so I think we would need very specific direction as to how you want us to draft – I don't see an easy way to do that.

I would want to add that we're not saying that anyone wouldn't get either a license or a registration. There are ways for everyone with an approved dwelling to get either a license or a registration. It's just the registration is a price that's governed by statute, which is \$35, and it will be probably a faster track than the other, but I don't imagine the other will take that much time. They have the same standards as far as occupancy, parking, things like that.

COMMISSIONER HANSEN: So you think that we can only have – we can have the \$35 and the \$375? That's it?

MS. ELLIS-GREEN: I look to Legal, but we've only got two options in the Business License Ordinance. The licensing is where we've got the non-owner-occupied and we can set a fee there. The other is a registration and the registration fee is set by statute at \$35.

CHAIR HAMILTON: I have a question in that regard that might clarify, if you don't mind, Commissioner Hansen. Right now, there's nothing that prevents the people who spoke who have two houses. One they live in and they rent some of and one they don't live in. Maybe they live next door or a few miles away. There's nothing that prevents them from continuing their Airbnb other than it being slightly more expensive, that they would need a license instead of the owner-occupied and slightly more conditions to comply with. Is that –

MS. ELLIS-GREEN: That's correct.

CHAIR HAMILTON: So that is largely why I suggested this is a good base ordinance and things like additional restrictions that might be important for places like Madrid, we had already discussed needing the data to be able to do that, and we can

do that as the second step. Like we started out saying that's the way we were going to go.

COMMISSIONER HANSEN: But I think we do need to put in this ordinance about the Airbnbs.

CHAIR HAMILTON: Do we need to wait for a month to put that in? I don't have the information. I know that you would have to research it some, but there was information suggested that we actually have to have something stated in the ordinance about Airbnb to be able to collect taxes from Airbnb?

MS. ELLIS-GREEN: Madam Chair, Commissioners, again, I'll ask Legal if they want to answer but my understanding is that just simply by having an ordinance we can let the platforms know. And our ordinance states, short-term rentals have to pay applicable taxes. So between that and our Lodgers' Tax Ordinance being sent to Airbnb, Vrbo and everyone else, I think it was our impression that that would be everything that was needed.

CHAIR HAMILTON: And just for clarity, what I'm asking is if we find out that there has to be something in the ordinance, are we making a mistake by considering voting on this tonight, because we can make most of the other changes in the future? Or is that something you need time to revise?

MR. YOUNG: Madam Chair, I would suggest because the changes that are being discussed would require additional drafting, I do think it would be prudent to postpone, potentially, the decision on it to allow drafting and allow Penny to do that. But as to the taxes, the lodgers' tax exists currently. It's by ordinance and certainly an ordinance requiring short-term rental compliance is supportive with Airbnb and Vrbo. But I think we could also go to Airbnb and these platforms as well just to enter into an agreement with them, but I agree with Commissioner Hansen that the ordinance would support a request and ensure compliance with that.

CHAIR HAMILTON: Okay. I think I know where you're going and appreciate that. We can follow your recommendation. But I guess the question is, do we need the language in the ordinance or do we just need to have an ordinance in order to do the agreement and those are two slightly different things? I think that was the question. Penny.

MS. ELLIS-GREEN: Madam Chair, Commissioners, I would also state that the requirement isn't until March 15th of next year. So if the ordinance was passed this way and Airbnb came back and said, hey, that's not enough, we could make an amendment at that point. We would have time before people had to get their business registration or license.

CHAIR HAMILTON: That's what I was thinking. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just wanted to ask, as far as – I know we talked earlier about quiet time from 10:00 to 7:00. What is our current ordinance countywide? It is the same time, isn't it?

CHAIR HAMILTON: Like the noise ordinance?

COMMISSIONER ROYBAL: Yes. Because I don't really see the reason why we would put a restrictor ordinance on Airbnb where you can have a 30-day rental right next door and there's not those same ordinances. So I would imagine that our County ordinance that all of our residents have to abide by should be adequate and making an ordinance separate from the Airbnbs. Do you know what the ordinance is right

now, Penny?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I don't know specifically what hours the nuisance ordinance has, but it also has regulations relating to noise meter readings and is enforced by the Sheriff's Office. It has been easy to enforce and as staff was discussing this ordinance we thought it was more of a good neighbor policy that many different entities include to make it very clear that there are quiet times, because these are allowed in residential areas and traditional communities they're allowed everywhere. And you may well have very close neighbors. So it was more of a statement so renters, the people renting and the people renting out their property know that there's a requirement to keep to.

COMMISSIONER ROYBAL: Okay. Because I guess my concern would be the house right next door doesn't have to abide by the same ordinance, and it's somebody that is the property owner that lives there but it just seems kind of I guess weird to me for us to have a different ordinance for somebody staying at a short-term rental.

And then as far as having to notify neighbors, because if there's somebody that's renting a house for over 30 days, they won't have to go by the same rules so they don't have to notify their neighbors that they're renting the house. I have some issues with having to do that as well. I think Commissioner Hansen may have mentioned that as well.

CHAIR HAMILTON: Interestingly, I'm uncomfortable with that also. We've talked about it. I understand the goal of that is so that if a neighbor has an issue they have a person they can call. I don't know that I know an alternative but maybe if they're posting -- they have to post if there are problems with this property call -- problematic neighbors can be a problem. Commissioner Hansen.

COMMISSIONER HANSEN: So I was in the middle of making a motion but that didn't get very far.

CHAIR HAMILTON: I apologize. You're right.

COMMISSIONER HANSEN: But it is my own fault. Maybe the other item is grandfathering in all the existing rentals that everyone has right now for all time, not put five years. Not say oh, if you have three rentals, fine. You pay the \$35 then you pay the \$375 and \$375 because you have two more houses. That's one other item that I would like us to consider. Okay. And then working on some of these things, I would like to make a motion that we take another month to work on this ordinance and just tighten it up a little bit and make it more user-friendly. As far as the neighbors go, in the dense areas like Madrid, I think we need to let -- neighbors need to know when they're right next door to one another. But when they're out in the country it's a different situation. It's like if you're --

CHAIR HAMILTON: I hope all that verbiage isn't part of your motion. It was a good laugh line but I actually meant it seriously, because actually, all of those things are things if we're going to take a month can be discussed.

COMMISSIONER HANSEN: Exactly. So I want to take another month to continue to work on this ordinance.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: I'll second that but I want to make sure that if we're going to talk about grandfathering that we're also talking about at least

considering it to owner-occupied and all the ones that currently exist.

CHAIR HAMILTON: I'm not going to include that – I don't want to include that in the motion or I'll vote against the motion, because honestly, I think that having what you're talking about only owner-occupied might be important for certain communities. Not in Glorieta, not in Cañoncito, not in Valencia, not in any of the rural parts of my district. The denser parts of my district, Eldorado and stuff, that might be very important. That's what we need the data for.

COMMISSIONER HANSEN: Excuse me. That's why I think we need another month to just iron out some of these nuances. I do have a motion and a second, but under discussion, just to manage expectations, we're still talking about a month for the base ordinance to make changes to be more nuanced for the base ordinance. Because we're not going to have the data that everybody has kind of agreed and many people have spoken about needing in a month. We'll have that in six months to a year maybe. Six months might be optimistic.

So I have a motion and a second.

COMMISSIONER HUGHES: I'm not sure what I seconded. I'm going to withdraw my second so that she can tell me what the motion is.

COMMISSIONER HANSEN: The motion is that we're going to take a month to work on all the things that the Commission had said. There is clearly not agreement on everything, but there can be discussion with staff on a number of these items and with Legal and we'll move forward.

COMMISSIONER HUGHES: Okay. I'll second that. Just to say I know there's not agreement but I think we should consider everything we've talked about.

CHAIR HAMILTON: That I agree with.

COMMISSIONER HUGHES: Okay.

CHAIR HAMILTON: I definitely agree with that. I have a motion and a second. Is there any further discussion. Hearing none.

The motion to table passed by unanimous [4-0] voice vote. [Commissioner Garcia was not present for this action.]

CHAIR HAMILTON: Thank you, everybody. I can't thank the public who came and gave us input enough. It was all incredibly important and we are trying our best to become more nuanced and to take all this into account, and to thank staff tremendously for the work that they've put in and the work they're going to be putting in.

13. INFORMATIONAL ITEMS / REPORTS

- A. Community Development Department August 2022 Monthly Report**
- B. Community Services Department August 2022 Monthly Report**
- C. Finance Division July 2022 Monthly Report**
- D. Growth Management Department August 2022 Monthly Report**
- E. Human Resources Division August 2022 Monthly Report**
- F. Public Safety Department August 2022 Monthly Report**
- G. Public Works Department August 2022 Monthly Report**

There were no comments or questions on the reports.

14. CONCLUDING BUSINESS

- A. Announcements**
- B. Adjournment**

Having completed the agenda and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 9:45 p.m.



ATTEST TO:

KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Approved by:

Anna Hamilton, Chair
Board of County Commissioners

Respectfully submitted:

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

SFC CLERK RECORDED 11/03/2022

Nathaniel Crail

From: Corey Mansfield <nmfourteen@gmail.com>
Sent: Tuesday, September 27, 2022 12:28 PM
To: Nathaniel Crail
Subject: Petition in FAVOR of Short Term Rental Regulations in Santa Fe County
Attachments: petition_signatures_jobs_34486991_20220927163710.csv

Follow Up Flag: Follow up
Flag Status: Flagged

Warning:

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

Santa Fe County Commissioners:

The petition below was started a week ago in response to the first hearing on the proposed ordinance to regulate Short Term Rentals in Santa Fe County. These signatures represent those in FAVOR of the proposed changes.

The majority of signatures have come from Santa Fe County residents (please see attached spreadsheet). Please consider your constituent's input on this matter.

<https://www.change.org/p/santa-fe-county-residents-in-favor-of-short-term-rental-regulation?redirect=false>

I plan on being at the public hearing portion of today's meeting. Will there be time for public statements?

Thank you,
Corey Mansfield
505 469 0877

SFC CLERK RECORDED 11/03/2022

Name	City	State	Postal Code	Country	Signed On
Corey Mansfield	Santa Fe	NM		US	#####
Zach Maloof	Santa Fe	NM	87508	US	#####
Matthew Gutierrez	Dallas	TX	75228	US	#####
Jada White	Madrid	NM	87010	US	#####
Rebecca Nafey	Cerrillos	NM	87010	US	#####
Rebecca Nafey	Cerrillos	NM	87010	US	#####
Gabriel Paras	Santa Fe	NM	87506	US	#####
Caiti Lord	Cerrillos	NM	87010	US	#####
Moondog Roop	Marks	NM	87010	US	#####
Gabrielle Rock	Madrid	NM	87010	US	#####
james archibald	Santa Fe	NM	87505	US	#####
Gina Pierce	Philadelphi	PA	19146	US	#####
Filipina Paras	Santa Fe	NM	87540	US	#####
Campbell Cinda	Cerrillos	NM	87010	US	#####
Andrea Fiegel	Madrid	NM	87010	US	#####
Heidi Moore	Madrid	NM	87010	US	#####
Alex Delecluse	Santa Fe	NM	87505	US	#####
Zoe Burke	Las Vegas	NV	89121	US	#####
Maisie Delgado	Santa Fe	NM	87507	US	#####
Coby Wikselaar	Denver	CO	80211	US	#####
Hayley Horowitz	Santa Fe	NM	87505	US	#####
Carlos Andres Vazquez Baur	Santa Fe	NM	87505	US	#####
Zoe Castro	SANTA Fe	NM	87505	US	#####
Abby W	Santa Fe	NM	87508	US	#####
Noah Waldron	Santa Fe	NM	87501	US	#####
Charli Strong	Santa Fe	NM	87505	US	#####
Sarah LeBlanc	Santa Fe	NM	87505	US	#####
Laura Garrett	Santa Fe	NM	87501	US	#####
Adeliza Backus-Pace	Albuquerque	NM	87112	US	#####
Rikki Carroll	Santa Fe	NM	87508	US	#####
Dee Skinner	Albuquerque	NM	87109	US	#####
Weston Simons	Santa fe	NM	87508	US	#####
Shelby Bethards	Cerrillos	NM	87010	US	#####
Adam Kaluba	Burleson	TX	76028	US	#####
Gioia Berlin	Santa Fe	NM	87505	US	#####
Tess Salazar	San Diego	CA	92124	US	#####
Allison Blair	Santa Fe	NM	87507	US	#####
Elaine Garcia	Santa Fe	NM	87507	US	#####
Mariah Lujan	Albuquerque	NM	87108	US	#####
Marilyn Barnes	Santa Fe	NM	87505	US	#####
Acacia Anderson	Tijeras	NM	87059	US	#####
Nico Morris	Santa Fe	NM	87505	US	#####
Sam Ellvinger	Santa Fe	NM	87501	US	#####
Cheyenne Bilbrey	Seattle	WA	98125	US	#####
Megan Mullican	Santa Fe	NM	87605	US	#####
Ruben Barela	Las Vegas	NV	89123	US	#####

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Bethany Gallegos	Santa Fe	NM	87506	US	#####
Dakota Vigil	Santa Fe	NM	87507	US	#####
Lauren Bransford	Santa Fe	NM	87507	US	#####
Hayley Hajic	Santa Fe	NM	87508	US	#####
Adam Nordby	Santa Fe	NM	87505	US	#####
Emily Breitbach	Fargo	ND	58103	US	#####
Kayla Carrillo	Santa Fe	NM	87507	US	#####
Lauren Stutzman	Santa Fe	NM	87508	US	#####
Robert Rodriguez	Rio Rancho	NM	87124	US	#####
Allison Kotwica	Albuquerque	NM	87110	US	#####
Cecilia Romero	Santa Fe	NM	87507	US	#####
Kelly Ann Zwager	Cerrillos	NM	87010	US	#####
Carlyn Stewart	Alcalde	NM	87511	US	#####
Naomi Gibbons	Santa Fe	NM	87501	US	#####
Jane Trembley	Albuquerque	NM	87112	US	#####
Jackie Camborde	Santa Fe	NM	87507	US	#####
Ronan Greenwood	Santa Fe	NM	87501	US	#####
Sean Johnson-Latham	Santa Fe	NM	87501	US	#####
Kate Finio	Albuquerque	NM	87110	US	#####
Kayla Herrera	Santa Fe	NM	87507	US	#####
Marissa Aurora	Madrid	NM	87010	US	#####
Kaleah Baca	Corrales	NM	87048	US	#####
Alexis Torres	Albuquerque	NM	87120	US	#####
Whitney Malone	Santa Fe	NM	87501	US	#####
Robin Gibbs	Santa Fe	NM	87505	US	#####
Meredith Small	Denver	CO	80203	US	#####
Stella Byrne	Madrid	NM	87010	US	#####
Lauren Garcia	Melissa	TX	75454	US	#####
Hallie Brennan	Eugene	OR	97401	US	#####
Rebecca Calhoun	Santa Fe	NM	87508	US	#####
Alex McDonough	Santa Fe	NM	87507	US	#####
Kathryn Morrison	Rio Rancho	NM	87124	US	#####
Denise Lord	Santa Fe	NM	87508	US	#####
Melanie Bartmess	Santa Fe		87507	US	#####
Ian Brodsky	New York	NY	10032	US	#####
Leslye Sneider	Santa Fe	NM	87501	US	#####
N Mullis	Santa Fe	NM	87508	US	#####
Susan Nordman	Madrid	NM	87010	US	#####
James Mann	decaturn	GA	30033	US	#####
David Best	Espanola	NM	87532	US	#####
Truwill Mashburn	Santa Fe	NM	87505	US	#####
Grace Hanel	Portales		88130	US	#####
Kendrick Collins	Harrisburg		17112	US	#####
Devin Dial	Maxton		28364	US	#####
Brittany Little	Bethany		73008	US	#####
Axel Robles	Anaheim		92806	US	#####
tara wheeler	Oakton		22124	US	#####

faeqe khansari	Elk Grove Village	60007 US	#####
Aeryn Reed	North Miami Beach	33160 US	#####
Nicole Gonzalez	Miami	33169 US	#####
Lucy Kimani	Minneapolis	55420 US	#####
Dariia Berezenska	Nashville	37209 US	#####
Nika F	Place	19311 US	#####
Mohammad Mahboub	Rocklin	95765 US	#####
Julia DeFreitas	North Miami Beach	33160 US	#####
Hunter Hearst Helmsley	Indio	92203 US	#####
WYATT BITCH	Austin	78744 US	#####
Doraemon Rocks	Deltona	32738 US	#####
Hassan Hamedani	Torrance	90505 US	#####
Rosalie Jaen	Durham	27707 US	#####
Zoe Quinones	Lehigh Acres	33936 US	#####
Andy Watts	Houston	77025 US	#####
Lief Bamberg	Santa Fe NM	87507 US	#####
Dalia Melendez	Santa Fe NM	87505 US	#####
Jane Davidson	Englewood NJ	07631` US	#####
Cade Herman	Oak Ridge NJ	7438 US	#####
Adraic Starks	Santa Fe NM	85706 US	#####
Mackenzie Woods	Seattle WA	98117 US	#####
Lance Highers	Madrid NM	87010 US	#####
Deirdre Kelly	Pearl River NY	10965 US	#####
nick sukunda	Los Cerrillo NM	87010 US	#####
Paul Blackburn	Elizabethtown KY	42701 US	#####
pamela hamilton	Palo Cedro CA	96073 US	#####
Ian Noble	Albuquerque NM	87123 US	#####
Sam Mauldin	Santa Fe NM	87505 US	#####
Amanda LaGuardia	Madrid NM	87010 US	#####
Lori Ottino	Albuquerque	87120 US	#####
Lauren Stutzman	Santa Fe NM	87508 US	#####
Timothy Dorsey	Santa Fe NM	87506 US	#####
Jeana Enrietta	Santa Fe NJ	87501 US	#####
elizabeth sheehey	santa fe NM	87501 US	#####
Etzar Cisneros	Birmingham AL	35206 US	#####
Julie Trujillo	Santa Fe NM	87507 US	#####
Shayna Naranjo	New Haven CT	6511 US	#####
Clover Duncan	Santa Fe NM	87501 US	#####
Santiago Baca	Los Angeles CA	90007 US	#####
Keith Greenfield	Albuquerque NM	87106 US	#####
Anya Acton	Santa Fe NM	87506 US	#####
Jennifer Watkins	Santa Fe NM	87506 US	#####
Stephanie Lucero	Santa Fe NM	87506 US	#####
Cheryl Chambellan	Albuquerque NM	87110 US	#####

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Many US cities experiencing affordable housing challenges have a Short-term Rental PRIMARY RESIDENCE requirement.



The following 15 cities (ordered by approximate population) require that a Short-term Rental must be the host's Primary Residence.

MIAMI BEACH, FL (pop 87,000)

Pursuant to the Miami Beach City Code (Sec 142-1111) and City Code (Sec 142-905 (b)), vacation/short-term rentals are prohibited in all single-family homes and in many multi-family housing buildings in certain zoning districts of Miami Beach.

For properties in designated Estate or Low Density Residential areas, the responsible party or host must reside in the short-term rental property for more than six months per calendar year.

<https://www.miamibeachfl.gov/business/vacation-short-term-rentals/>

<https://blog.keycafe.com/understanding-miami-and-miami-beach-short-term-rental-regulations/>

SANTA MONICA, CA (pop 88,000)

From ordinance: *f) HOME-SHARE means an activity whereby the resident(s) host visitors in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit's **primary residents** lives on-site, in the dwelling unit, throughout the visitors' stay*

<https://www.smgov.net/uploadedFiles/Departments/PCD/Permits/Santa%20Monica%20HomeSharing%20Rules%20-%20FINAL%20EFFECTIVE%20JUNE%2012%202015.pdf>

BOULDER, CO (pop 107,000)

The City of Boulder permits short-term rentals (less than 30 days per stay) of **primary residences** and legal accessory dwelling units (ADUs) only. Short-term renting of a second home or investment property is not permissible. Primary residences are those occupied by the owner for a minimum of 6 months of the year. ADUs can be rented on a short-term basis for a maximum of 120 days per year.

<https://sharingmyhome.com/airbnb-investors-colorado-short-term-rental-laws-city/boulder/>

SUNNYVALE, CA (pop 153,000)

A short-term rental (or vacation rental) is the renting out of your residence, rooms in your residence or an accessory unit (granny flat). Short-term rentals are for a period of 30 consecutive calendar days or less. You are also legally required to:

- Reside on-site throughout your guests' (lodgers') stay
- Limit guests to a maximum of four adult guests per night
- Register as a host with the City

The host shall reside on-site throughout the lodgers' stay. To reside on-site means that the property being used for short-term rentals is the host's **primary residence** and the host uses the property for purposes of eating, sleeping and other activities of daily living during the time periods that lodgers are present.

<https://sunnyvale.ca.gov/business/doingbusiness/shortterm.htm>

http://losaltoshills.granicus.com/MetaViewer.php?view_id=2&clip_id=361&meta_id=56230

RICHMOND, VA (pop 229,000)

Who can operate a short-term rental: The short-term rental operator shall be the property owner. The short-term rental shall be on the lot of the operator's **primary residence** with the operator occupying the lot at least 185 days each year.

<http://www.richmondgov.com/PlanningAndDevelopmentReview/ShortTermRentals.aspx>

NEW ORLEANS, LA (pop 391,000)

The link listed below is from an article. It was easier to understand than reading their ordinance. The new ordinance requires vacation rental owners in residential neighborhoods to have a "homestead exemption," meaning that they live there and claim the property as their **primary residence**.

<https://www.avalara.com/mylodgetax/en/blog/2019/08/new-orleans-finalizes-restrictive-new-short-term-rental-law.html>

MIAMI, FL (pop 471,000)

The Responsible Party must reside for more than six months per calendar year in the property being offered as a vacation rental. The rental of the property may occur at the same time that the Responsible Party is residing there. This applies to properties designated as Estate or Low Density Residential on the CDMP Land Use Plan Map only. There are no residency restrictions in the other land use categories.

<https://www.miamidade.gov/building/standards/residential-short-term-vacation-rentals.asp#0>

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2017/17-78.pdf>

<https://www.miamidade.gov/building/standards/residential-short-term-vacation-rentals.asp>

PORTLAND, OR (pop 657,000)

On July 30, 2014, the Portland City Council passed Ordinance No. 186736. This ordinance permits short-term rentals in residential zones when the rental is also the proprietor's primary residence.

Portland has since 2014 set rules for the short-term rental market, requiring hosts to acquire a permit, be the primary resident of the rental, live there at least nine months a year and keep guest stays to a maximum of 30 days. The regulations are intended to make sure homes are just that – where people live rather than hotel-style businesses within residential neighborhoods.

<https://www.portlandoregon.gov/revenue/article/415180>

https://www.oregonlive.com/portland/2018/08/80_percent_of_portland_airbnb-.html

BOSTON, MA (pop 685,000)

To be considered a **primary residence**, an owner needs to live in the property for at least nine months out of a 12-month **period**. When requested, you must be able to demonstrate: that you **lived** at the property for nine of the past 12 months, or that you plan to live in the property for nine of the next 12 months. —NOTE: Interesting update on Boston. 08/29/2019: Airbnb also agreed to share data about listings with the city, including the listing's URL, registration number, host ID, information, and zip code.

<https://www.boston.gov/departments/inspectional-services/short-term-rentals>

WASHINGTON, DC (pop 712,000)

... The Council had considered the potential impact of short-term rentals on housing supply and affordability in settling on a final balance that allowed short-term rentals only in the host's primary residence and not permitting investor-owned short-term rentals.

The Commission credits the Council's assertion that the STR Law limits the impact on the availability and affordability of housing by barring investor-owner short-term rentals, while also allowing property owners to operate short-term rentals in their primary residence, providing income that some property owners need to stay in their homes thereby supporting housing affordability and home ownership.

https://search.usa.gov/search?utf8=%E2%9C%93&affiliate=dc_dcgov&query=short-term+rental+primary+residence

CHARLESTON, SC (pop 788,000)

What do the new regulations say? These regulations legalize short-term renting throughout the City in a very limited form that protects existing neighborhoods. Most importantly, to qualify for legal short term renting, the property must be the owner's full time **primary residence**, as verified by receiving the County's 4% tax exemption for owner-occupied property. This means that **investment properties are not eligible for short term renting.** However, portions of existing dwellings or accessory dwellings on a property are eligible.

<https://www.charleston-sc.gov/DocumentCenter/View/18317/FAQs-for-STR?bidId=>

<https://abcnews4.com/news/local/city-cracks-down-on-short-term-rental-with-a-crack-team>

SAN FRANCISCO (pop 889,000)

Permanent **San Francisco** Residents Only.

Absentee owners who live in **San Francisco** less than 275 days per year are not eligible to engage in **short-term rentals**. Permanent residents are allowed to **rent** out their **primary residences**, but not locations in which they don't live, or second or **vacation** homes.

You must be the permanent resident of the unit you wish to rent.

To be considered the permanent resident, you must spend at least 275 nights a year in the unit where you host short-term rentals. If you own/rent a multi-unit building, you may only register the specific residential unit in which you reside.

<https://www.nolo.com/legal-encyclopedia/overview-airbnb-law-san-francisco.html>

<https://shorttermrentals.sfgov.org/>

DENVER (pop 2,800,000)

Primary Residence required for a STR license.

"If the property is not your **primary residence**, it is not eligible to be licensed as a short-term rental."

<https://www.denvergov.org/content/denvergov/en/denver-business-licensing-center/business-licenses/short-term-rentals/short-term-rental-faq.html>

LOS ANGELES (pop 4,000,000)

WHEREAS, short-term rentals in property other than a primary residence create unfavorable consequences, including negative impacts on the residential character of surrounding neighborhoods and increased nuisance activity;

WHEREAS, this ordinance will protect the City's affordable housing stock by allowing only an authorized host to share his or her registered **primary residence** with transient users;

http://clkrep.lacity.org/online/docs/2014/14-1635-S2_ORD_185931_07-01-19.pdf

NEW YORK CITY (pop 8,500,000)

You cannot rent out an entire apartment or home to visitors for less than 30 days, even if you own or live in the building. You must be present during your guests' stay if it is for less than 30 days.

<https://www1.nyc.gov/site/specialenforcement/stay-in-the-know/information-for-hosts.page>

Examples of Short-term Rental regulations that increase housing availability, affordability and Long-term Rentals.

Los Angeles

- City Council passed a law in December 2018.
- Restricts hosts to 120 days of STR.
- Must register with the city for \$89 every year.
- Hosts can also only rent out one home—their primary residence where they spend at least six months a year.
- Nontraditional Airbnbs like RVs, trailers, and tents will no longer be permitted.

New York City

- Ban on short-term rentals on home-sharing sites
- Renting out an entire apartment for a stay of less than 30 days is illegal. Advertising such a rental is illegal, with fines up to \$7,500
- Hosts can also only list one home, their home, at a time
- New York City is working to get hosts' data from Airbnb so that they'll know automatically who isn't playing by the rules
- One type of stay that's A-OK is a private room

Las Vegas

- Banned permits for those that are not owner-occupied, only allowed for primary residents.
- Las Vegas real estate investors are not allowed to rent out investment properties for less than 31 days
- Owners of short-term rentals in Las Vegas have to be present during the stay
- Must obtain a business license
- Must have liability insurance of \$500,000
- Must renew their rental permit every 6 months to avoid fines.
- Short-term rentals can't have more than three bedrooms (those with more pay a whopping \$1,000 registration fee)
- No new STR can be within 660 feet from any other existing listing
- The city limits overnight guests to 12 or fewer per home or apartment
- Hosts must register with tax authorities, collect taxes from guests, and remit them to the city and county

San Francisco, California

- Hosts have to register for both a Business Registration Certificate and a Short-Term Residential Rental Certificate from city government
- A seven-digit registration number that starts with STR must be listed in rental listing.
- You can rent out your entire apartment or home for up to 90 nights a year.
- Unlimited number of days if you're renting a private room but host must be present during the stay.
- Pay 14% tourist tax, equal to the city's hotel tax.



5 CITIES WHERE AIRBNB IS ILLEGAL IN 2019

Los Angeles, CA



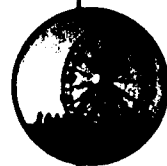
Starting July 2019, hosts will only be allowed to rent out their primary residences, defined as the place where they live for more than 6 months of the year. Laws also limit hosts to 120 days a year.

New York City, NY



Only permanent residents are allowed to rent out for less than 30 days, and only while they're actually in the house. Airbnb hosts are also not allowed to list more than one home at a time.

Santa Monica, CA



Only allows Home-Sharing which entails that only primary residents can host short-term stays of less than 31 days, and only if they're present during the stay. Un-hosted Airbnb rentals are illegal.

Las Vegas, NV



Permits will only be issued for primary residents and they have to be present during the short-term stay. Real estate investors can't rent out property for less than 31 days.

San Francisco, CA



Airbnb hosts must be permanent residents, live in the unit for at least 275 nights a year, and be present during the stay. Hosts can't have more than one listing or rent out for more than 90 nights.

More info at www.mashvisor.com

ABOVE CITIES REQUIRE:
A Short-term Rental must be the host's PRIMARY RESIDENCE (house or guesthouse).

Santa Fe is a tourism town. The income for many residents is derived from tourists visiting and seeing the sites in Santa Fe.

What causes blight in cities? - taking away the income of the locals and soon those who live in the town or County cannot afford to live there. There are hundreds of examples of this all over the United States. What we're once the best cities and counties in the United States are now blighted with homelessness and crime. Baltimore, San Francisco, and many others.

Airbnb hosts are Ambassadors for guests who come to Santa Fe

Short term rentals can be a real blessing to Santa Fe.

Do you know that most Airbnbs in town are run by a local individual or family who depends on this small business for their income and retirement? Because of the nature of the business it is necessary that the owner in most cases is on site and managing the guests and their questions while providing great hospitality with a real home-like flavor. Often, hosts are the new best friend of the guest, while they are in Santa Fe. That is why Airbnb is so popular.

Are there any positive comments the County has regarding ShortTermRentals?

It seems when the local government begins to regulate, they only talk about the complaints:

Many questions need to be asked before a new regulation can just be passed?
We the public want to know all the complaints and reasons officials see fit to regulate ShortTermRentals?
Is there a solution to these complaints without a sweeping new regulation?

What are the complaints against Short Term Rentals?

Are they itemized and inventoried somewhere?

How many are there?

What is the nature of the complaints?

Is the proposed regulation addressing a solution to those complaints only, or is there a large overreach which is part of this proposed regulation?

Also,

How many out of town private owners of Airbnb ShortTermRentals are there in comparison to the Corporate out of town owners of hotels and motels?

Do you know that people who choose to stay in Airbnbs at a reasonable price do not want to stay in Hotel/Motels? Airbnb has its own niche of users, so Airbnb really does not impact Hotel/Motels who average a 68% to 72% occupancy in Santa Fe.

Did you ever hear of the idea of private property in a free United States? or is that no longer respected in Santa Fe county?

Does the County have the right to tell an Airbnb owner how many paid or unpaid guests they can have in their home?

What is the difference between a paid in home guest and a non-paid in-home guest? I regularly have guests to my house, are they too to be regulated?

How can you have concerns about a load on the natural water resources in the County when these guests in our town and county will use the same, no matter where they stay?

Now to base occupancy on septic tank size is non-sensical. We often have our tank pumped as a precaution for safe and Economic operation. Thus a pumped tank can handle any reasonable number of people.

If I am responsible for maintenance and repairs to the septic tank, then wouldn't I be the one to decide what goes in it and how much?

Why do you want to meter my well? We have agreements stated in our NM state well permit as to the capacity we are permitted to use. Typically this is 1-2 acre feet or more. That is far more water than is used in a ShortTermRental. Do you have an underlying plan to start charging us for our already permitted water? Do you plan to put meters on all county wells even the ones with no ShortTermRental? Why are STRs being singled out? A well is an expensive investment paid by the owner. Are we now to pay for the water twice?

And don't forget, it is well known that far less water and utilities use ShortTermRental people use far less than long term renters. ShortTermRental people are there only to sleep and shower and leave where LongTermRental people are there more frequently. It is their home.

I have 2.5 acres with a 7 bedroom home with 4 baths. It was built for a very large family. I have determined that the best and most appropriate use for my property is ShortTermRental rather than long term rental. I have tried both and now as the owner, I insist I have private property rights which deems that I do have the standing to exercise my right to choose how to use my property in a safe and reasonable way.

Just because I derive an income from its use makes no difference really. In fact when residents can make their own income from their property this should be celebrated rather than regulated out of business.

Why should I be required to report to my neighbors what I do on my property. Neighbors do not report to me about their home activity.

As I tell all government people "Educate don't regulate". Then we have a growing abundant community for everyone.

Robert Wiles. — 720-290-5984 — PO Box 32483 — Santa Fe, NM 87594

Dear Commissioner,

9/11/22

I am DESPERATE if County STR Ordinance for 2022 passes.
Please Read My Letter to Understand This Ordinance's Impact on My Situation.

I am Robert Ray Wiles who lives at 1331A South Sierra Azul and I operate Ray's Country Gardens B&B, which is in Agua Fria Township and listed on Airbnb. I have been successfully operating my Airbnb since May of 2016. In those 6 years I have hosted over 600 bookings and maintained the Airbnb Super-host status for the last 5 years with a 4.9 out of 5 Airbnb rating. To be a super host it is necessary to maintain a 4.8 rating or better. Satisfying guests at that rate requires that I as a host offer top quality on all levels, from clean and sanitary to accurate helpful communications, to being present and available for all comings and goings. We host family gatherings, girl or guy get-a-ways, opera enthusiasts, tourists, art groups, concert goers, overnight travelers and we allow them to bring their pets. We allow no parties.

We were diligent during the pandemic to satisfy all needs for sanitation and cleaning at an extra level above and beyond normal requirements. Airbnb gave remarkable guidelines for this. I was also fortunate to have steam laundry, and steam mopping with floor disinfectant. We want our guests to be comfortable and happy with all necessary precautions for their benefit. During that time I have very much enjoyed hosting guests from all over the world and have been part of their very positive Santa Fe guest experience.

Do you know how valuable it is for a Santa Fe visitor to have the inside info/story about the town they are visiting from a local? Restaurants, shows, theatre, galleries, shopping and etc. are always "asked for referrals."

Airbnb Super-Hosts want their guests to love and appreciate Santa Fe as much as we local residents love Santa Fe. For me hosting is an opportunity to inform and show Santa Fe tourists and travelers all that is great about Santa Fe, just like they are my own personal guests. Super-Host service is far beyond what most hotel hospitality personal will offer and that is one reason I hear it said by most guests over and over how much they appreciate Airbnb hosts for giving them real local info. Guests stay at an Airbnb for a more home-like space, often a larger space, and great friendly hospitality. These qualities really are part of what attracts travelers, tourists, and visitors to Santa Fe. Guests even often get a yard for easy outdoor access also. Yes there are some who prefer hotels, however there are a growing number of people who prefer the more home-like setting which Airbnbs are known for in a highly rated Airbnb. I love meeting the people and wonderfully, over 600 bookings in 6 years I have only had 2 guests that were not pleasant and to whom I would not book again. Santa Fe visitors are great!

Don't you agree it is important for visitors to Santa Fe to have a great experience? Also, don't you agree that Santa Fe's Airbnb's mostly have positive ratings from their guests and their neighbors in town? Why would you want to disadvantage a popular bed & breakfast which is a locally owned small business when their creativity can represent the best of Santa Fe flavor and interest? Santa Feans are some of the most creative people in world.

Could you see that if there are those Airbnbs that do not positively serve current Santa Fe residents in a positive way, that they can be dealt with on an individual basis in preference to a blanket ordinance that penalizes some of the best lodging choices guests may have in Santa Fe? One size does not fit all.

We, at Ray's are in a country garden setting, the closest neighbor is more than 500 feet away except my back neighbor who is about 200 feet away. We have had no neighbors complain regarding my Airbnb, and the few distant neighbors I do have, who I do know, are supportive of my gardening and hosting activity. In fact they really love that I have taken over funding and working all road maintenance on our gravel road, because I feel responsible for the 2-4 more cars/day that use the road.

In our gardens I grow fresh produce which is cared for and harvested by Ray's Country Gardens Garden Club. Airbnb cash flow has allowed me to create a beautiful oasis in the country here in Santa Fe County. It is very peaceful and relaxing for our guests. We do everything we can to promote neighborly community activity and please our guests and neighbors. So far because of our positive practices, our positive results prove it.

REC'D CLERK RECORDED 11/03/2022

I received a letter today from the Santa Fe County informing me that BBC will be considering an ordinance to license and regulate Short Term Rentals in SF County. Maybe you are more aware of the necessity for this than I am, however we have had no calls or complaints regarding any disturbance we may have created. Nor has any guest complained or called authorities regarding their stay. We offer a genuine stay in Nature's beauty.

I am a retired crippled 74 year old who could in no way go out and work to supplement my income. For me the way it is now is working fine at my BNB. It allows me the comfort to live within my means and not be financially dependent. It also affords me to have an on site maintenance person who also does many things which I can no longer do because of my crippled legs.

Now in the proposed ordinance it says I must limit my guests to a maximum of 6 rather than the current maximum of 10. Our average occupancy is 4-7, however we often host groups up to 10. The new maximum would mean about a \$16,000 to \$25,000 reduction in income to us. With that being the case I would no longer have resources to keep my maintenance person who also does many other helpful tasks for this cripple. That would mean I would have no one on site to assist me which would be very dangerous for me. Also, with that reduced income, I could barely, if at all make it financially. I feel blessed to have found a way to support myself into my senior years and remain independent, as we all would like. Please prevent this ordinance from taking my independent living away from me.

Also please be aware that natural gas has tripled in the last 2 years, and electricity has nearly doubled. All predictions are they will go even higher. Now with rising expenses which I can barely afford, the county government is proposing an ordinance that will reduce my income. I feel very caught in a dangerous situation. Please understand I have always believed those that govern us were here to serve our interests. This ordinance hardly represents the idea of a positive government in service to my interests. Nor is it a supportive policy based on serving the health and well-being of the county elderly, like me.

Please also know that short terms renters use far less utilities than long term renters. SRT renters are here to sleep and shower, that is all. They are gone doing other things usually all day and they are also out til 9:00 at least, enjoying Santa Fe. Long term renters are here most of the time, turn the heat up, leave lights on, and require much more maintenance expense. Previously, my house took a beating with long term renters.

Why would you think that adopting policies that take away your constituents current income capacity, which now makes them happy and independent and then replaces it with policies that makes them unhappy and bankrupt? Yet this is what the proposed ordinance would do for me.

I would like to discuss with you how my current situation can at least be grand-fathered in and the original terms of my 6 years of Airbnb Super-Hosting can be honored to maintain my earnings situation to support me in my senior years with the support and presence of my maintenance man.

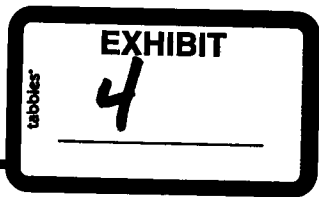
Thank You and Kind Regards,

Robert R. Wiles

PS. The BBC letter talks about Airbnb out of town owners as a problem. Most Airbnb owners are here to run their Airbnbs and are locals aren't they? I am a local and of course I want you to represent my local interests, please let me know how you can do just that? How many Airbnb owners are from out of town? I also would like to know how many in-town owners of hotel/motels there are versus out of town hotel/motel owners?

PPS. Please reply to me and let me know what you thought about my letter and kindly **answer** my questions and advise me on how you can help my situation? Thank you

Robert Wiles
1331A South Sierra Azul
Santa Fe, NM 87507
720-290-5984



Nathaniel Crail

From: Dave Oboler <daveoboler@att.net>
Sent: Monday, September 26, 2022 9:46 AM
To: Nathaniel Crail
Subject: Comments about proposed Santa Fe County STR ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Warning:

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

Subject: Comments about proposed Santa Fe County STR ordinance

Dear County Commissioners:

I have been unable to attend the two public hearings. But I would like to offer comments about my experience with STR houses in my neighborhood and how to mitigate their potential impact on myself as a homeowner (not as an operator of a STR).

I note that Section 4(H) of page 1 of the draft regulations lists a number of findings about STRs some of which I have experienced. These are mainly nuisances such as off-leash dogs, hikers on my property and speeding cars on private roads. One “host” who advertises on AirBnB has provided ground rules to “regulate” some potential issues (e.g. water use, fire danger) but the absentee owner has made himself unavailable to neighbors if “rules” are not observed. So, regulation as a business as the County proposes would be highly desirable.

I have no experience or exposure to homeowners who rent-out extra rooms (but I suspect rented rooms in owner-occupied houses are probably closely “regulated” by the homeowners). It’s the use of entire houses as long-term or short-term rental properties - operating as investment properties/businesses which they truly are (perhaps with absentee owners) - which is my primary concern. This County ordinance if enacted with “teeth” should help the situation.

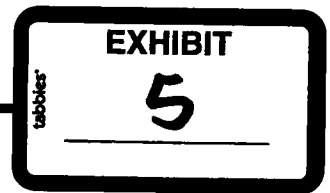
Here are a few of my concerns that I would hope the Ordinance would address:

1. **Water Use:** Shouldn’t STR or long-term rental houses operating as businesses have water meters to insure compliance? (Para 8.4.1). How will the metered use be regulated or read?
2. **Septic:** How will Para. 8.2.1 be enforced? For example, the owner of a STR near me advertises 6-8 people can sleep in a BR house. What’s to prevent a STR owner from installing a sleeper sofa in the living room and calling it a “bedroom.” If your regulation has no penalties, how will compliance be ensured? (FYI, we are on septic systems and private wells in my neighborhood).
3. **Occupancy Limit:** Para 8.2.3 seems to allow a daytime limit of the permitted occupancy plus up to 10 more. This seems excessive for smaller houses (1-2 BR for example) and how is “daytime” defined?
4. **Non-Compliance:** How will the code be enforced? Does the County propose to periodically inspect? If regulation(s) are ignored will a license be revoked? Fines? What’s to prevent owners from not registering? How will the County even know? What about taxes? Is tax collection an honor system for STR, room rentals and long-term rentals? Some of these “rentals” appear to be run as businesses particularly if they register with a local agency or go on AirBnB and VRBO. If the property is on a register should it be recognized as a business and treated as such?
5. **Liability Insurance:** A STR near me advertises availability of an outdoor fire pit. Really? In a urban-woodland interface? Shouldn’t the owners be required to carry liability insurance for the actions (or inactions) of the absentee owners. I’m liable, for instance, if a STR guest falls on my property.
6. **Fire Protection:** I appreciate the fact that STR houses must comply with para 8.5. Hopefully this will protect the guests as well as offer some protection to adjacent properties. I would also add the risk of fire from outdoor fire places/fire pits, outdoor barbecues (I’ve seen STR guests abandon ashes - hopefully out - on the side of the road) should be emphasized by the inspectors. Should rental houses be required to have fire sprinklers (even in older houses)? Don’t hotels/motels (sleeping spaces) require fire protection and wired alarm systems? Why not commercial rentals too (same risk).

SFC CLERK RECORDED 11/03/2022

Thanks in advance for consideration of my comments,
Dave Oboler 16 Grey Fox Lane, Santa Fe 87505

Nathaniel Crail



From: Elena Guardincerri <elenaguardincerri@gmail.com>
Sent: Monday, September 26, 2022 6:19 PM
To: Nathaniel Crail
Subject: comments regarding proposed ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Warning:

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

Greetings,

my name is Elena Guardincerri and I have operated in the past a STR in the Santa Fe county. this email includes my comments regarding the Santa Fe county proposed ordinance to regulate short-term rentals in Santa Fe County.

First, I would like to highlight the fact that the text for revised ordinance was released on September 26 and the next BCC meeting to discuss it is on September 27. One day is definitely not enough to review the text and many constituents might not have the chance to do so.

Please see my other comments below.

Overall I believe this ordinance is still inadequate and should not be passed.

I rent out a casita adjacent to my home on my property in the Pojoaque valley. I am against the revised ordinance since it is full of untrue statements and it places an excessive burden and cost on people like me who occasionally rent out their guest house when not occupied by friends or family members.

Section 1.1

This is not a finding, this statement is simply invented. As mentioned by many people at the last BCC, STRs where owners live (including properties with casitas) are better kept than any other properties. I would like to see a distinction here between STRs where owners do not live and STRs where owners live.

Section 1.2

The vast majority of the owners of STR actually live on the property, as it appeared at the last bcc. It is therefore simply not true that "many of whom reside outside the County".

Section 1.3 I would like to know how many STRs the county have found where there is a problem of "excessive occupancy". Please report the data. Why legislate on unexisting problems?

Section 1.4 Another false statement. How many non-compliances has the county found? Please provide the data. As mentioned at the last BCC, Airbnb and similar portals ask us to declare to the vendees whether we have fire extinguishers, or smoke detectors. In general, the feedback system that Airbnb relies on makes sure that owners are more compliant than those who don't rent out their properties, not less.

SFC CLERK RECORDED 11/03/2022

Section 1.5 Owners who do not live in the same dwelling but that do live on the same property (e.g. casitas), pay the same attention to their units as those living in it. The distinction between owner-occupied and accessory-dwelling-unit is completely arbitrary and only made with the purpose of raising money “somewhere”. Casitas should be considered as owner-occupied STRs since owners live next door, on the same property, and take care to their casita as they do with their home.

Section 3.2: As stated above, accessory dwelling units should be treated owner-occupied units since the owner lives next door. There is really no difference between renting a room inside a house and a casita on the same property. The care and attention is the same.

Section 6.2.3: Providing notice by mail to neighbors that we talk to every day is silly. I know my neighbors and I can just talk to them. Again, owners who rent out their casita should be treated as those renting out part of their home.

Section 6.3.1.1 The information that the county is requesting about part of my property is not public and not the county’s business. Despite the arbitrary distinction made in this ordinance my casita is part of my home.

Section 7.3.1: Why impose a limitation of 2 people per bedroom? If someone owns a large bedroom with, say, two queen beds, why limiting this room to two people?

Section 5: An initial cost of \$375 and \$300 for people like me, who rent out their casita, is simply excessive. We gross only few thousand \$/year from STR, therefore these fee are outside of the market. As I stated above, properties where owners rent out their casita should be treated as properties where owners rent rooms in their house and not charged a fee. You are treating individuals who buy properties just to use them for STRs as owners who rent out their casita occasionally when they do not have friends and family in it. Your exhorbitant fee amounts to ~10% of our gross income, on top of a 7.125% GRT and the additional federal income tax.

As stated by multiple individuals at the last bcc meeting, many of us (surely myself) collect our own trash, take water from a well, have our own septic system, have ou own road easements. We receive very little from the SF county and we shall not receive any additional service by paying this extra fee. This is just greed an hypocrisy.

Regarding taxing STRs.

As brought up by someone else at the last bcc meeting, Airbnb already charged us undue taxes for unknown reasons. Every time I asked Airbnb why we are charged more than the GRT (the only tax that we are currently required to pay) I could not receive a straight answer. As I explained in writing to Ms Yvonne Herrera, the Santa Fe county could simply claim that tax by asking Airbnb. This way the tax would be proportional to the gross income, and not arbitrary. I provided all the relevant information to Ms Yvonne Herrera, but I see that the Santa Fe County prefers an easy and arbitrary yearly fee than a fair and equitable tax that is proportional to the earnings.

If this ordinance passes I will simply stop renting out my casita for short term stays, and if many people react like me tourists will simply bring their business somewhere else.

Respectfully,

Elena Guardincerri,

36 Dry Creek Road

Santa Fe, NM 87506

26 September 2022

Penny Ellis Green
Growth Management Department
Santa Fe County
Santa Fe, NM

RE: Comments on Santa Fe County Proposed Short-Term Rental Ordinance
Proposed Ordinance No. 2022____, An Ordinance Amending Ordinance No. 1992-3,
The Business Registration and Licensing Ordinance, and Ordinance No. 1999-10,
the Lodgers' Occupancy Tax Ordinance to License and Regulate Short-Term Rentals
in Santa Fe County.

I appreciate the opportunity to submit comments to the Santa Fe County Growth Management Department, and the Santa Fe County Board of County Commissioners [BCC], on the proposed Ordinance to regulate *Short-Term Rentals [STRs] in Santa Fe County New Mexico*.

As a resident of Santa Fe County since 1990, I understand and appreciate that the County has undergone significant growth during the past 30+ years. I also recognize that with growth many changes have occurred that affect our quality-of-life as well as the natural resources and physical environment throughout the county.

Santa Fe County's much needed "upgrades" to the County's comprehensive plan, resulting in the adoption and implementation of the 2015 Sustainable Growth Management Plan [SGMP] and the accompanying 2016 Sustainable Land Development Code [SLDC], are making a huge positive difference for all County residents by ensuring that, collectively, we will be able to sustain the physical environment where we live, and which we depend upon, while still enjoying the quality-of-life we all desire.

I believe the County's current efforts, through this proposed STR ordinance, are fully warranted and long-overdue. From my perspective, the proposed ordinance represents a necessary further move by the County to continue to develop the requirements and regulations necessary to ensure the safety, welfare, and peaceful quality-of-life of all Santa Fe County residents while also protecting valuable water resources and the environment.

We live in a rural neighborhood where there are an increasing number of STRs hosted by property owners who do not live in Santa Fe [eg "hosts" live in Los Angeles, Denver, Seattle]. These STR business owners have, unfortunately paid very little attention to the needs, or the many "nuisances," brought to an otherwise quiet neighborhood by their customers. When one STR business owner was asked to address unleashed dogs regularly running freely on my property; defecating in planted and groomed areas; and barking uncontrollably right outside my bedroom - the STR business owner's response was "...Move out or fence your 10-acre property if you don't like it...". This STR business owner had owned the STR property for less than 3 months at the time they made this comment. I am the adjacent property owner - having lived on my Santa Fe property for 30+ years.

Licensing and greater regulation of STRs in Santa Fe County is clearly necessary and desirable moving forward. The following section provides specific comments and suggestions about the proposed ordinance and its draft provisions.

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Key points in support of the proposed Santa Fe County Ordinance:

1) I am fully supportive of the proposed County ordinance and in particular feel this ordinance is both warranted and long overdue.

2) Requiring a “license” and meeting other regulatory requirements:

- What is the penalty for NOT getting a license? A significant penalty, and enforcement for not having a license, will be critically important.
- How do you plan on knowing if a STR business owner has applied for the proper licenses, water metering, etc?

In our neighborhood, at least one STR business owner, a long-time resident of Santa Fe County, routinely avoids complying with a range of County rules and regulations. This property owner, and STR business owner, does not comply with County “dog leash” regulations and trespass laws. They routinely use private roads and driveways [hiking, trail bikes, walking with unleashed dogs] for their personal recreational use even when approached directly and asked to stop trespassing; even after being sent certified letters [as recommended by legal counsel] asking them to quit trespassing; even after observing and being made aware of and pointing out many “no trespassing” signs posted on the properties where they trespass.

We are confident that this STR business owner will seek to avoid compliance with any licensing and regulation of STRs. It will be essential for the County to have requirements in place that are significant and enforceable to make this new regulation achieve its intended goals.

3) I believe that attention to concerns over fire danger and water use are extremely relevant and important. In the case of the STR adjacent to my property, the STR business owner advertises the use of an outdoor fire pit as an amenity when renting the house. This is, in my view, completely irresponsible in this part of the County and in particular in the heavily wooded area where we live of La Barbaria Canyon. The County must insist upon regulation of any fire related activities - including outdoor fire pits - with STRONG penalties for non-compliance to ensure the safety of all County residents, and to prevent fire throughout the La Barbaria Canyon area.**

4) Number of guests per house: This is again a critical and necessary element of any effective regulation for STRs. Using the example of one STR in our neighborhood - the STR is advertised as a 2-bedroom home. That is accurate. *What is truly remarkable and disturbing is that the STR business owner advertises the home is big enough to accommodate [and is available to rent] for up to 8 people to stay there! This house is - among other things - on a SHARED WELL with an adjacent home.* Eight people also begs the question of noise in a rural area where noise travels vast distances, and where there is no parking for large numbers of customers. The County ordinance must ensure effective compliance with a reasonable number of guests in a house and reasonable use of water in a very fragile and water constrained area like La Barbaria Canyon.**

** During early 2022, County officials [ie, Fire Department officials] and private well drillers visited several properties in our immediate neighborhood. They reported there were an increasing number of existing private wells in the La Barbaria Canyon area that were coming up “dry” due to lack of water. Property owners throughout this area are at high risk of losing access to their well water. This puts all area residents at greater risk when STRs are allowed to use water in an unrestricted or unregulated manner - which is currently the case in older homes that are not currently metered. Metering and enforcement of water use is essential in all STRs.

5) Dog Leash Regulations: The draft County Ordinance needs to be more explicit and address issues related to the County's Leash Law as this relates to STRs. This is a huge issue in our neighborhood. Since the STR located nearest to my home has been rented out, dogs routinely run onto our property UNLEASHED; they defecate in our planted garden areas; and roam throughout our property at will with no pet owner anywhere near. This is more than just a nuisance, it is a disturbance and poses security and health/safety issues for both us and our pets who remain leashed at all times when off of our property. Dogs at a STR are in unfamiliar territory and often behave erratically and aggressively particularly when they encounter a wild animal, or a pet defending its own territory on its own property. Such dogs can bite people and engage in dog fights, etc.

I support strong regulation of any dog leash laws for STRs and significant penalties for non-compliance. There must be enforcement mechanisms in place to ensure the effectiveness of these provisions of the Ordinance.

6) Enforcement: We understand that this proposed STR ordinance/regulation will be unpopular with property owners who see a way to make lots of money with no guardrails; and who have, in essence, had a free ride up to this point in time. I hope these comments have demonstrated in some small way how the quality of life for nearby neighbors, as well as the integrity of the environment [fire dangers, water availability, noise pollution, etc.] as well as other nuisances to nearby neighbors are significantly affected by the current LACK OF LICENSING and REGULATION of STRs.

If you are successful in passing this amended regulation/ordinance, it is essential that the County has effective enforcement mechanisms in place to ensure the intent of the regulation is met.

THANKS for the chance to submit these comments.

Respectfully submitted
Marion Cox
Santa Fe County Resident

cc: ncrail@santafecountynm.gov
tsalazar@santafecountynm.gov

Nathaniel Crail



From: Decor4u <decor4u@aol.com>
Sent: Tuesday, September 27, 2022 12:59 PM
To: Nathaniel Crail
Cc: vailskr@aol.com
Subject: Letter to Commissioners regarding short term rental ordinance- to be submitted into public record- *pls confirm receipt

Follow Up Flag: Follow up
Flag Status: Flagged

Warning:

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Dear County Commissioners,

I am writing you on behalf of many of the owners that have short term vacation rentals out at **Pueblo Encantado** off of State Road 592 in Tesuque. My particular situation is that my parents bought here in 1987 and lived here for a time, but am now the legal owner and I will be living here full time starting this winter. I do have VRBO rentals typically from mid May- November 1st.

As you all may be aware, Pueblo Encantado is a small, quiet, private community of 36 privately owned casitas and those were auxiliary units long ago to Rancho Encantado. Rancho Encantado (now the Four Seasons) used to rent these units out as overflow to the lodge and the units over the but now each owner here chooses their method of renting- via either VRBO, Air BnB or private management companies. Pueblo Encantado has been a highly desirable community to vacation at for decades. Many of the opera people choose to stay here as well. All in all, guests that rent here are mostly older and all are very respectful. Also, the vast majority of owners spend time here at different times of the year when not short term renting.

Pueblo Encantado is also very lucky to have an onsite manager (Juanita Lucero) who is here 5 days a week (from 7am-3pm) and she has been the manager for over 30 years! She is very hands on and keeps a watchful eye on all of our units. In additions we have a maintenance person who does on site maintenance, trash removal, etc. And, we have plenty of onsite parking- (we each have our own parking spots adjacent to our units with ample spaces) our own water wells (with brand new individual water meters) and we are all on city septic. We also have a very active homeowners association and within our rules and regulations, we already have a low light ordinance and quiet time during the same hours as the STR ordinance is requiring. Do also note that all the casitas here are 2 bedroom/2 bath units and from what I understand from other owners, no one ever has more than 4 people staying at a rental unit at any one time.

I, along with other owners whom rent short term, have concerns with the originally proposed regulations, as most of us greatly depend on the extra income that comes from these vacation rentals. In fact, many of us couldn't afford to own here unless we could rent to offset the various expenses and/or our mortgages. We just installed brand new water meters which was very costly and in general, our dues are very high compared to other properties, because of the high level of services that we get. We all take pride in the fact that it is a very quiet community with very little impact on our neighbors and those of us who rent (about 19 of us out of the 36 units) are **very** discretionary about our guests. I for one, speak to each guest on the phone before their arrival and I screen them carefully. VRBO and Air BnB also do their own screening. We have never had an issue with noise, crime, etc. out here and many of those that live full time on the property have expressed that they actually enjoy welcoming visiting guests to this amazing enclave. Also, our assorted guests exclaim that they love being out in the country vs. staying at a hotel in town because it's so private, quiet and safe here.

We also all feel that short term guests in general have way less impact than long term renters in regards to water usage, general utilities, etc. That is because most people are out all day exploring, dining, shopping, etc. These people infuse a lot of money into the economy of Santa Fe. In fact, as you know, visitors actually infuse **millions of dollars** into the Santa Fe economy each year.

SFC CLERK RECORDED 11 / 03 / 2022

Nathaniel Crail



From: Penny Ellis-Green
Sent: Tuesday, September 27, 2022 2:25 PM
To: Nathaniel Crail
Subject: FW: Proposes Airbnb licensing

Follow Up Flag: Follow up
Flag Status: Flagged

From: Funky Cold Medina [mailto:lunadesertgirl@gmail.com]
Sent: Tuesday, September 27, 2022 12:49 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Fwd: Proposes Airbnb licensing

Warning:

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I forgot to add a couple of things. If Airbnb owners will be subjected to applying for a business license then all homeowners who have long term rentals should have to apply for as one as well as they are earning income from their homes. Also, in doing some research for the MLA on this subject there are a lot of legal precedents that show that many states have ruled in their supreme courts that Airbnbs do not qualify as business and are not considered commercial enterprises

----- Forwarded message -----

From: Funky Cold Medina <lunadesertgirl@gmail.com>
Date: Tuesday, September 27, 2022
Subject: Proposes Airbnb licensing
To: Penny Ellis-Green <pengreen@santafecountynm.gov>

Hi Penny I hope this email finds you well. I'm sending you a quick email about tonight's Airbnb meeting. I can't attend but just wanted to share some thoughts. First as an Airbnb owner in Madrid I as well as a few others are concerned how applying for a business license would affect some of us. Having just gone through the process recently with our retail store I'm concerned that the incredible amount of hoops that we were required to go through would make it virtually impossible to obtain one. Most of the houses in Madrid are very old and never had any permitting in the first place and if they were needed to be brought to modern code it would be extremely costly and probably not doable. A lot of us rely on those rentals to pay for our mortgages etc and don't have the kind of money it would take to do that. Also, I'm the new and current president of the MLA and would like to point out that at the last meeting one of our board members Marissa Dorais lied under oath by claiming that investors were purposefully buying properties in Madrid to turn into Airbnbs. This is absolutely not the case. The last couple of homes that were sold are being occupied by their owners. I understand that this is a booming industry and perhaps needs some kind of regulation, but making it very difficult for homeowners to be able to rent out their homes to make money is not the way to go in my opinion.

SEC. CLERK RECORDED 11/03/2022

Nathaniel Crail



From: Penny Ellis-Green
Sent: Tuesday, September 27, 2022 11:09 AM
To: Nathaniel Crail
Subject: FW: STR Ordinance alterations
Attachments: REVISED Ordinance draft 9.27.22.docx; Specific changes only to STR ordinance draft.doc

Follow Up Flag: Follow up
Flag Status: Flagged

To add to comments for todays meeting

From: Anna C. Hansen
Sent: Tuesday, September 27, 2022 8:51 AM
To: Greg Shaffer <gshaffer@santafecountynm.gov>; Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: FW: STR Ordinance alterations

Wanted to give you an FYI, and Would you please share these documents with the rest of the commissioners.

Thanks

Santa Fe County Commissioner Anna Hansen

505-986-6329
ahansen@santafecountynm.gov



From: Adam Fulton Johnson, PhD • OSFA Executive Director [<mailto:director@oldsantafe.org>]
Sent: Tuesday, September 27, 2022 8:29 AM
To: Hank Hughes <hhughes@santafecountynm.gov>; Anna C. Hansen <ahansen@santafecountynm.gov>
Cc: Pat Lillis <patsmail@sprynet.com>
Subject: Re: STR Ordinance alterations

Warning:

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

Commissioners Hansen and Hughes,

We have made printable word documents for you convenience – one of the requested changes in the ordinance itself and another listing just the changes (like the email I sent last night).

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The changes in the ordinance document are in red – if you don't print out in color, it may be easier to see them on a computer. But I think this document will be easy for you to work with. Please let me know if you'd like my assistance throughout the day.

Thank you, again, for your work on the ordinance.

Best,
Adam

From: Adam Fulton Johnson, PhD • OSFA Executive Director <director@oldsantafe.org>
Date: Monday, September 26, 2022 at 9:36 PM
To: hhughes@santafecountynm.gov <hhughes@santafecountynm.gov>, Anna C. Hansen <ahansen@santafecountynm.gov>
Cc: Pat Lillis <patsmail@sprynet.com>
Subject: STR Ordinance alterations

Dear Commissioners Hansen and Hughes,

Thank you so much for meeting with us today. Herein we recommend several recrafted portions of the 9.22.22 Drafted Ordinance. Item 6 (6.) has changes to language and removals, as does item 5. and Section 3 and Section 5. I list the changes in order:

Remove from amendments to H. – 1. the phrase “licensing of Non-Owner-Occupied of STRs” – that is:
“1. Findings. The Board of County Commissioners finds and declares that the regulation of all STRs ~~and licensing of Non-Owner-Occupied of STRs~~ is conducive to the promotion of the health and general welfare of the County because...”

Change Section 3 definition of “Primary Residence” from “275 days during a 12 month period” to “6 months and one day.”

Change “5.” In the following way:

5.1 Registration and Primary Residence Required; Term.

5.1.1 Beginning on March 15, 2023, no person may operate an Owner Occupied STR without a Business Registration issued **to a primary residence** and renewed pursuant to Section 3(A) and Section 5.

Keep the rest of 5.x.x

Change “6 & 6.1” To:

“6. Grandfathering of Non-Owner Occupied Short-Term Rentals

6.1.1. Beginning on the date of the signing of this ordinance, **no person may operate as a Non-Owner Occupied STR.**

6.1.2. All Non-Owner Occupied STRs that can be shown to be in operation for at least 3 months before the signing of this ordinance shall be grandfathered in, considered as and subject to the same provisions as an Owner Occupied STR, for a period of 5 years. After 5 years, Non-Owner Occupied STRs will no longer be eligible for a STR license.

6.1.3. Grandfathered STRs shall be subject to the same terms as 5.2 and 5.3, above.

Remove 6.2 and 6.3.

Change "Section 5." To include:

- (A) Documentation of Owner-Occupied Primary Residence:** Two (2) of the following documents must be provided as part of the registration application. The documents provided must indicate the host's name and the address which should match the primary residence address and name on the STR registration application: Motor Vehicle Registration; Driver's License; Voter Registration; Tax Documents showing the residential unit as the person's residence; and/or Utility Bill
- (B) Owner Occupied STRs** shall obtain initial Business Licenses for \$200 and \$150 for each renewal, both of which are payable at the time of application and are not refundable. After the signing of this ordinance, owner-operated STRs will have 120 days to register their operations.
- (C) Grandfathered Non-Owner Occupied STRs**, \$375 for the initial Business License and \$300 for each renewal, both of which are payable at the time of application and are not refundable. After the signing of this ordinance, grandfathered non-owner-operated STRs will have 60 days to register their operations and provide adequate proof of previous STR operation, as described in 6.1.2."

The long and the short of it: Remove Non-Owner Occupied STRs (grandfathering in those currently operating) to ensure that running county STRs are reserved exclusively for primary residents. We will endeavor to send you a draft of the ordinance with our replacements in the morning.

If you have questions, we can speak over the phone or text virtually anytime tomorrow before the BCC.
505-603-6468.

Thank you so much, again, for your hard work on this matter.
Best,
Adam & Pat`

--
Adam Fulton Johnson, PhD
Executive Director
Old Santa Fe Association
director@oldsantafe.org • 505-603-6468

SFC CLERK RECORDED 11/03/2022

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-

AN ORDINANCE

AMENDING ORDINANCE NO. 1992-3, THE BUSINESS REGISTRATION AND
LICENSING ORDINANCE, AND ORDINANCE NO. 1999-10, THE LODGERS'
OCCUPANCY TAX ORDINANCE, TO LICENSE AND REGULATE SHORT-TERM
RENTALS IN SANTA FE COUNTY

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

Section 1. Short Title

This ordinance may be cited as the "Short-Term Rental Regulation, Registration and
Licensing Ordinance".

Section 2. Section 2(0) of Ordinance No. 1992-3 is hereby amended by (1) deleting
"and" from subsection 8; (2) replacing the "." In subsection 9 with"; and"; and (3) adding the
following new subsection 10: "10. Non-Owner Occupied Short-term rentals, as defined in
Section 9(H)."

Section 3. The last sentence of Section 7 of Ordinance No. 1992-3 is hereby amended to
read as follows: "The decision of the Board of County Commissioners can then be appealed to
the First Judicial District Court within thirty (30) days of the date of: filing of the final
decision."

Section 4. Section 9 of Ordinance No. 1992-3 is hereby amended by adding the
following new subsection H:

"H. Short-Term Rentals.

1. Findings. The Board of County Commissioners finds and declares that the
licensing and regulation of all STRs and ~~licensing of Non-Owner Occupied of STRs~~ is
conducive to the promotion of the health and general welfare of the County because:

1.1 STRs can negatively impact neighboring properties due to noise, traffic,
trash, and offsite parking associated with the STR.

1.2 STRs are businesses available to rent to the general public, many of whom
reside outside of the County and may not be familiar with local law.

SFC CLERK RECORDED 11/03/2022

1.3 Excessive occupancy in STRs poses the risk of unduly straining scarce water resources and negatively impacting the environment by overburdening septic systems.

1.4 Because STRs often consist of residential housing used as commercial lodging made available to rent to the general public, the chance of non-compliance with the Santa Fe County Fire Code is increased as is the risk posed by such non-compliance to vendees.

1.5 Owner-Occupied STRs carry a lower risk of regulatory non-compliance and negative externalities because the Owner is generally onsite when the STR is rented and the Owner can be presumed to have a vested interest in maintaining the quality of life of the community in which they live.

2. Purpose and Intent. The purpose of this section is to establish regulations, registration and licensing standards, and registration and licensing procedures for STRs to:

2.1 ensure the safety and welfare of vendees to whom STRs are rented;

2.2 protect the peace and enjoyment of surrounding communities and neighborhoods;

2.3 protect water resources and the environment; and

2.4 otherwise promote the health and general welfare of the County.

3. Definitions. For the purposes of this Section:

3.1 Capitalized and bolded terms not defined herein shall have the same meaning as in the **SLDC**.

3.2 "Accessory Dwelling Unit" (ADD) is a Dwelling unit that is located on the same legal lot of record as, but incidental to, the Owner's primary residence. The ADU may share at least one wall with the primary residence or be a stand-alone structure (detached) from the primary residence.

3.3 "Daytime Occupancy Limit" means the maximum number of people who can gather at the STR during the day, including people not staying overnight.

3.4 "Occupancy Limit" means the maximum number of people allowed to stay overnight at the STR, not including children aged five (5) and under.

3.5 "Owner" means the person who is the record title owner of the property for which an STR Registration or STR License is sought or held.

3.6 "Owner-Occupied" is a Dwelling that is the Owner's primary residence or an ADU that is located on the same legal lot of record as the Owner's primary residence.

3.7 "Non-Owner Occupied" means a **Dwelling** that is not Owner-Occupied.

3.8 "Primary Residence" means the **Dwelling** in which the Owner resides for a cumulative minimum 275 days during a 12-month period. Primary residence is demonstrated by showing that, as of the application date for registration of the **Dwelling**

as a Short term Rental, the Owner has resided in the **Dwelling** for ~~275 days~~ 6 months and one day during the past 12 months, or that the Owner intends to reside in the **Dwelling** for ~~275 days~~ 6 months and one day of the next 12 months.

3.9 "Quiet Hours" means designated hours during which noise from a STR is more highly regulated.

3.10 "Short-term rental" or "STR" means a **Dwelling** or portion thereof that is rented for periods of less than thirty (30) consecutive days.

3.11 "SLDC" means the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, as amended.

3.12 "Vendee" means a natural person to whom a STR is rented.

3.13 "Vendor" means the proprietor of any **Dwelling**, lodging, or sleeping accommodation offered or used as a STR, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other possessory capacity.

4. Permissible Locations.

4.1 STRs are permitted in all zoning districts within the County where residential uses are allowed as a primary use under the SLDC.

4.2 STRs are only allowed (a) on property that is a Legal Lot of Record and (b) within a Dwelling legally recognized under the SLDC.

4.3 STRs are not allowed where prohibited by private covenants.

5. Owner-Occupied Short Term Rentals.

5.1 Registration ~~Required; Term~~ and Primary Residence Required

5.1.1 Beginning on March 15, 2023, no person may operate an Owner-Occupied STR without a Business Registration issued to a primary residence and renewed pursuant to Section 3(A) and Section 5.

5.1.2 Only one Owner-Occupied STR Business Registration shall be approved per Owner.

5.2 Registration Contents, Display, and Notice.

5.2.1 The Business Registration for an Owner-Occupied STR shall specify the name of the Owner, address of the STR, the Business Registration number, and the expiration date.

5.2.2 The Business Registration shall be displayed in a prominent and visible location within the STR, along with the following information on a form prepared by the Land Use Administrator:

5.2.2.1 the Occupancy Limit and the Daytime Occupancy Limit;

5.2.2.2 a notice of the maximum number of vehicles to be parked at the STR;

5.2.2.3 a summary of the regulations contained in this section;

5.2.2.4 the name and contact information of the Owner or Owner's agent who can be reached 24/7 to meet emergencies;

5.2.2.5 the physical address of the STR;

5.2.2.6 solid waste storage and disposal requirements; and

5.2.2.7 Quiet Hours applicable to the STR.

The information listed in 5.2.2.1 through 5.2.2.7 shall be provided to vendees at least 48 hours prior to the beginning of the rental period.

5.2.3 All listings and advertisements for an Owner-Occupied STR shall include the Business Registration Number for the STR and its expiration date.

5.2.4 The Owner of a STR receiving a Business Registration shall provide notice by first class mail to the owners of property located within 500 ft. of the Dwelling used as the STR, at a minimum this must include all adjacent lots. The notice shall be mailed no later than fifteen (15) days after approval of the Business Registration and the Applicant shall provide an affidavit of mailing. The notice shall be on a form provided by the Land Use Administrator and, at a minimum, shall include contact information for the Owner or person responsible for managing the STR who can be contacted 24/7 to report violations of the regulations contained in this section or other County ordinance, a summary of STR regulations, information on how to report a violation to the Owner or person responsible for managing the STR and the County, and a copy of the Business Registration.

5.3 Procedure

5.3.1 The application and submittal requirements for a Business Registration for an Owner-Occupied STR shall be developed by the Land Use Administrator and shall include, at a minimum, the following:

5.3.1.1 An affidavit or other proof that the STR is Owner-Occupied.

5.3.1.2 Failure to submit a complete application, including the applicable fee and all required submittals, constitutes good cause for denial of the application.

5.3.1.3 The Land Use Administrator shall review the application for completeness. If an application is deemed incomplete, the Land Use Administrator shall inform the Applicant in writing and provide the Applicant with a reasonable amount of time to submit a complete application before the application is denied and a new fee is required.

5.3.1.4 As it relates to Business Registrations for Owner-Occupied STRs, the **Land Use Administrator** rather than the County Treasurer shall have the authority provided in Section 3, Section 5, and Section 7 of the Business Registration and Licensing Ordinance, provided that the County Treasurer may, based upon the **Land Use Administrator's** decision, physically issue a Business Registration for a STR.

6. ~~License Required; Term Grandfathering of Non-Owner Occupied Short-Term Rentals~~

6.1.1 Beginning on ~~March 15, 2023~~, the date of the signing of this ordinance, no person may operate a Non-Owner Occupied STR. ~~without a Business License.~~

6.1.2 ~~Each Dwelling used as a Non-Owner Occupied STR shall require a separate Business License.~~ All Non-Owner Occupied STRs that can be shown to be in operation for at least 3 months before the signing of this ordinance shall be grandfathered in considered as and subject to the same provisions as an Owner Occupied STR, for a period of 5 years. After 5 years, Non-Owner Occupied STRs will no longer be eligible for a STR license.

6.1.3 ~~Business Licenses for STRs shall be good for one year after issuance unless earlier revoked in accordance with this Ordinance.~~ Grandfathered STRs shall be subject to the same terms as 5.2 and 5.3, above.

6.2 ~~License, Contents, Display and Notice.~~

6.2.1 ~~The Business License for a STR shall specify the name of the Owner, address of the STR, the Occupancy Limit, the Daytime Occupancy Limit, the Business License number, and the expiration date.~~

6.2.2 ~~The Business License shall be displayed in a prominent and visible location within the STR, along with the following information on a form prepared by the Land Use Administrator:~~

6.2.2.1 ~~a notice of the maximum number of vehicles to be parked at the STR;~~

6.2.2.2 ~~a summary of the regulations contained in this section;~~

6.2.2.3 ~~the name and contact information of the Owner or Owner's agent who can be reached 24/7 to meet emergencies;~~

6.2.2.4 ~~the physical address of the STR;~~

6.2.2.5 ~~solid waste storage and disposal requirements; and~~

6.2.2.6 ~~Quiet Hours applicable to the STR.~~

~~The information listed in 6.2.2.1 through 6.2.2.6 shall be provided~~

to vendees at least 48 hours prior to the beginning of the rental period.

~~6.2.3~~ The Owner of a STR receiving a Business License shall provide notice by first class mail to the owners of property located within 500 ft. of the property on which the STR is located, measured from the property lines of the property on which the STR is located. The notice shall be mailed no later than 15 days after approval of the Business License and the **Applicant** shall provide an affidavit of mailing. The notice shall be on a form provided by the **Land Use Administrator** and, at a minimum, shall include contact information for the Owner or person responsible for managing the STR who can be contacted 24/7 to report violations of the regulations contained in this section or other County ordinance, a summary of STR regulations, information on how to report a violation to the Owner or person responsible for managing the STR and the County, and a copy of the Business License.

~~6.2.4~~ All listings and advertisements for a Non Owner-Occupied STR shall include the Business License Number for the STR and its expiration date.

6.3 Procedure

~~6.3.1~~ The application and submittal requirements for a Business License for a Non Owner-Occupied STR shall be developed by the **Land Use Administrator** and shall include, at a minimum; the following:

~~6.3.1.1~~ A description of how the STR was used prior to being converted to an STR (e.g., owner occupied rental, second home) and how it is utilized when not available for short term rental; and

~~6.3.1.2~~ The name and contact information of the **Homeowner's Association** (if any) governing the STR or condominium association of which the STR is a part. The **Applicant** shall mail a letter, first class mail, to the applicable **Homeowner's Association** and provide an affidavit of mailing with the application.

~~6.3.1.3~~ If the property on which the STR is located is subject to Santa Fe County imposed water restrictions and water use is required to be metered, the applicant for a Business License for a Non Owner-Occupied STR must submit current water meter readings upon initial application and for each renewal.

~~6.3.1.4~~ If the water usage is in excess of applicable Santa Fe County imposed water restrictions, the application must include a water conservation plan to reduce water usage so as to comply with such applicable restrictions going forward.

~~6.3.1.5~~ Failure to comply with applicable Santa Fe County imposed water restrictions is grounds to deny the renewal of a

~~Business License for a Non-Owner Occupied STR.~~

~~6.3.2 Failure to submit a complete application, including the applicable fee and all required submittals, constitutes good cause for denial of the application.~~

~~6.3.3 The Land Use Administrator shall review the application for completeness. If an application is deemed incomplete, the Land Use Administrator shall inform the Applicant in writing and provide the Applicant with a reasonable amount of time to submit a complete application before the application is denied and a new fee is required.~~

~~6.3.4 As it relates to Business Licenses for STRs, the Land Use Administrator rather than the County Treasurer shall have the authority provided in Section 3, Section 5, and Section 7 of the Business Registration and Licensing Ordinance, provided that the County Treasurer may, based upon the Land Use Administrator's decision, physically issue a Business License for a STR.~~

~~6.3.5 Renewal of a Business License for a STR is not automatic and shall require the submission of a complete application.~~

7. Regulation/Requirements for All STRs

7.1 STRs shall comply with all applicable requirements in other Santa Fe County ordinances, including, but not limited to, the SLDC, the Santa Fe County Fire Code (Ordinance No. 2018-8); the Anti-Litter Ordinance (Ordinance No. 1993-11); the Santa Fe County Noise Control and Public Nuisance Ordinance (Ordinance No. 2009-11), and the Junked and Hazardous Vehicle Ordinance (Ordinance No. 1993-6).

7.2 Any STR shall be responsible to pay all applicable taxes.

7.3 Occupancy.

7.3.1 The Occupancy Limit for a STR shall be two (2) people per approved bedroom .

7.3.2 The Daytime Occupancy Limit for a STR shall be the Occupancy Limit plus the greater of 100% of the Occupancy Limit or ten (10).

7.3.3 Children aged five (5) and under shall not count against the Occupancy Limit or Daytime Occupancy Limit.

7.2.4. Nothing herein shall preclude an Owner from establishing more stringent Occupancy Limits or Daytime Occupancy Limits.

7.4 Parking

7.4.1 All parking for a STR shall be located onsite or in a designated off street space for the Dwelling.

7.4.2 Vendees and their guests may not bring more cars to the STR than the number of onsite parking spaces.

7.5 Water

7.5.1 A STR must comply with all Santa Fe County water restrictions (if any) applicable to the property on which the STR is located, the applicability of which may depend upon the source of water for the property (e.g., domestic wells versus adjudicated water rights).

7.6 Fire protection

7.6.1 All STRs shall comply with the Santa Fe County Fire Code (Ordinance No. 2018-8) as required by the Fire Marshall. To assist Owners with compliance and streamline the processing of applications, the Fire Marshall shall establish for submittal with the STR Business License application a Fire Code compliance certification form in which the Owner shall certify, under penalty of perjury, compliance with Fire Code requirements of most significance to STRs. The STR is subject to Fire Department inspection.

7.7 Solid Waste

7.7.1 Each STR shall comply with the applicable sections of the Solid Waste and Recycling Management Ordinance (Ordinance No. 2014-10) concerning the storage and disposal of solid waste, as well as the **Development Permit** or other approval applicable to the property. At a minimum all STRs shall store all solid waste within a structure or in enclosed containers and shall remove all solid waste on a regular basis, at least monthly.

7.8 Address and Signage

7.8.1 Each STR shall clearly display the assigned Rural Address

7.8.2 Any signage shall comply with residential signage restrictions of the **SLDC**.

7.9 Noise and Quiet Hours

7.9.1 Vendees and their guests shall observe Quiet Hours between 10:00 p.m. and 7:00 a.m. each day; provided, however, that nothing herein shall preclude an Owner from establishing Quiet Hours that begin earlier and/or end later.

7.9.2 During Quiet Hours, it shall be unlawful for vendees or their guests to create any unreasonably loud, disturbing or unnecessary noise, or noise of such character, intensity or duration as to be detrimental to the repose, life or health of others. This includes, but is not limited to, the playing or performing of music, watching of television, or talking in such manner or with such volume as to disturb the quiet, comfort or repose of persons or animals.

7.10 Other Commercial Activities Require Separate Authorization

7.11 The granting of a Business License or Business Registration for a STR does not authorize the Owner or anyone else to engage in other business or licensed activity at the STR."

Section 5. Section 3(B)(4) of Ordinance No. 1992-3 is hereby amended by adding the following new subsections:

- o. "Documentation of Owner-Occupied Primary Residence: Two (2) of the following documents must be provided as part of the registration application. The documents provided must indicate the host's name and the address which should match the primary residence address and name on the STR registration application: Motor Vehicle Registration; Driver's License; Voter Registration; Tax Documents showing the residential unit as the person's residence; and/or Utility Bill
- p. Owner Occupied STRs shall obtain initial Business Licenses for \$200 and \$150 for each renewal, both of which are payable at the time of application and are not refundable. After the signing of this ordinance, owner-operated STRs will have 120 days to register their operations.
- q. Grandfathered Non-Owner Occupied STRs, \$375 for the initial Business License and \$300 for each renewal, both of which are payable at the time of application and are not refundable. After the signing of this ordinance, grandfathered non-owner-operated STRs will have 60 days to register their operations and provide adequate proof of previous STR operation, as described in 6.1.2."

Section 6. The Whereas clause in Ordinance No. 1992-3 is amended by replacing "NMSA Sec. 4-37-1 and Sec. 3-38-3 (1978, as amended)" with "NMSA 1978, Section 4-37-1 and Sections 3-38-1 through 3-38-6, as such may be amended or recompiled,".

Section 7. Section 4(A) of Ordinance No. 1999-10 is hereby amended to read as follows:

"A. Business Registration and Business Licenses: All vendors, other than Short-Term Rentals, as defined in the Business Registration and Licensing Ordinance (Ordinance No. 1992-3), must obtain a County Business Registration pursuant to Section 4 of the Lodgers' Occupancy Tax Ordinance. Short-Term Rentals must obtain a business registration (Owner-Occupied Short-Term Rentals) or business license (Non-Owner-Occupied Short-Term Rentals) pursuant to Ordinance No. 1992-3, as amended by the Short-Term Rental Regulation, Registration, and Licensing Ordinance."

Section 8. Effective Date. The effective date of this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED AND ADOPTED THIS _ DAY OF _____, 2022.
THE BOARD OF COUNTY COMMISSIONERS

SFC CLERK RECORDED 11/03/2022

OF SANTA FE COUNTY

By:-----

Anna T. Hamilton, Chairperson

ATTEST:

Katharine E. Clark

Santa Fe County Clerk

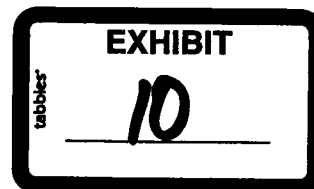
APPROVED AS TO FORM:

Rep. Prueins for

Jeff Young

Santa Fe County Attorney

SFC CLERK RECORDED 11/03/2022



David Carr
3411 Via Magdalene
Santa Fe NM 87507

I acknowledge that I am under oath

I testified at the last commission meeting regarding asking if the County STR ordinance will apply to the Area 1, Phase III area or will the City of Santa Fe's STR ordinance apply. I am the chair of the Cielo Lumbre HOA ACC and we are in the process of updating our rules and regulations and want to be able to include the proper City or County STR Ordinance.

According to the Santa Fe Extraterritorial Land Use Authority Ordinance 2013-01, the Area 1, Phase III annexation area is in the presumptive city limits.

Section 11 of the ELUA specifically states that the City shall issue business and vendor licenses, such as short-term rental permits, within the Presumptive City Limits.

Section 12 of the ELUA specifically states that the City shall issue development and building permits within the Presumptive City Limits.

The Cielo Lumbre Subdivision falls within the Area 1, Phase III annexation area. We have one homeowner who applied and obtained a short-term rental permit from the city (permit STR228337). We have one other short-term rental that was told by the county within the last year that a permit was not required.

Based on Ordinance ^{ELUA} 2013-01, it appears to me that the City of Santa Fe would be the agency to issue short term rental permits in the Area 1, Phase III annexation area. This was confirmed by Ms. Ellis-Green.

Subsequent correspondence with the City of Santa Fe STR Office regarding the one STR permit issued by the City in the Cielo Lumbre Subdivision stated that the subject STR "is currently outside of the city limits and is in the Phase III area of planned city annexation. Since it's not within the city limits, they don't need a city issued short-term rental permit, and whoever issued it seems to have done so in error."

It is apparent that the City and County are not on the same page.

I request that the County governing body have the County attorney contact the City attorney to resolve which jurisdiction governs STR's in the Area 1, Phase III annexation area before the County approves it's proposed short-term rental ordinance. I also request that specific language be included in both the County and City STR ordinances to make it clear which entity issues STR permits in the Phase III annexation area. I would also request that the County and City staff responsible for enforcing the STR ordinances be informed and trained when responding to requests for STR permits.

SFC CLERK RECORDED 11/03/2022

I have provided copies of my correspondence with the County and the City.

Thanks!

THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY
ORDINANCE NO. 2013-01

Section Eleven. Business and Itinerant Vendor Licenses. The City shall issue business and itinerant vendor licenses within the Presumptive City Limits. The County shall issue business and itinerant vendor licenses outside the Presumptive City Limits. Licenses validly issued pursuant to the Extraterritorial Zoning Ordinance shall be valid until expiration. Non-conforming uses resulting from business licenses granted by the County prior to the effective date of this ordinance may be continued subject to the following provisions:

Section Twelve. Building and Development Permits. Building and/or development permits sought within the Presumptive City Limits shall be obtained from the City. Building and/or development permits sought outside the Presumptive City Limits shall be obtained from the County or the Construction Industries Division. Building and development permits that pertain to property for which final approvals were approved through the Extraterritorial Zoning Ordinance shall be governed by the terms of the approval.

SFC CLERK RECORDED 11/03/2022



Re: Question regarding City vs proposed County STR ordinances

David Carr <davidacarraia@gmail.com>

Tue, Sep 27, 2022 at 9:25 AM

To: "KNOWLES, MATTHEW P." <mpknowles@santafenm.gov>

Cc: "SENA, JASON D." <jdsena@santafenm.gov>

I would like to point out that in accordance with the Santa Fe Extraterritorial Land Use Authority Ordinance 2013-01, the Area 1, Phase III annexation area is in the presumptive city limits.

Section 11 of the ELUA specifically states that the City shall issue business and vendor licenses, such as short-term rental permits, within the Presumptive City Limits.

Section 12 of the ELUA specifically states that the City shall issue development and building permits within the Presumptive City Limits.

My response from the County is that their opinion is that the language in the ELUA makes the City responsible for issuing short-term rental permits.

Sounds like the City and County are not on the same page. The City attorney and the County attorney need to get together and resolve this before the County approves its proposed short-term rental ordinance and that the City needs to revise its ordinance to correct who is responsible for issuing STR permits in the Area 1, Phase III annexation area.

I will be making that request at tonight's County Commission hearing.

David A. Carr, AIA
3411 Via Magdalene
Santa Fe, NM 87507
(505)-603-0047
davidacarraia@gmail.com

On Mon, Sep 26, 2022 at 11:04 AM KNOWLES, MATTHEW P. <mpknowles@santafenm.gov> wrote:
David,

The actual permit number for the short-term rental permit issued to 3432 VIA BRISA is STR228337, but it looks like maybe they erroneously used a business license number on their notification document.

I discussed it with my supervisor, and we both agree that 3432 VIA BRISA is currently outside of the city limits and is in the Phase III area of planned city annexation. Since it's not within the city limits, they don't need a city issued short-term rental permit, and whoever issued it seems to have done so in error.

Thanks,

Matt Knowles
Code Enforcement Officer
City of Santa Fe Inspection & Enforcement Division,
Land Use Department

SEC CLERK RECORDED 11/03/2022

(505) 955-6684

From: David Carr <davidacarraia@gmail.com>
Sent: Sunday, September 25, 2022 11:42 AM
To: KNOWLES, MATTHEW P. <mpknowles@santafenm.gov>
Subject: Re: Question regarding City vs proposed County STR ordinances

CAUTION: This email, along with any attachments, may contain confidential information. If you are not a named addressee, you should not print, copy, retransmit, or otherwise use the information. If you have received this email in error, please notify the sender and delete the email from your system.

Thanks for the response.

It appears that the City of Santa Fe STR Office has issued at least one STR permit within the Area 1, Phase III annexation area. So someone within the office must have thought it was appropriate.

Is there a way to find out how many STR permits have been issued by the City of Santa Fe in the Area 1, Phase III annexation area?

I have been in contact with the County regarding this issue and have uploaded the latest version of the County's proposed ordinance. It still not address who is responsible for STR's in the Area 1, Phase III annexation area.

I am also contacting Constituent Services.

David A. Carr, AIA
3411 Via Magdalene
Santa Fe, NM 87507
(505)-603-0047
davidacarraia@gmail.com

On Fri, Sep 23, 2022 at 1:50 PM KNOWLES, MATTHEW P. <mpknowles@santafenm.gov> wrote:
David,

The Short-Term Rental Office enforces the existing ordinance. You should direct your concern to Constituent Services at 505-955-6047, or drdiaz@santafenm.gov.

For more information on Santa Fe County's proposed short-term rental ordinance, contact Nate Crail, Santa Fe County Community Planner, at ncrail@santafecountynm.gov or 505-986-2452.

Thanks,

Matt Knowles
Code Enforcement Officer
City of Santa Fe Inspection & Enforcement Division,
Land Use Department
(505) 955-6684

From: David Carr <davidacarraia@gmail.com>
Sent: Friday, September 23, 2022 10:14 AM
To: Short Term Rental Office <shorttermrental@santafenm.gov>
Subject: Question regarding City vs proposed County STR ordinances

SFC CLERK RECORDED 11/03/2022



Question regarding City vs proposed County STR ordinances

Sun, Sep 25, 2022 at 12:08 PM

David Carr <davidacarraia@gmail.com>

To: ilsharpe@santafenm.gov, drdiaz@santafenm.gov, sssaiz@santafenm.gov

Cc: mayor@santafenm.gov, "LINDELL, SIGNE I." <silindell@santafenm.gov>, Renee Villarreal

<rdvillarreal@santafenm.gov>, "GARCIA, MICHAEL J." <mjgarcia@santafenm.gov>, "ROMERO-WIRTH, CAROL"

<cromero-wirth@santafenm.gov>, Chris Rivera <cmrivera@santafenm.gov>, lagarcia@santafenm.gov,

jcassutt@santafenm.gov, acchavez@santafenm.gov

Bcc: ahansen@santafecountynm.gov, Penny Ellis-Green <pengreen@santafecountynm.gov>

I have been trying to determine if the City or the County is responsible for issuing short-term rental permits in the Area 1, Phase III annexation area. This is in response with the proposed Santa Fe County proposed STR ordinance.

After questioning who governs STR's in the Area 1, Phase III annexation area and providing the information below, I received the following response from Penny Ellis-Green from Santa Fe County:

The ELUA Ordinance addresses the issue already and gives regulation authority to the City within Area to be Annexed. Therefore any business license or Registration or permit related to zoning, uses, land use would be issued by the City in any area annexed or listed to be annexed, this would include STRs.

Does the City agree and if so I would request that the City revise it's STR Ordinance 2020-35 to specify that the City regulates STR's in the Area 1, Phase III annexation to avoid any confusion in the future. I've asked the County to do the same in their proposed ordinance.

The following is information and comments I provided at the last County Commission meeting regarding the proposed short term rental ordinance.

I questioned if the County proposed ordinance applies in the Area 1, Phase III annexation area.

The Santa Fe Extraterritorial Land Use Authority Ordinance 2013-11 Section Eleven states that the City of Santa Fe shall issue business licences in the presumptive city limits. Same with Section 12 that states the City of Santa Fe shall issue building permits and certificates of occupancy.

I am the chair of the Cielo Lumbré Subdivision Architectural Control Committee and subdivision falls within the Area 1, Phase III annexation area. We have one homeowner who applied and obtained a short term rental permit from the city (permit 17-001469545). We have one other short term rental that was told by the county within the last year that a permit was not required.

Based on Ordinance 2013-11, it appears to me that the City of Santa Fe would be the agency to issue short term rental permits in the Area 1, Phase III annexation area. This also seems to be borne out by City of Santa Fe Ordinance 2020-35, Section 2(5)(b) that an "owner of a short-term rental unit must have a city issued business license and either a short-term rental permit or a short term rental registration,...

What is the position of the City of Santa Fe regarding STR's in the Area 1, Phase III annexation area? This should be clarified between the city and county and codified in the county's and the city's short term rental ordinance.

THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY
ORDINANCE NO. 2013-01

Section Eleven. Business and Itinerant Vendor Licenses. The City shall issue business and itinerant vendor licenses within the Presumptive City Limits. The County shall issue business and itinerant vendor licenses outside the Presumptive City Limits.

SEC 11/03/2022

I provided comments at the last County Commission meeting regarding the proposed short term rental ordinance.

I questioned if the County proposed ordinance applies in the Area 1, Phase III annexation area.

The Santa Fe Extraterritorial Land Use Authority Ordinance 2013-11 Section Eleven states that the City of Santa Fe shall issue business licenses. Section 12 states that the City of Santa Fe shall issue building permits and certificates of occupancy.

The Cielo Lumbre Subdivision falls within the Area 1, Phase III annexation area. We have one homeowner who applied and obtained a short term rental permit from the city (permit 17-001469545). We have one other short term rental that was told by the county within the last year that a permit was not required.

Based on Ordinance 2013-11, it appears to me that the City of Santa Fe would be the agency to issue short term rental permits in the Area 1, Phase III annexation area.

What is the position of the City of Santa Fe regarding STR's in the Area 1, Phase III annexation area? This should be clarified between the city and county and codified in the county's and the city's short term rental ordinance.

THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY
ORDINANCE NO. 2013-01

Section Eleven. Business and Itinerant Vendor Licenses. The City shall issue business and itinerant vendor licenses within the Presumptive City Limits. The County shall issue business and itinerant vendor licenses outside the Presumptive City Limits. Licenses validly issued pursuant to the Extraterritorial Zoning Ordinance shall be valid until expiration. Non-conforming uses resulting from business licenses granted by the County prior to the effective date of this ordinance may be continued subject to the following provisions:

Section Twelve. Building and Development Permits. Building and/or development permits sought within the Presumptive City Limits shall be obtained from the City. Building and/or development permits sought outside the Presumptive City Limits shall be obtained from the County or the Construction Industries Division. Building and development permits that pertain to property for which final approvals were approved through the Extraterritorial Zoning Ordinance shall be governed by the terms of the approval.

David A. Carr, AIA
3411 Via Magdalene
Santa Fe, NM 87507
(505)-603-0047
davidacarraia@gmail.com

SFC CLERK RECORDED 11/03/2022

Re: Question regarding City vs proposed County STR ordinances

David Carr <davidacarraia@gmail.com>

Sun, Sep 25, 2022 at 11:42 AM

To: "KNOWLES, MATTHEW P." <mpknowles@santafenm.gov>

Thanks for the response.

It appears that the City of Santa Fe STR Office has issued at least one STR permit within the Area 1, Phase III annexation area. So someone within the office must have thought it was appropriate.

Is there a way to find out how many STR permits have been issued by the City of Santa Fe in the Area 1, Phase III annexation area?

I have been in contact with the County regarding this issue and have uploaded the latest version of the County's proposed ordinance. It still not address who is responsible for STR's in the Area 1, Phase III annexation area.

I am also contacting Constituent Services.

David A. Carr, AIA
3411 Via Magdalene
Santa Fe, NM 87507
(505)-603-0047
davidacarraia@gmail.com

On Fri, Sep 23, 2022 at 1:50 PM KNOWLES, MATTHEW P. <mpknowles@santafenm.gov> wrote:
David,

The Short-Term Rental Office enforces the existing ordinance. You should direct your concern to Constituent Services at 505-955-6047, or drdiaz@santafenm.gov.

For more information on Santa Fe County's proposed short-term rental ordinance, contact Nate Crail, Santa Fe County Community Planner, at ncrail@santafecountynm.gov or 505-986-2452.

Thanks,

Matt Knowles
Code Enforcement Officer
City of Santa Fe Inspection & Enforcement Division,
Land Use Department
(505) 955-6684

From: David Carr <davidacarraia@gmail.com>

Sent: Friday, September 23, 2022 10:14 AM

To: Short Term Rental Office <shorttermrental@santafenm.gov>

Subject: Question regarding City vs proposed County STR ordinances

SFC CLERK RECORDED 11/03/2022

Licenses validly issued pursuant to the Extraterritorial Zoning Ordinance shall be valid until expiration. Non-conforming uses resulting from business licenses granted by the County prior to the effective date of this ordinance may be continued subject to the following provisions:

Section Twelve. Building and Development Permits. Building and/or development permits sought within the Presumptive City Limits shall be obtained from the City. Building and/or development permits sought outside the Presumptive City Limits shall be obtained from the County or the Construction Industries Division. Building and development permits that pertain to property for which final approvals were approved through the Extraterritorial Zoning Ordinance shall be governed by the terms of the approval.

David A. Carr, AIA
3411 Via Magdalene
Santa Fe, NM 87507
(505)-603-0047
davidacarraia@gmail.com

SFC CLERK RECORDED 11/03/2022

RE: Updated Short-Term Rental Ordinance

Penny Ellis-Green <pengreen@santafecountynm.gov>
To: David Carr <davidacarraia@gmail.com>
Cc: "Anna C. Hansen" <ahansen@santafecountynm.gov>

Fri, Sep 23, 2022 at 11:09 AM

Mr. Carr

The ELUA Ordinance addresses the issue already and gives regulation authority to the City within Area to be Annexed. Therefore any business license or Registration or permit related to zoning, uses, land use would be issued by the City in any area annexed or listed to be annexed, this would include STRs.

Thank you

Penny

From: David Carr [mailto:davidacarraia@gmail.com]
Sent: Friday, September 23, 2022 10:46 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Cc: Anna C. Hansen <ahansen@santafecountynm.gov>
Subject: Re: Updated Short-Term Rental Ordinance

Warning:

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SFC CLERK RECORDED 11/03/2022

Thanks!

The issue of whether the City or County controls STR's in the Area 1, Phase III annexation area is still not addressed in the ordinance. I've contacted the City for their opinion. There is confusion out there as to who's responsible for issuing STR licences and business registrations.

Section 11 of the Extraterritorial Ordinance 2013-01 clearly states that the City will issue Business Licenses within the Area 1, Phase III annexation area. Same with building permits and certificates of occupancy under Section 12.

I provided comments at the last County Commission meeting regarding the proposed short term rental ordinance.

I questioned if the County proposed ordinance applies in the Area 1, Phase III annexation area.

The Santa Fe Extraterritorial Land Use Authority Ordinance 2013-11 Section Eleven states that the City of Santa Fe shall issue business licenses. Section 12 states that the City of Santa Fe shall issue building permits and certificates of occupancy.

The Cielo Lumbre Subdivision falls within the Area 1, Phase III annexation area. We have one homeowner who applied and obtained a short term rental permit from the city (permit 17-001469545). We have one other short term rental that was told by the county within the last year that a permit was not required.

Based on Ordinance 2013-11, it appears to me that the City of Santa Fe would be the agency to issue short term rental permits in the Area 1, Phase III annexation area.

What is the position of the City of Santa Fe regarding STR's in the Area 1, Phase III annexation area? This should be clarified between the city and county and codified in the county's and the city's short term rental ordinance.

THE SANTA FE EXTRATERRITORIAL LAND USE AUTHORITY
ORDINANCE NO. 2013-01

Section Eleven. Business and Itinerant Vendor Licenses. The City shall issue business and itinerant vendor licenses within the Presumptive City Limits. The County shall issue business and itinerant vendor licenses outside the Presumptive City Limits. Licenses validly issued pursuant to the Extraterritorial Zoning Ordinance shall be valid until expiration. Non-conforming uses resulting from business licenses granted by the County prior to the effective date of this ordinance may be continued subject to the following provisions:

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David A. Carr, AIA
3411 Via Magdalene
Santa Fe, NM 87507
(505)-603-0047
davidacarraia@gmail.com

SFC CLERK RECORDED 11/03/2022



Re: Updated Short-Term Rental Ordinance

David Carr <davidacarraia@gmail.com>
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Cc: ahansen@santafecountynm.gov

Fri, Sep 23, 2022 at 10:45 AM

Thanks!

The issue of whether the City or County controls STR's in the Area 1, Phase III annexation area is still not addressed in the ordinance. I've contacted the City for their opinion. There is confusion out there as to who's responsible for issuing STR licences and business registrations.

Section 11 of the Extraterritorial Ordinance 2013-01 clearly states that the City will issue Business Licenses within the Area 1, Phase III annexation area. Same with building permits and certificates of occupancy under Section 12.

Everyone is frustrated that the City and County can't or won't address whether or not Phase III will be annexed.

David A. Carr, AIA
3411 Via Magdalene
Santa Fe, NM 87507
(505)-603-0047
davidacarraia@gmail.com

On Fri, Sep 23, 2022 at 10:10 AM Penny Ellis-Green <pengreen@santafecountynm.gov> wrote:

I am attaching the Ordinance.

For reference, if you go to the County web site, there is an orange banner at the top, click on "view packet material", it will launch you into Board docs, click on the Sept 27 BCC meeting and it will allow you to view the agenda. The item is number 12A on the agenda, if you click on that the entire packet material is available to you.

Thanks

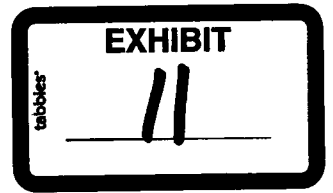
Penny

From: David Carr [mailto:davidacarraia@gmail.com]
Sent: Friday, September 23, 2022 10:00 AM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Updated Short-Term Rental Ordinance

Warning:

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SFC CLERK RECORDER 11/03/2022



Additional Comments

Public Comments on the Proposed STR Ordinance

(as of 26 September 2022)

SFC CLERK RECORDED 11/03/2022

Nathaniel Crail

From: Melissa Stoller <arasim@cybermesa.com>
Sent: Tuesday, September 20, 2022 5:53 PM
To: Nathaniel Crail
Subject: County STR permits

Follow Up Flag: Flag for follow up
Flag Status: Flagged

WARNING:

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Dear Mr Crail-

I am writing to voice my concerns on the proposed STR ordinance that is under consideration of the Board.

I have a small licensed business that, as part of my work, manages 3 STRs in the County, all of which are second homes that the owners have chosen to rent for vacationers when they themselves are not at their homes. This is a major income source of my self employed business and of course a great financial help to the homeowners. I have no opposition to licensing these rentals in general but I do have some questions and concerns.

First, I disagree that STRs negatively impact the neighborhood. In my experience our guests tend to use less water, create less trash etc than any full time renter or occupant would. The house is a base for them to explore New Mexico...they do not do laundry and tend to eat out the majority of the time... a great boon to our tourism. Two of my rentals are on large properties where neighbors are barely visible. The third is in a small compound where most of the other owners are part time. My feed back from neighbors is all positive. STRs are also very much in compliance with local laws such fire codes as these things are required by the platforms of both VRBO and AirBB.

Next, I have concerns with the water reading requirements. Two of my homes are metered already and data is easily available. The third is on a well that is shared with 4 other properties. There would be no physical way to separate the water usage. I do not understand what metering would hope to accomplish....what basis of comparison would be used? My larger properties have extensive landscaping on irrigation...how could that factor into any allowable usage? How can the County require STRs to report water usage when other County businesses are not required to do so?

I also disagree with the occupancy limit definitions. I believe each bedroom should serve to occupy 2 persons whether on septic or sewer. My owners have made investments in structuring their homes to allow 2 guests per bedroom. Perhaps the ordinance needs to reconsider this. A "bedroom" needs to be properly defined. I can understand the County is wishing to limit things like blow up mattresses or sleeping on a sofa or such.

Although both of my larger properties are 3 bedroom/sleep 6 it is unusual for me to have a full house except at the holidays. My typical booking is for 2-4 guests but it is important to be able to provide a home for a larger group to enjoy.

My final concerns have to do with taxes. At the Sept 13th public hearing I heard several speakers distressed that they possibly have not been following proper tax submission requirements. Both popular platforms, VRBO and AirBB collect taxes from guests at booking and submit these taxes to the appropriate authorities on the owners behalf. This is part of

SFC CLERK RECORDED 11/03/2022

the service benefits that the platforms provide. My properties are all listed on VRBO which collects "General sales tax" for both the State of NM and Santa Fe County. I believe the ordinance needs to make very clear the exact tax submission requirements and acknowledge that the platforms are indeed submitting on owner's behalf. The County could aid the owners by contacting these platforms and assuring that they are being compliant. IT IS ACTUALLY AIRBBB AND VRBO THAT ARE DOING BUSINESS IN NEW MEXICO. They collect rent, taxes and their own fees and payout the owners and the tax authorities. It would also be supportive to mention to the Board the annual tax revenue already paid by active STRs.

Much thanks for your time and consideration. I do request that my statement be read at the next public hearing on 27 of September.

Melissa Stoller
505-690-5358

SFC CLERK RECORDED 11/03/2022

Nathaniel Crail

From: bobbie wilbur <bwilbur2784@gmail.com>
Sent: Wednesday, September 21, 2022 8:53 AM
To: Nathaniel Crail
Cc: Marcella Gonzalez; Gmail 2
Subject: County Short-Term Rental New Regulation Comments

Follow Up Flag: Follow up
Flag Status: Flagged

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Comments

For Short-Term Rental Properties, the person restrictions for septic is excessive. We would like consideration of the following:

Septic sizing: Septic systems that have been installed to meet the county codes for bedrooms should be allowed to have at least two persons for each bedroom.

Occupancy for properties with septic systems: Many rental properties indicate max capacity based on bedroom count assuming two persons per bedroom. Rarely do any rental properties book to full capacity all the time. So, maybe the proposed restrictions for short-term rentals could stand if the average occupancy does not exceed the standards. So, if you have one week which is booked over the limit proposed, but all the other weeks are below the limit, then for that month, the rental property would be less than the proposed cap on occupancy for the month.

Please address this as part of the hearings.

Thank you for your consideration of these concerns.

Sent from Mail for Windows

SFC CLERK RECORDED 11/03/2022

Nathaniel Crail

From: Visionary Arts <Visionaryarts@windstream.net>
Sent: Thursday, September 22, 2022 11:18 AM
To: Nathaniel Crail
Subject: Re: STR Letter

Follow Up Flag: Follow up
Flag Status: Completed

WARNING:

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Dear Nate,

I am the owner of a rural SFE county property which is subdivided into two legal dwellings, one of which I rent part of the year through VRBO, approx. May - Sept sporadically. The property is owned by me outright and I do not have a mortgage. This is how I can afford to make ends meet as a public school teacher and it is far less wear and tear than having a long term renter. My rental has a 5 star rating and I have a reputation for safety and cleanliness set to high standards. I also pay taxes on this income.

I do not appreciate being micro-managed. I feel violated within my own private property and also feel very strongly that these tactics are a form of unnecessary harassment in my case. No, I will not install a water meter for my own private septic. We are water conscious. And no, I do not need or want a business license just for renting through VRBO so sporadically. The money I make is far less than having a long term renter and I prefer, as I previously stated, less wear and tear. My guest house has its own parking area and I have rules. No loud noise or smoking, no fires, candles, nothing chemical down the drain, etc. All of my neighbors know about my rental, many have been inside to see it and it is very peaceful. I only rent to mature adults.

I would appreciate being kept in the loop as to the very final date I will need to take my VRBO rental off the site and no longer have my beautiful rental available to visitors wishing to experience all that Santa Fe has to offer. I do not wish to be micro-managed with what I do on my own private property. As a law abiding, tax paying citizen and home owner, this harassment is stressful and upsetting and I wonder about the underlying reasoning. I think the county needs to focus on well planned and well designed affordable housing, rather than taking the lack of rentals out on us private residential property owners. Who we have stay on our private property is our personal business.

Thank you.

SFC CLERK RECORDED 11/03/2022

COMMENT 04: (see comments on the next page)

From: Teresa Cummings <outahere@sbcglobal.net>
Sent: Thursday, September 22, 2022 11:55:16 PM
To: pengreen@santafecountynm.gov <pengreen@santafecountynm.gov>
Subject: TKC Ltr to SFe County, re proposed STR Ordinance.docx

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Ms. Green,

Thank you for all you do for the county. Please indulge my long statement - I hoped to give the reader a feel for who we are and how this proposal would affect us.

Thank you,
Teresa Cummings-Rogers
William Rogers
Eldorado Community

SFC CLERK RECORDED 11/03/2022

To: Mr. HHughes@santafecountynm.gov

District 5

Our Short Term Rental (STR) is a primary source of supplemental income for us through AirBnB. We honestly could not afford to live in Santa Fe without it.

I had been visiting Santa Fe as a tourist for over 25 years (with my recently deceased husband of 38 years). We loved the art, the food, the history and the healing vistas of this amazing city. We always returned home feeling refreshed and motivated, albeit with less money in the bank after all our fabulous purchases. After my husband's transition in 2015, I returned with my daughter for a visit and was once again reminded of how much I loved Santa Fe.

Fast-forward two years, and I was ready for a new beginning. I moved here in 2017 from Tulsa, OK, with my (now) husband, William Rogers. William then put almost a year's worth of sweat equity into building out our beautiful, 400 sf "Zen Den," which was otherwise just an unused studio space (as we are not artists). We spent over \$40k investing into this project and into our new Eldorado community.

We offer sweet repose to friends and visitors who cannot otherwise afford to stay in the pricey hotels of Santa Fe. Our accommodations are extremely clean, affordable, and have 5-star reviews. There are several posted reminders for guests to be conscientious about water conservation, quiet hours and considerate behavior. As our own lifestyle is very low-key, so do we require the same of any STR occupants. We have never had any issues with our guests or complaints from any neighbors since our AirBnB opened in 2018.

Burnt-out teachers, nurses, artists, yogis – these are just a few of the many guests we have been privileged to host in our Zen Den AirBnB. I cannot imagine a more satisfying or helpful service to offer folks than a quiet, peaceful haven in which they can decompress, reassess and rejuvenate. It is this offering that gives us purpose and satisfaction as AirBnB hosts.

And after all, Santa Fe is very dependent on the tourism for its survival, is it not?

Several of our guests have since decided to relocate to Santa Fe and offer their own gifts, services and professional expertise to our beloved community. They have told us that we were in fact one of the deciding factors for their move. So I guess that makes us Goodwill Ambassadors for our city and county, right?

The proposed Ordinance by the Santa Fe County is chock full of language regarding proprietary information, taxation, metering, occupancy limits, and overly burdensome fees and expenses. These requirements would no doubt impose great financial hardship for those of us who are only trying to rent out space in their home or property that would enable us to survive here in beautiful Santa Fe.

The language in the proposed Ordinance is totally inequitable in its requirements for “Mom and Pop” businesses that do not have the financial resources or corporate influence and support of the big hotels or owners who buy out whole buildings or blocks for their STRs.

Here are our main questions:

- 1 - How will Santa Fe County be able to comprehensively monitor and track compliance with these over-reaching requirements? Does the County have the kind of budget and staff that it would need for such a momentous task?
- 2 - Is there similar oversight for the art studios and other home businesses in Eldorado and surrounding areas? It seems that STRs are being singled out for intense scrutiny that is inequitable and unjust.
- 3 - What is the rush for all this? I believe this proposed Ordinance should be tabled until at least January 2023, after the new Commissioners are in office.
- 4 - Then we need to set up a separate committee with the Community stakeholders from the three main sections of Santa Fe County.
- 5 - The Ordinance should be re-drafted, based upon reliable, verifiable independent data.
- 6 - There MUST be transparency and feedback required throughout the re-drafting process.
- 7 - My understanding from AirBnB is that the County must submit a Directive directly to that platform to require them to separate the county host tax payments from the city, and then the County must provide documentation of said payment to us as STR owners.

Thank you for considering our situation and for understanding the extreme impact that this proposed Ordinance will have on our lives.

Teresa Cummings-Rogers & William Rogers

23 Alcalde Rd, Santa Fe, NM 87508

COMMENT 05:

From: Adam Fulton Johnson, PhD • OSFA Executive Director [<mailto:director@oldsantafe.org>]
Sent: Friday, September 23, 2022 11:03 AM
To: Anna C. Hansen <ahansen@santafecountynm.gov>
Subject: Old Santa Fe Association on County STR Ordinance

Warning:

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Dear Commissioner Hansen,

I hope you're well on this Friday. I'm Adam Fulton Johnson, the new (and first) executive director of the Old Santa Fe Association. We met briefly at our summer party in July, though I regret we didn't get to speak for very long.

I'm writing because an OSFA member, Pat Lillis, sent me the revised STR Ordinance (drafted 9.22.22). I spoke at the meeting on the 13th and am familiar with that draft of the ordinance – I applaud some of the changes from the previous draft that are reflected the present ordinance draft. However, OSFA is concerned about several issues. I'd would welcome the meet in person to discuss our concerns in the coming days, even over the weekend. For now, I'll spotlight the issues I see in the present ordinance:

- No limitation on "Non-Owner Occupied Short Term Rentals" – no limit would allow outside investors to run houses in the county as businesses from afar.
- **No primary residence requirement. OSFA prefers the language of "primary residences" when dealing with STRs because they are equitable to diverse community members.**
- Without a primary residence requirement, STRs:
 - Remove housing stock, especially affordable housing stock as investors outcompete cash-poor locals in the county
 - Present neighborhoods and locales with unpredictable effects – Short term renters are on vacation and behave differently than long-term residents, and each new party invites new variable effects to a neighborhood
 - Remove revenue from the community as out-of-county investors reap rental profits.
 - Do not contribute to community life — and at times, even exploit for profit the thing locals built (thinking of Madrid, for example)
- No mention of communities disproportionately affected by STRs. La Cienega (1.3%) and Chimayo (0.1%) housing stock taken over by STRs is much different from Madrid (7.8%) and Tesuque (8.1%).

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- Removal of fee for owner-occupied rentals – it is OSFA’s position that the county should use a modest registration and licensing fee (\$100 initial, \$50 yearly) to fund enforcement and oversight.

We would like to see a primary residence requirement added to the ordinance and much of the language about non-owner occupied residences removed. We would accept a limited grandfathering clause with a clock to bring residences into line in the coming years.

OSFA strongly supports your efforts to introduce increased regulation to short term rentals. I propose we meet to speak about these soon, perhaps with Pat Lillis, who has been following this issue closely. I understand you were able to meet with SFSTRA, whose position on STRs we oppose. We would appreciate the equal opportunity to explain our position in more detail.

Respectfully,
Adam Johnson

--

Adam Fulton Johnson, PhD
Executive Director
Old Santa Fe Association
director@oldsantafe.org • 505-603-6468

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COMMENT 06:

From: Edita Ladd [<mailto:editaladd@gmail.com>]
Sent: Friday, September 23, 2022 10:24 AM
To: Anna C. Hansen <ahansen@santafecountynm.gov>
Cc: Doris Longhurst <dorislonghurst@gmail.com>; Bill Longhurst <drbill87506@gmail.com>; Madeleine Crummer <mscrumpersf@gmail.com>; Nancy Zorensky <nezorensky@gmail.com>; Ed Zorensky <edzorensky@gmail.com>; Rob Thompson <rob@apachemesaranch.com>; David Ladd <davidaladd@gmail.com>
Subject: 24 Tano Vida

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Hi Anna,

David and I (Ladd) had the pleasure of meeting you at Jim and Suzanne Gollin's house and our friend Earl Potter recommended we call you immediately.

Our matter is most disturbing, as a gorgeous house (24 Tano Vida) on our very small street of just 7 homes, has closed escrow and the new owners are a renting/investment business. Not only do they intend to rent it out to apparently up to 12 but they are conducting an investment of the house to shareholders. We fear that this quiet residential area will become a revolving door for people as it will be like having a hotel here. They are not on site but based out of Miami...a start up enterprise by the looks of things.

The company is called Here. It's CEO is Corey Ashton.

<https://here.co/app/properties>

<https://youtu.be/4FAZTmGrtVU>

<https://techcrunch.com/2022/07/13/us-based-here-lets-you-make-fractional-vacation-rental-investments-starting-at-100/>

I am copying in our neighbors and we look forward to hearing from you soon.

Thank you for your kind attention,

Edita & David Ladd

Edita: 310-801-6878

David: 310-985-3410

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COMMENT 07:

From: Melanie Stroud <stroudmel@gmail.com>
Sent: Friday, September 23, 2022 7:04:03 PM
To: hproybal@santafecountynm.gov <hproybal@santafecountynm.gov>;
pengreen@santafecountynm.gov <pengreen@santafecountynm.gov>; Liz
<greenlifeeasy@gmail.com>
Subject: Personal impact statement

Warning:

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Hello Mr. Proybal & Ms. Ellis-Green,
We own a home in Santa Fe County in Pacheco Canyon. It is our future retirement home, but for now my husband and I need to continue working out jobs in California. We love our home in Pacheco Canyon, visit there as often as we can, and we want to make sure that our short term renters are respectful of the beautiful property and home. We cherish the idea of someday being able to afford retirement. We only make a small amount of money on our one property in Santa Fe, and all of the money we do make, goes back into making sure the property is well maintained. We are not a corporation trying to make investments from property.

We appreciate the proposed changes to the ordinance to date, and feel like you have really listened intently to your community and our concerns. One item that would help us tremendously is if you would consider also adding a property manager to the owner within 500 feet. Our next door neighbor is our property manager, and he is ready on the spot for any emergencies, and to help us maintain the integrity of our home with the STRs. He is within 500 feet of our home, and has on many occasions been super available to assist our guests with even the smallest to the largest request or need. We have complete trust in his abilities. Can you please consider this as ok for there to be a person on site, and not necessarily the owner? This is our only property, and as I said, it will be our retirement property in a few years time. Thank you so much for your consideration in this important matter. Best Regards, Melanie Stroud

SFC CLERK RECORDED 11/03/2022

COMMENT 08: (see comments on the next page)

From: Sara West [mailto:saraywest@gmail.com]
Sent: Friday, September 23, 2022 5:25 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: Fwd: PERSONAL IMPACT STATEMENT - STR proposed ordinance

Warning:

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----- Forwarded message -----

From: Sara West <saraywest@gmail.com>
Date: Fri, Sep 23, 2022, 2:44 PM
Subject: PERSONAL IMPACT STATEMENT - STR proposed ordinance
To: <ncrail@santafecountynm.gov>, <pengreen@santacountynm.gov>, <hhughes@santafecountynm.gov>

Good Afternoon All,

Attached please find my PIS regarding the proposed STR ordinance. I will be attending the meeting on Tuesday and greatly appreciate you taking the time to read my attached PIS and providing consideration to same.

Thank you.

Sara West
27 San Marcos Rd W
Santa Fe, NM 87508

SFC CLERK RECORDED 11/03/2022

September 22, 2022

Nat Crail
Santa Fe County Community Planner
ncrail@santafecountynm.gov

Penny Ellis-Green
Director of Growth Management
pengreen@santafecountynm.gov

Hank Hughes
County Commissioner – District 5
hhughes@santafecountynm.gov

Re: Santa Fe County Short-Term Rental Regulation and Licensing Ordinance Public Hearing
and Public Comment Process

PERSONAL IMPACT STATEMENT

My name is Sara West and I am the landowner of the property located at: **27 San Marcos Rd W** which has been identified by your office as a Short-Term Rental (STR). I am writing the following Personal Impact Statement (PIS) in response to the August 26th letter from your office and after a review of the proposed STR regulations and licensing ordinance. Although I do feel that some oversight of STRs is not without merit, I respectfully oppose the proposed ordinance as set forth on the following grounds:

1. No prior representation or collaboration with STR groups or individuals
2. Many of the proposed regulations and licensing appear unduly onerous
3. Some of the proposed regulations/licensing clauses seem unduly intrusive
4. You recently approved a 700+ housing development out here when in fact, most people are vehemently opposed and are seriously worried about the impact on what little groundwater we have – let's address those issues for the Highway 14 Community-at-Large
5. Renewal licenses of STRs appear to be overly burdensome and should be streamlined (both application and payment ability would ideally be able to be done on-line).

I will now present my PIS with regard to specific sections of the proposed ordinance:

Section 1.1

My STR does NOT negatively impact neighboring properties. The closest neighbor is about 500+ feet from my home. Additionally, the neighbors that live on our private road are all very friendly, courteous and have good relationships with each other. There are only a few of us on this private road. My family has lived out in this area for many generations and are very proud of our conservation practices in terms of building, resource use and low impact on environment. I consider myself to be a steward of the land and run a very tight ship on my property.

SFC CLERK RECORDED 11/03/2022

Section 1.1 (con'd)

Noise: My STR is actually promoted as a quiet, relaxing, resting space. There is no noise coming from it. We all are very quiet here at my compound. **Traffic:** My STR is located on a private road, off a dead-end road. There are very few cars that drive down our road. Traffic is a non-issue. **Trash:** My STR clientele are VERY conscientious about producing very little trash. They are simply not big consumers, nor am I. Additionally, I share a garbage can with my STR and my trash pickup day is once/week. Never had a problem with this. Trash is a non-issue. **Off-Site Parking:** Non-issue. My STR has it's own dedicated on-site parking area.

Section 1.2

I don't even fully understand this Section, but the impression I'm getting is that you're worried that out of town people are going to violate some local law?? That thinking can hold true to every single tourist that visits Santa Fe (or any place in the world for that matter). No hotel, restaurant, store, etc., etc., is going to have a county/city code book to have their clientele read and review. This doesn't even make sense.

Section 1.3

This one is a doozy. First of all, I've had long-term renters and I've had short-term renters and I can tell you with 100% certainty that the long-term (local) renters use WAY MORE WATER and are WAY HARDER ON A SEPTIC SYSTEM than STRs. STRs are mostly gone for the day, off visiting the sites of Santa Fe and beyond, you know, spending those tourism dollars. They stay at the STR to basically sleep and maybe relax for a couple of days. Additionally: 1) I have water consumption advice/tips posted in the STR. Water conservation is a HUGE deal for me and for every single person I know out here on Hwy 14. I am crazy, ultra, mega water conscious. I have a septic system that is devoted exclusively for my little STR. I keep it pumped out on a regular basis and I keep my indoor plumbing system running tight. Overburdening septic systems for me? A non-issue. Back to "unduly straining scarce water resources" issue: you guys probably shouldn't have approved a 700+ housing development out here. It will negatively impact our scarce water resources AND create a nightmare traffic situation on our already very busy Highway 14. Yikes! Get ready for a ton of accidents out here. Especially with the speed limit set at 45 mph. No one does that. What they do is speed, pass on double-yellow lines, tailgate, etc. It's going to be even worse now. I've had a SCHOOL BUS tailgate me, then pass on a double-yellow line around a corner. I was going 45. He wanted to go faster. But I digress...

Section 1.4

I'm not sure how to address this one. Fire risk? Um, there is a fire extinguisher in the STR. Everything is to code. The STR guests that I have can't build fires or anything like that. Ingress and egress doorways are never, ever blocked and the home is adobe. I only allow 2 people max in my STR. More often than not, it's just one individual.

Section 2.1

I couldn't agree more! I've heard of some downright shock horror stories of STRs around here. I mean....outrageously bad.

Section 2.2

Couldn't agree more! I take great pride in ensuring that this is the case for my STR. Not only for the neighbors close to me (although they're all pretty far away), but for my own peace and enjoyment. Again, I've heard of some STR nightmare stories (rowdy parties, traffic all night, etc., etc.) – I'm not one of those. Quite the opposite.

Section 2.3

Well, it could look to some as though the County has no problem approving yet another mega housing development out here where water is a major issue, however, wants to make up for the water deficit the development will create by imposing onerous and intrusive restrictions for otherwise already extremely environmentally conscientious homeowners. What's that old saying..."those that live in glass houses..."

Section 5.1

Is the County prepared to process all the STR business licenses that it will be getting requests for? Will we be penalized if you can't process them all in a timely fashion? Do we have to come in person? Can it be submitted on-line? Lots of questions for this one. Do long-term renters have to comply with the same proposed regulations and oversight?

Section 7.1.1

All applicable taxes and lodgers' occupancy taxes are collected by AirBnB and paid directly from AirBnB to Santa Fe. It seems as though there needs to be better accounting between the City and the County on this issue. All I know is every booking I get there are taxes paid to Santa Fe County via AirBnB.

Section 7.1.2

This seems redundant relative to Section 7.1.1 and honestly, slightly onerous and intrusive. It would take a LOT OF TIME to go back through one's AirBnB calendar and find all this information. I'd also like to know exactly why you want this information if gross receipts are going to be demanded of us (Section 7.1.1) already? It's a huge amount of accounting efforts! Do you require this level of detailed information for long-term rentals? This is a sticky issue I think.

Section 7.5

I agree that it shouldn't be an automatic renewal each year, if this ordinance passes, but you absolutely need to make it more streamlined and easier to obtain and pay for (on-line). Especially if it's the same STR, running smoothly, etc., etc.

I thank you for your time and consideration of this very volatile issue in the County. I realize there is a LOT of push back from local people that are against STRs. The push back seems to stem from the fact that they want the homes for themselves and at a much lower rent that STRs command. While I intellectually understand and empathize with their position, until they are a landowner, they don't understand the cost of running/maintaining/affording a property. We are just trying to make a living using our property to aid in this effort. For many people, myself included, if we weren't able to utilize a STR on our property, we might be forced to sell. Additionally, STRs provide a major revenue stream via collected taxes for Santa Fe. STRs are most definitely a "trickle down" effect economy. They provide work for housecleaners, maintenance people, landowners, and all the retailers in the Santa Fe area. I encourage you to take another look at this proposed ordinance and make it work for all of us. Keep in mind that there are probably as many "off the books" long term rentals out here as there are STRs. Don't pin it all on STRs to be the only ones regulated - make your ordinance fair across the board and benefit all of us.

Sincerely,

Sara Y. West
27 San Marcos Rd W
Santa Fe, NM 87508
saraywest@gmail.com

SFC CLERK RECORDED 11/03/2022

COMMENT 09:

From: Shelly Johnson [mailto:popgoesart@yahoo.com]
Sent: Friday, September 23, 2022 2:46 PM
To: Penny Ellis-Green <pengreen@santafecountynm.gov>
Subject: SF county STR

Warning:

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

To: Penny Ellis-Green

My name is Shelly Johnson and I'm sending a personal account of how the proposed new ordinances with short term rentals will affect me and many who have thrown our hearts into sharing our spaces and will be greatly impacted financially should the ordinances go through.

I live off grid 3 miles from Madrid and a few miles down a dirt road maintained by those of us who chose to buy land and live here. We are all responsible for our own water (well, rain catch, delivery or personal hauling).

We also pay for, and manage our own electricity (via solar). In addition we haul our own recycle and trash.

I have several tiny spaces I share (and have been) for 15 years with my own tools, experience, vision, and a passion to share in a peaceful way. All while understanding and respecting the fragility of the beautiful high desert.

I have been working as a super host with Airbnb for 6 plus years and have hundreds of positive reviews from guests sharing about the peace and healing they find at our property. No one lives close enough to hear sounds from guests even if a voice was louder than average. I am deeply saddened that something I've created to share and have thrown my heart and earnings into (from my 2 properties I sold back east in order to finance this) could be instantly taken away.

I moved off grid for the quiet and that I've maintained, as well as our guests. Never did I expect something, such as this potential, to come about. It breaks my heart and I truly don't know what will be on the other side of this for me (or my caretaker, or the yogi facilitators who make the trek out here to facilitate yoga for \$12 love donations) should I no longer be allowed to work with Airbnb. It breaks my heart.

I believe this new potential ordinance will absolutely affect tourism. I'm truly not understanding the rush or why SF county residents would be punished for trying to be self reliant, while also contributing to the local economy. Why not wait until January

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when there are new commissioners? And with ample communication and feedback during the redrafting.

Thanks for reading my share
Shelly Johnson

Sent from Yahoo Mail for iPhone

SFC CLERK RECORDED 11/03/2022

COMMENT 10:

Warning:

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

In a message dated 9/24/2022 3:38:52 PM Mountain Standard Time, wwdaily@aol.com writes:

September 24, 2022

To: Santa Fe County Community Planner Mr. Nate Crail ncrail@santafecounty.gov

County Commissioner Mr. Henry P. Roybal hproybal@santafecountynm.gov

County Commissioner Elect Mr. Justin S. Greene justin@justingreene.com

RE: Pending Ordinance to License and Regulate Short Term Rentals in Santa Fe County

My wife Ann and I have lived in Vista Redonda for 26 years. The real estate agent who brokered our purchase advised that although Vista Redonda is a neighborhood of single-family dwellings, we would be able to rent our casita. We have had many guests occupy that casita for varying periods of time, but it has never been rented.

We recognize there are Vista Redonda residents that do rent their property, or portions thereof, for various reasons. Part-time residents rent their homes when not in residence. Other residents rent their casita on a part-time or full-time basis. And, there may be traditional bed & breakfast type rentals as well. To date, these rentals have been unregulated and relatively limited.

We understand there is a clear distinction among rental types, length of stay, and purposes. There is no one size fits all solution.

However, with the introduction of mass marketing rental campaigns for short-term rentals (STR), we do not want "Motel Vista Redonda" to destroy the character and ambiance of our neighborhood. We support the intent of the rules and regulations contained in the pending STR Ordinance, and we

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believe it is a positive step in the right direction.

In discussion of the pending STR Ordinance, in addition to the obvious character and ambiance issues, negative impacts on water, roads, are mentioned prominently.

Regarding water, the current drought has lasted for a quarter of a century, and there is no let-up in sight. Water is the critical component to consider. Vista Redonda has its own water system which serves the neighborhood. It is separate from the county's system. Will an allocation process be added to the pending STR Ordinance to provide supplemental funding to those neighborhoods that have separate water systems?

Regarding roads, maintenance of our roads is problematical at best. The roads are mostly worn-out gravel, with one block of Vista Redonda Road and the arroyo section of Paseo Encantado SW paved. The paved section of Paseo Encantado SW was poorly designed and even more poorly executed. The drainage system is grossly inadequate and the road section at the base of the arroyo has filled with run-off mud and gravel to the point it presents a driving hazard. Traffic and pedestrian safety are also issues. Will the pending STR Ordinance actually result in improved road maintenance and safety?

Thank you for your consideration of the points raised above.

Sincerely,

William W. Daily and Ann Murphy Daily

35 Paseo Encantado SW

Santa Fe, New Mexico 87506

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

Date: September 27, 2022

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director

Via: Gregory S Shaffer, County Manager

Re: Second Public Hearing for Ordinance No. 2022-____, An Ordinance Amending Ordinance No. 1992-3, The Business Registration And Licensing Ordinance, And Ordinance No. 1999-10, The Lodgers' Occupancy Tax Ordinance, To License And Regulate Short-Term Rentals In Santa Fe County.

ISSUE:

On August 9, 2022 the Board gave authorization to publish title and general summary of this Ordinance to regulate short-term rentals.

On September 13, 2022 the first public hearing was held in front of the BCC.

OVERVIEW OF PROPOSED ORDINANCE:

After careful consideration of the comments received during the public hearing on September 13th, staff has made a number of significant changes to the proposed Ordinance.

It has been determined that this regulation should be accomplished through an amendment of the Business Registration and Licensing Ordinance (Ordinance No.1992-3 and amended by Ordinance No. 2009-3). The authority for the County to require licensing or registration of businesses is NMSA 1978, Section 4-37-1 and Sections 3-38-1 through 3-38-6.

As an overview, the regulation of a Short-Term Rental ("STR") has both positive and negative impacts:

Positive:

- STR provides a different type of vacation housing that caters to families, allowing groups to stay together and cater for themselves.
- There is a need for this type of rental as it is very popular.
- Very old housing stock may be renovated and brought up to standard/code
- STR is a source of income for residents.
- STR regulation will bring in funds from permit applications and commercial Gross Receipts Tax (GRT) so it can have a positive economic impact on the County.

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- Short-term rental guests can benefit the community as a whole in terms of economic benefit because guests will spend their money in other visitor related amenities such as restaurants, bars, shopping and entertainment.
- Short-term rental platforms are a way to boost the local tourism sector. Because of the appeal of those rentals, it attracts tourists to communities that currently lack a viable selection of hotels. Even communities that already have an established tourist industry are benefiting from short-term rentals as studies have found a direct correlation between short-term rentals and job creation.

Negative:

- Those who rent a STR are only within a community for a short time so they are not vested in that community.
- STR are usually for people on vacation, keeping irregular hours, and are not always compatible with neighbors.
- STR may cause an increase in home prices because of their potential for income generation.
- Because short-term rentals are mainly located in residential areas, by renting a short-term vacation accommodation, tourists are occupying dwellings that otherwise might be used as primary residences. In some places, this is resulting in a decrease of long-term housing availability.
- STRs may impact traditional lodging partners (e.g. hotels and B&Bs).
- Although STRs bring substantial economic benefits to communities, when unregulated, STR platforms can put pressure on communities and the lodging industry.

At the September 13th BCC meeting staff heard a number of issues raised by the public and the Commissioners. Much of this related to the feeling that an owner-occupied STR should be treated differently from non-owner occupied (investor type) STRs. In those situations, the Owner is generally onsite when a STR is rented, which may lessen the likelihood of regulatory non-compliance and negative community impacts.

To address comments and concerns raised by the public and the commissioners at the first public hearing staff is proposing the attached draft which distinguishes between owner occupied and non-owner occupied STRs. The two tiers are as follows:

An owner occupied STR, whether in the same house as the primary residence or an accessory dwelling on the same property, would apply for a business registration which has a yearly fee of \$35, the renewal is automatic through payment of the registration fee, there would not be a requirement to come back to the County for review unless there is a change in the application. This greatly simplifies the process for the Owner-Occupied STRs. An Owner-Occupied STR would be reviewed administratively and appeals would be heard by the BCC. Only one business registration would be approved per owner. Notice would be provided to adjacent property owners and owners within 500 feet of the dwelling used as a STR.

A Non-Owner Occupied STR would apply for a Business License which has a fee of \$375 and a renewal fee of \$300. Renewal requests must be submitted for review. This fee is based upon the review, processing and issuance time expected of 3-4 hours, an inspection of 2-4 hours (depending on location within the County), the need for tracking through a contract with Host Compliance which is in excess of \$60,000 per year and the use of an online permitting system which we are implementing and will cost approximately \$65,000 yearly. As we already get complaints on short-term rentals, we believe there will be many more complaints when we actually start regulating, which will require code

enforcement, legal and management time in addition to the review and processing time. A Non-Owner Occupied STR would be reviewed administratively and appeals would be heard by the BCC. Notice would be provided to adjacent property owners and owners of property within 500 feet of the property boundary. Yearly current water meter readings need to be submitted if the property is subject to existing Santa Fe county Water restrictions.

All STRs would be permitted within all zoning districts where residential uses are allowed as a primary use under the SLDC.

Applicants for both a registration and license would have until March 15, 2023 to come into compliance.

All STRs would need to meet the requirements as follows:

- Display the registration or license and a notice providing additional information for guests, including allowed number of vehicles, quiet hours, owner's contact number and solid waste disposal requirements.
- All listings would include the Business Registration or License number.
- All STRs need to pay applicable taxes.
- Comply with occupancy limits of two people per bedroom and daytime occupancy limits.
- Comply with existing water restrictions
- Provide on-site parking or designated off street parking.
- Comply with existing Santa Fe County Water restrictions already imposed on the property.
- Certify the STR has the fire protection requirements listed by the Fire Marshal.
- Provide for solid waste storage and removal.
- Provide rural addressing on the property access and comply with residential signage standards.
- Comply with quiet hours between 10pm and 7am.

Please note that the STR application requirements relative to water readings have lessened. In the previous draft Ordinance, applicants were required to submit utility bills showing water consumption or water meter readings from a well for the previous two years. Under the proposed ordinance, a Non-Owner Occupied STR would need to provide water readings upon application and thereafter on an annual basis. There is no such requirement for Owner-Occupied STRs. All STRs, regardless of status, are still required to comply with Santa Fe County water restrictions applicable to the property on which the STR is located.

The requirement for applicants to provide permits for a dwelling has been removed. The STR must be within a dwelling legally recognized under the SLDC. As necessary, staff will review air photographs and our permit files to confirm dwellings are approved as we do with all current permit and platting requests, so the applicant does not have to do this research or provide documentation.

Definitions of "Accessory Dwelling Unit", "Owner-Occupied", "Non-Owner Occupied", "Primary Residence", and "Vendor" have been added. Definitions of "Daytime Occupancy Limit," "Occupancy Limit," "Owner," "Person", "Quiet Hours," "Primary residence," "Short-term rental," "SLDC" and "Vendee" continue to be included in the Ordinance.

The proposed Ordinance continues to find that STRs may create a negative impact on neighboring properties due to noise, traffic, trash, and offsite parking; straining of scarce water resources and negatively impacting the environment by overburdening septic systems; and possible non-compliance.

Technical clean up language related to the statutory references is included in Sections 5 and 6.

The existing Business Registration and Licensing Ordinance includes other outdated sections, so it will be necessary to bring this ordinance back to clean up the language for all other business licenses and registrations; staff will continue to work on these changes.

Public comments received so far are attached in Exhibit G.

RECOMMENDATION:

This is the second public hearing of this Ordinance, the required legal noticing has been completed for action to be taken by the BCC.

Staff recommends approval of this Ordinance.

EXHIBITS:

Exhibit A - Proposed Ordinance

Exhibit B – Previously proposed Ordinance

Exhibit C - Ordinance 1992-3, Business Registration and Licensing Ordinance

Exhibit D - Ordinance 2009-3, amending Ordinance 1992-3.

Exhibit E - Draft Fire Department requirements

Exhibit F – Back up data memo

Exhibit G – Public Comments

SFC CLERK RECORDED 11/03/2022



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-_____

AN ORDINANCE
AMENDING ORDINANCE NO. 1992-3, THE BUSINESS REGISTRATION AND
LICENSING ORDINANCE, AND ORDINANCE NO. 1999-10, THE LODGERS'
OCCUPANCY TAX ORDINANCE, TO LICENSE AND REGULATE SHORT-
TERM RENTALS IN SANTA FE COUNTY

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

Section 1. Short Title

This ordinance may be cited as the "Short-Term Rental Regulation and Licensing Ordinance".

Section 2. Section 2(G) of Ordinance No. 1992-3 is hereby amended by (1) deleting "and" from subsection 8; (2) replacing the "." in subsection 9 with "; and"; and (3) adding the following new subsection 10: "10. Short-term rentals, as defined in Section 9(H)."

Section 3. The last sentence of Section 7 of Ordinance No. 1992-3 is hereby amended to read as follows: "The decision of the Board of County Commissioners can then be appealed to the First Judicial District Court within thirty (30) days of the date of filing of the final decision."

Section 4. Section 9 of Ordinance No. 1992-3 is hereby amended by adding the following new subsection H:

"H. Short-Term Rentals.

1. Findings. The Board of County Commissioners finds and declares that the licensing and regulation of STRs is conducive to the promotion of the health and general welfare of the County because:

1.1 STRs can negatively impact neighboring properties due to noise, traffic, trash, and offsite parking associated with the STR.

1.2 STRs are businesses available to rent to the general public, many of whom reside outside of the County and may not be familiar with local law.

1.3 Excessive occupancy in STRs poses the risk of unduly straining scarce water resources and negatively impacting the environment by overburdening septic systems.

1.4 Because STRs often consist of residential housing used as commercial lodging made available to rent to the general public, the chance of non-compliance with the Santa Fe County Fire Code is increased as is the risk posed by such non-compliance to renters.

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2. Purpose and Intent. The purpose of this section is to establish regulations, licensing standards, and licensing procedures for STRs to:

- 2.1 ensure the safety and welfare of vendees to whom STRs are rented;
- 2.2 protect the peace and enjoyment of surrounding communities and neighborhoods;
- 2.3 protect water resources and the environment; and
- 2.4 otherwise promote the health and general welfare of the County.

3. Definitions. For the purposes of this Section:

3.1 Capitalized and bolded terms not defined herein shall have the same meaning as in the SLDC.

3.2 “Daytime Occupancy Limit” means the maximum number of people who can gather at the STR during the day, including people not staying overnight.

3.3. “Occupancy Limit” means the maximum number of people allowed to stay overnight at the STR, not including children aged five (5) and under.

3.4 “Owner” means the person who is the record title owner of the property for which the STR License is sought or held.

3.5 “Quiet Hours” means designated hours during which noise from a STR is more highly regulated.

3.6 “Short-term rental” or “STR” means a **Dwelling Unit** that is not the vendee’s household or primary residence and that is used, in whole or in part, for the transaction of furnishing rooms or other accommodations to a vendee who for rent uses, possesses or has the right to use or possess the rooms or other units of accommodations in the dwelling for periods of less than thirty (30) days.

3.7 “SLDC” means the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, as amended.

3.8 “Vendee” means a natural person to whom a STR is rented.

4. Permissible Locations.

4.1 STRs are permitted in all zoning districts within the County where residential uses are allowed as a primary use under the SLDC.

4.2 STRs are only allowed (a) on property that is a legal lot of record and (b) within a **Dwellings** for which a **Development Permit** was issued and

which was constructed in accordance with the **Development Permit** or which qualifies as a **Nonconforming Structure** under the SLDC.

4.3 STRs are not allowed where prohibited by private covenants.

5. License Required; Term.

5.1 Beginning on [insert date that is 120 days after effective date of ordinance], no person may operate a STR without a Business License.

5.2 Each Dwelling Unit used as an STR shall require a separate Business License.

5.3 Business Licenses for STRs shall be good for one year after issuance unless earlier revoked in accordance with this Ordinance.

6. License Contents, Display, and Notice.

6.1 The Business License for a STR shall specify the name of the Owner, address of the STR, the Occupancy Limit, the Daytime Occupancy Limit, the Business License number, and the expiration date.

6.2 The Business License shall be displayed in a prominent and visible location within the STR, along with the following information on a form prepared by the Land Use Administrator:

6.2.1 a notice of the maximum number of vehicles to be parked at the STR;

6.2.2 a summary of the regulations contained in this section;

6.2.3 the name and contact information of the Owner or Owner's agent who can be reached 24/7 to meet emergencies;

6.2.4 the physical address of the STR;

6.2.5 solid waste storage and disposal requirements; and

6.2.6 Quiet Hours applicable to the STR.

The information listed in 6.2.1 through 6.2.6 shall be provided to vendees at least 48 hours prior to the beginning of the rental period.

6.3 The Owner of a STR receiving a Business License shall provide notice by first class mail to the owners of property located within 500 ft. of the property on which the STR is located measured from the property lines of the property on which the STR is located. The notice shall be on a form provided by the **Land Use Administrator** and, at a minimum, shall include contact information for the Owner or person responsible for managing the STR who can be contacted 24/7 to report violations of the regulations contained in this section or other County ordinance, a summary of STR regulations, information on how to report a violation to the Owner or person responsible for managing the STR and the County, and a copy of the Business License.

7. Procedure

7.1 The application and submittal requirements for a Business License for a STR shall be developed by the Land Use Administrator and shall include, at a minimum, the following:

7.1.1 For the year immediately preceding the application, the gross rental income from the STR and proof that applicable gross receipts taxes and lodgers' occupancy taxes have been paid through the most recent reporting period;

7.1.2 For the year immediately preceding the application, the dates on which the STR was available for rent, the dates on which the STR was actually rented, and the total amount of rent charged per night of actual rental;

7.1.3 A description of how the STR was used prior to being converted to an STR (e.g., owner-occupied housing, long-term rental, second home) and how it is utilized when not available for short-term rental; and

7.1.4 The name and contact information of the homeowner association (if any) governing the STR or condominium association of which the STR is a part and, if applicable, letters from such associations confirming that the STR is permitted under the association's governing documents or private covenants applicable to the STR.

7.2 Failure to submit a complete application, including the applicable fee and all required submittals, constitutes good cause for denial of the application.

7.3 The Land Use Administrator shall review the application for completeness. If an application is deemed incomplete, the Land Use Administrator shall inform the Applicant in writing and provide the Applicant with a reasonable amount of time to submit a complete application before the application is denied and a new fee is required.

7.4 As it relates to Business Licenses for STRs, the Land Use Administrator rather than the County Treasurer shall have the authority provided in Section 3, Section 5, and Section 7 of the Business Registration and Licensing Ordinance, provided that the County Treasurer may, based upon the Land Use Administrator's decision, physically issue a Business License for a STR.

7.5 Renewal of a Business License for a STR is not automatic and shall require the submission of a complete application.

8. Regulations/Requirements for STRs

8.1 STRs shall comply with all applicable requirements in other Santa Fe County ordinances, including, but not limited to, the SLDC, the Santa Fe County Fire Code (Ordinance No. 2018-8); the Anti-Litter Ordinance (Ordinance No. 1993-11); the Santa Fe County Noise Control and Public Nuisance Ordinance (Ordinance No. 2009-11), and the Junked and Hazardous Vehicle Ordinance (Ordinance No. 1993-6).

8.2 Occupancy.

8.2.1 The Occupancy Limit for a STR served by a septic system shall be two (2) people for the first two (2) bedrooms and one (1) person per bedroom thereafter.

8.2.2 The Occupancy Limit for a STR served by a community sewer system shall be two (2) persons per bedroom.

8.2.3 The Daytime Occupancy Limit for a STR shall be the Occupancy Limit plus the greater of 100% of the Occupancy Limit or ten (10).

8.2.4 Children aged five (5) and under shall not count against the Occupancy Limit or Daytime Occupancy Limit.

8.3 Parking

8.3.1 All parking for a STR shall be located onsite.

8.3.2 Vendees and their guests may not bring more cars to the STR than the number of onsite parking spaces.

8.4 Water

8.4.1 A STR must comply with all water restrictions applicable to the property on which the STR is located.

8.4.2 Applicants for a Business License for a STR must submit (1) utility bills or other utility information showing water consumption over the prior two (2) years, in the case of a property served by a utility; (2) meter readings from a well for the previous two years, in the case of a property served by a well; or (3) other evidence satisfactory to the Land Use Administrator demonstrating actual water usage during the previous two years.

8.4.3 If the water usage is in excess of applicable restrictions, the application must include a water conservation plan to reduce water usage so as to comply with applicable restrictions going forward.

8.4.4 If the Dwelling Unit for which a Business License for a STR is sought does not have a water meter and is unable otherwise to establish actual water usage during the previous two years, the applicant shall provide proof that a meter has been installed at the time of application for the Business License and shall provide a beginning reading.

8.4.5 Failure to comply with applicable water restrictions while having a Business License constitutes good cause to revoke or deny the renewal of a Business License for a STR.

8.5 Fire protection

8.5.1 All STRs shall comply with the Santa Fe County Fire Code (Ordinance No. 2018-8) as required by the Fire Marshall. To assist Owners with compliance and streamline the processing of applications, the Fire Marshall shall establish for submittal with the STR Business License application a Fire Code compliance certification form in which the Owner shall certify, under penalty of perjury, compliance with Fire Code requirements of most significance to STRs.

8.6 Solid Waste

8.6.1 Each STR shall comply with the applicable sections of the Anti-Litter Ordinance (Ordinance No. 1993-11), SLDC, and the Solid Waste and Recycling Management Ordinance (Ordinance No. 2014-10) concerning the storage and disposal of solid waste, as well as the Development Permit or other approval applicable to the property.

8.7 Address and Signage

8.7.1 Each STR shall clearly display the number assigned to it in accordance with Ordinance No. 1990-05.

8.7.2 Any signage shall comply with residential signage restrictions of the SLDC.

8.8 Quiet Hours

8.8.1 Vendees and their guests shall observe Quiet Hours between 10:00 p.m. and 7:00 a.m. each day; provided, however, that nothing herein shall preclude an Owner from establishing Quiet Hours that begin earlier and/or end later.

8.8.2 During Quiet Hours, it shall be unlawful for persons at an STR to create any unreasonably loud, disturbing or unnecessary noise, or noise of such character, intensity or duration as to be detrimental to the repose, life or health of others. This includes, but is not limited to, the playing or performing of music, watching of television, or talking in such manner or with such volume as to disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or sanatorium.

8.9 Other Commercial Activities Require Separate Authorization

8.9.1 The granting of a Business License for a STR does not authorize the Owner or anyone else to engage in other business or licensed activity at the STR."

Section 4. Section 3(B)(4) of Ordinance No. 1992-3 is hereby amended by adding the following new subsection o:

"o. STRs, \$375 for the initial Business License and \$300 for each renewal, both of which are payable at the time of application and are not refundable."

Section 5. The Whereas clause in Ordinance No. 1992-3 is amended by replacing "NMSA Sec. 4-37-1 and Sec. 3-38-3 (1978, as amended)" with "NMSA 1978, Section 4-37-1 and Sections 3-38-1 through 3-38-6, as such may be amended or recompiled,".

Section 6. Section 4(A) of Ordinance No. 1999-10 is hereby amended to read as follows:

"A. Business Registration and Business Licenses: The procedures for obtaining a Business License or Business Registration and for refusing a Business License or Business Registration are set forth in the Business Registration and Licensing Ordinance, Ordinance No. 1992-4, as amended. Short-term rentals, as defined in the Business Registration and Licensing Ordinance, Ordinance No. 1992-4, must obtain a

Business License pursuant to that ordinance. All other vendors engaging in business in Santa Fe County must obtain a County Business Registration pursuant to that ordinance.”

Section 7. Effective Date. The effective date of this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

**PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2022.
THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

**By: _____
Anna T. Hamilton, Chairperson**

ATTEST:

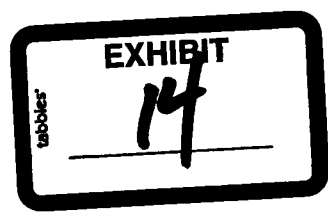
**Katharine E. Clark
County Clerk**

APPROVED AS TO FORM:

Roger Puccio for

**Jeff S. Young
County Attorney**

SFC CLERK RECORDED 11/03/2022



SFC CLERK RECORDED 05/14/2009 SFC CLERK RECORDED 05/25/2022

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2009- 3

AN ORDINANCE AMENDING ORDINANCE 1992-03 TO TRANSFER
AUTHORITY FROM THE COUNTY CLERK TO THE COUNTY TREASURER
FOR PURPOSES OF BUSINESS LICENSE AND REGISTRATION

WHEREAS, Ordinance 1992-03 ("Business License and Registration Ordinance") assigned to the County Clerk responsibility for administration of that ordinance; and

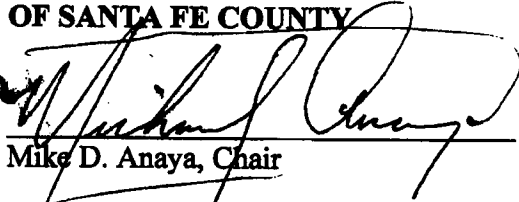
WHEREAS, subsequent review indicates that the responsibility for administration of that ordinance should be transferred from the County Clerk to the County Treasurer.

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

All references to "County Clerk" in Ordinance 1992-03 are replaced with "County Treasurer."

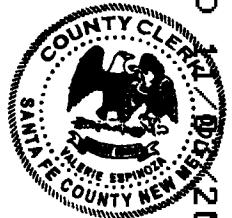
PASSED, APPROVED AND ADOPTED this 12 day of May, 2009.

THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

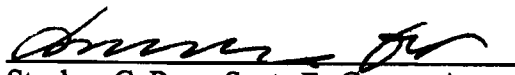

Mike D. Anaya, Chair

ATTEST:


Valerie Espinoza, Santa Fe County Clerk



APPROVED AS TO FORM:

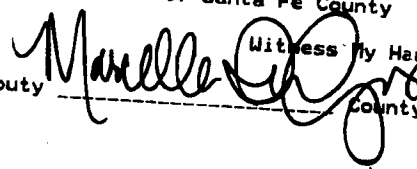

Stephen C. Ross, Santa Fe County Attorney

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC ORDINANCE
PAGES: 1

I Hereby Certify That This Instrument Was Filed for
Record On The 14TH Day Of May, 2009 at 04:40:51 PM
And Was Duly Recorded as Instrument # 1562909
Of The Records Of Santa Fe County

Deputy



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

Short Term Rental Fire Department Requirements

- ***Emergency escape and rescue openings.*** Basements and sleeping rooms below the fourth story above grade plane shall have at least one exterior emergency escape and rescue opening. Where basements contain one or more sleeping rooms, emergency escape and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way.

Exceptions:

- Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way.
- Basements without habitable spaces and having not more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape and rescue openings.

Minimum size. Emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet (0.53 m²).

Minimum dimensions. The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm). The net clear opening dimensions shall be the result of normal operation of the opening.

Maximum height from floor. Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches (1118 mm) measured from the floor.

Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape rescue openings provided they shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the emergency escape and rescue opening.

- ***Single or multiple-station smoke alarms*** shall be installed and maintained in short term rentals at all of the following locations:
 - On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - In each room used for sleeping purposes.
 - In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- ***Carbon monoxide detection*** shall be installed and maintained in short term rentals at all of the following locations:
 - **Dwelling units.** Carbon monoxide detection shall be installed in dwelling units outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel burning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.
 - **Sleeping units.** Carbon monoxide detection shall be installed in sleeping units.
 - **Exception:** Carbon monoxide detection shall be allowed to be installed outside of each separate sleeping area in the immediate vicinity of the sleeping unit where the sleeping unit or its attached bathroom does not contain a fuel-burning appliance and is not served by a forced air furnace.

- **Portable fire extinguishers (PFEs)** are required to give the occupants the means to suppress a fire in its incipient stage.

General requirements.

- Portable fire extinguishers shall be selected, installed and maintained in accordance with NFPA 10.
- Potable fire extinguisher shall be rated no less than 2A10BC.
- Maximum distance of travel to extinguisher must not exceed 75 feet.

- **Means of egress continuity.** The path of egress travel along a means of egress in all short term rentals shall not be interrupted by a building element other than a means of egress component. Obstructions shall not be placed in the minimum width or required capacity of a means of egress component. The minimum width or required capacity of a means of egress system shall not be diminished along the path of egress travel.ro

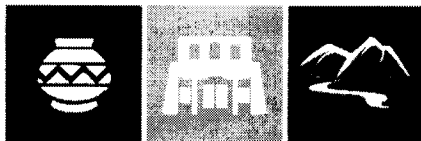
Defensible Space. This provision is intended to modify the fuel load in areas adjacent to structures to create a defensible space. Defensible space requirements shall meet the Santa Fe County Vegetation Management Plan as referenced in Ordinance 2018-8 Exhibit B.

- **Spark arresters.** Chimneys serving fireplaces, barbecues, incinerators or decorative heating appliances in which solid or liquid fuel is used, shall be provided with a spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standard gage wire (0.1046 inch) (2.66mm) having openings not exceeding ½ inch (12.7 mm).
- **Storage of firewood and combustible materials.** Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



SANTA FE COUNTY

Anna T. Hamilton
Commissioner, District 4

Hank Hughes
Commissioner, District 5

Gregory S. Shaffer
County Manager

Date: August 17, 2022

To: Board of County Commissioners

From: Penny Ellis-Green, Growth Management Director

Via: Gregory S. Shaffer, County Manager

RE: Backup Data Memo for Ordinance No. 2022-____, An Ordinance Amending Ordinance No. 1992-3, the Business Registration and Licensing Ordinance, and Ordinance No. 1999-10, The Lodgers' Occupancy Tax Ordinance, to License and Regulate Short-Term Rentals in Santa Fe County

ISSUE:

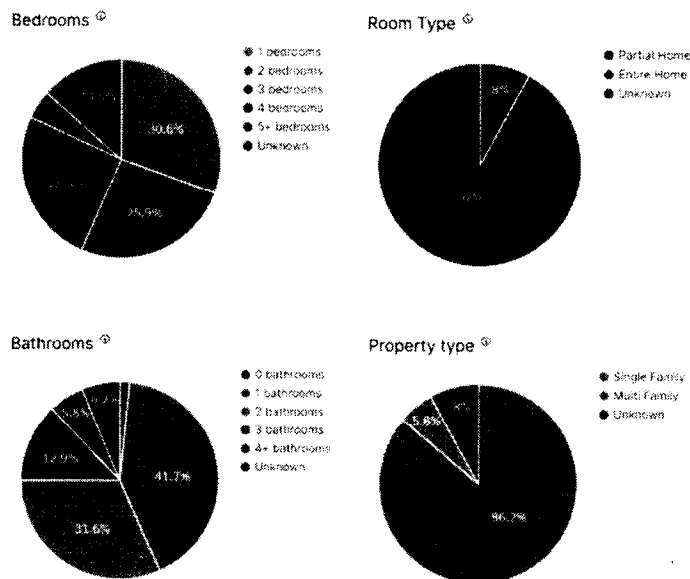
The Board requested staff to present existing data on short-term rentals for the proposed Short Term Rental Regulation and Licensing Ordinance.

SUMMARY:

Staff has aggregated relevant STR data from Host Compliance and U.S. Census data which is presented here. In this memo, there are four graphs, three tables, and four maps. Additionally, staff found that for STR property owners only 5 owners had 2 separate listings and 2 owners had 3 separate listings – every other STR owner only had one listing.

Note: While the exact number of STR fluctuates throughout the year, the STRs count for this data is from July 14, 2022.

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Graphs. STRs by (1) # of Bedrooms, (2) Room Type, (3) # of Bathrooms, and (4) Property Type

All four graphs are from the Address Identification Dashboard on the Host Compliance website (7.14.22).

Table 1. Nights Occupied for STR Listings

Using Host Compliance's mid-estimate for how many nights each STR was occupied, staff calculated how many nights STRs were occupied at various time intervals. For example, 60 of the 386 STR listings were occupied 30 days or less during the past year while 322 of the 386 STR listings were occupied 180 days or less. Note: Data was only available for 386 listings on 7.26.22.

Nights Occupied	Listings (out of 386 total*)
30 days/year or less	60
60 days/year or less	118
90 days/year or less	174
180 days/year or less	322
9 months/year or less	376

Table 2. Percentage of STRs of the Total Housing Units by Overlay District

Using Total Housing Units counts from each Overlay District's current plan and Host Compliance data (from 7.14.22), staff calculated the percentage of total housing units that are STRs for each Overlay District. Four Overlay District plans did not have total housing unit data.

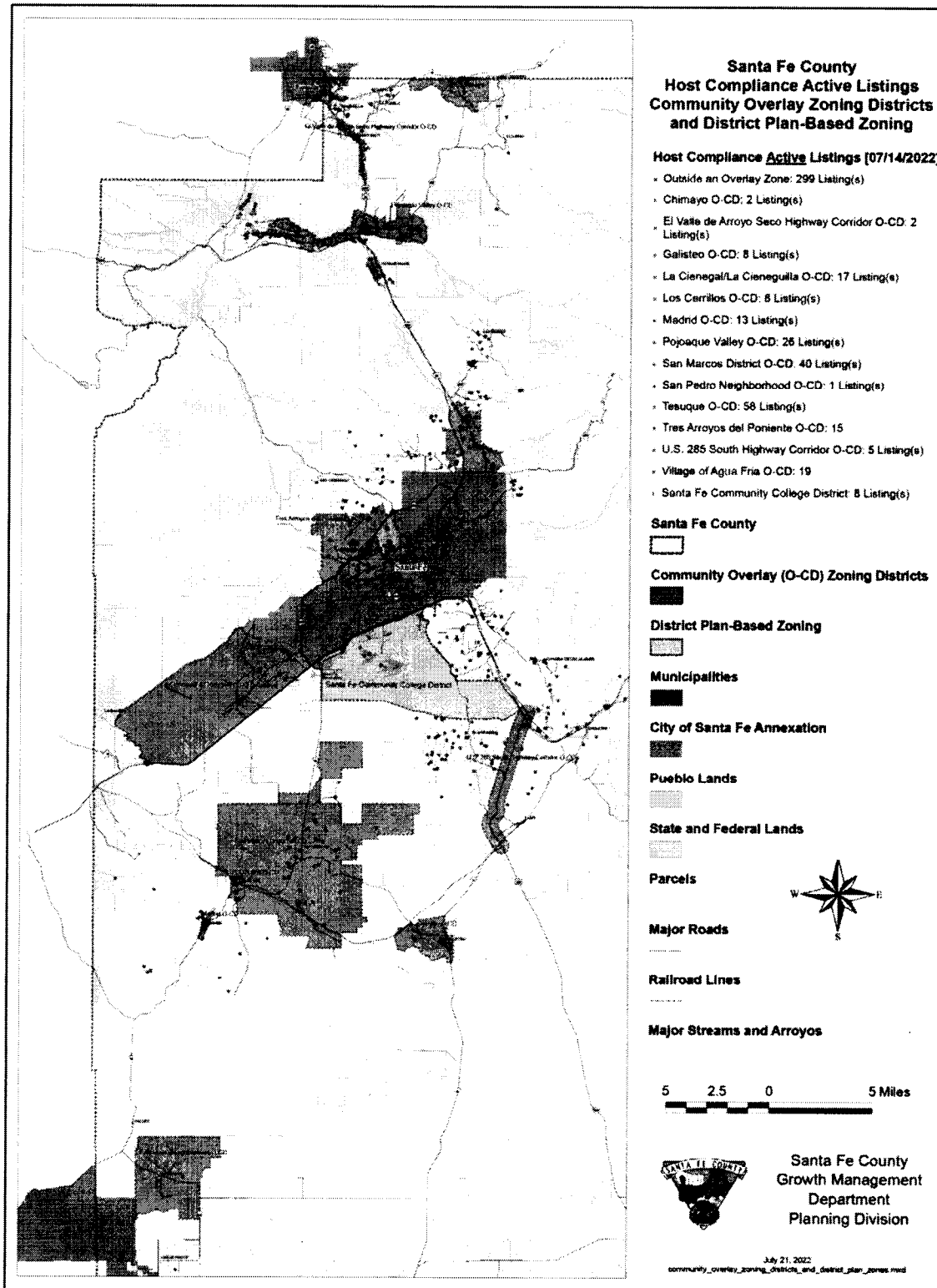
Overlay District	Total Housing Units	STRs	%	Total Housing Units' Data Source
Tesuque	718	58	8.1	2010 Census
San Marcos	876	40	4.6	2010 Census via 2019 District Plan Estimate Calculations
Chimayo	1575	2	0.1	2010 Census
La Cienega/La Cieneguilla	1340	17	1.3	2010 Census
Los Cerrillos	188	8	4.3	2010 Census
Madrid	167	13	7.8	2010 Census
Pojoaque Valley	2826	26	0.9	2010 Census
San Pedro	128	1	0.8	2010 Census
Tres Arroyos del Poniente	2060	15	0.7	2010 County GIS Structure Data
Village of Agua Fria	1391	19	1.4	2010 County GIS Structure Data (CDP boundaries do not align with County Community District)
Community College District	no data (nd)	8	~	
El Valle de Arroyo Seco	nd	2	~	
Galisteo	nd	8	~	
U.S. 285 South Highway Corridor	nd	5	~	

Table 3. Percentage of STRs of the Total Housing Units in Unincorporated Santa Fe County

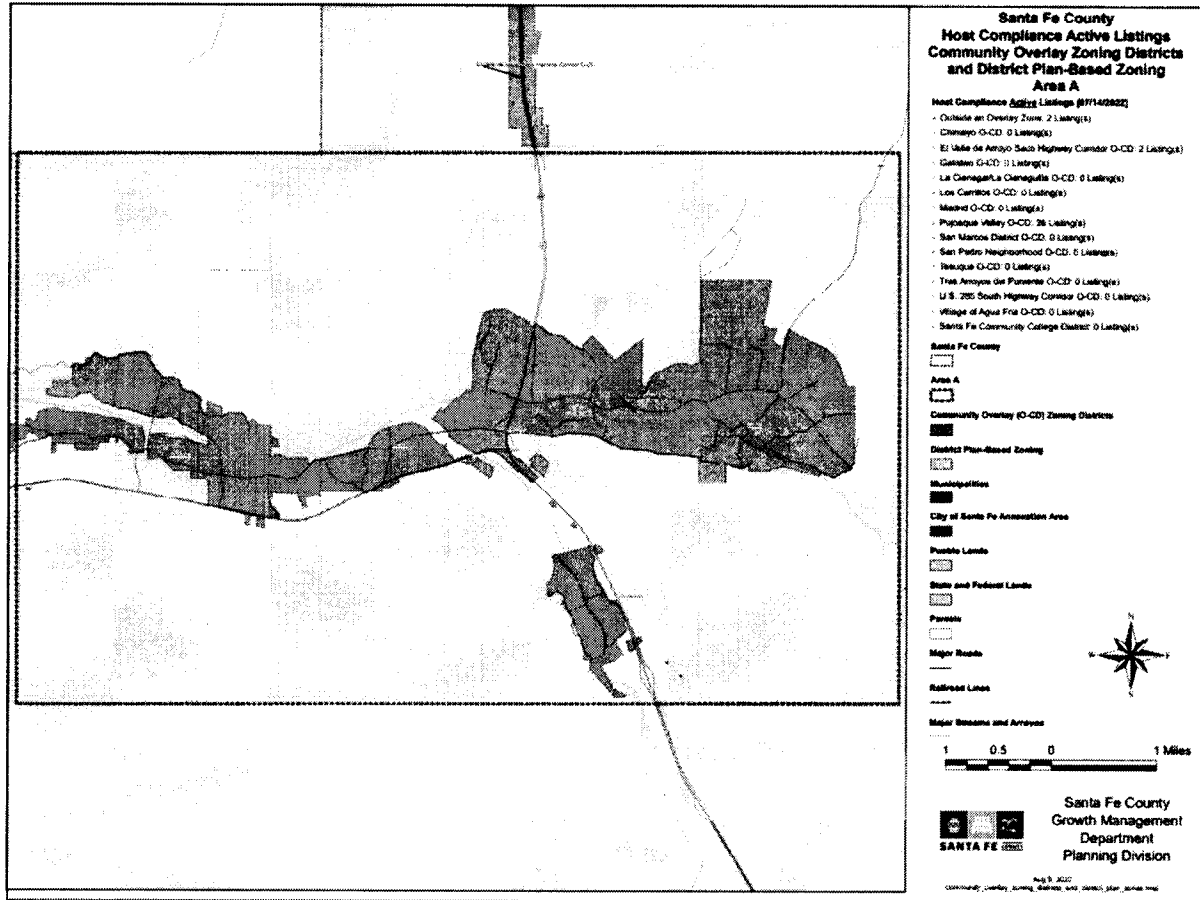
Using U.S. Census Bureau's 2020 DEC Redistricting Data and Host Compliance data (from 7.14.22), staff calculated the percentage of total housing units that are STRs in the County.

Total Housing Units (2020 DEC Redistricting Data)			
JURISDICTION	TOTAL	OCCUPIED	VACANT
Santa Fe County *	25072	21841	3231
521 STRs % of Total Units	2.08%		

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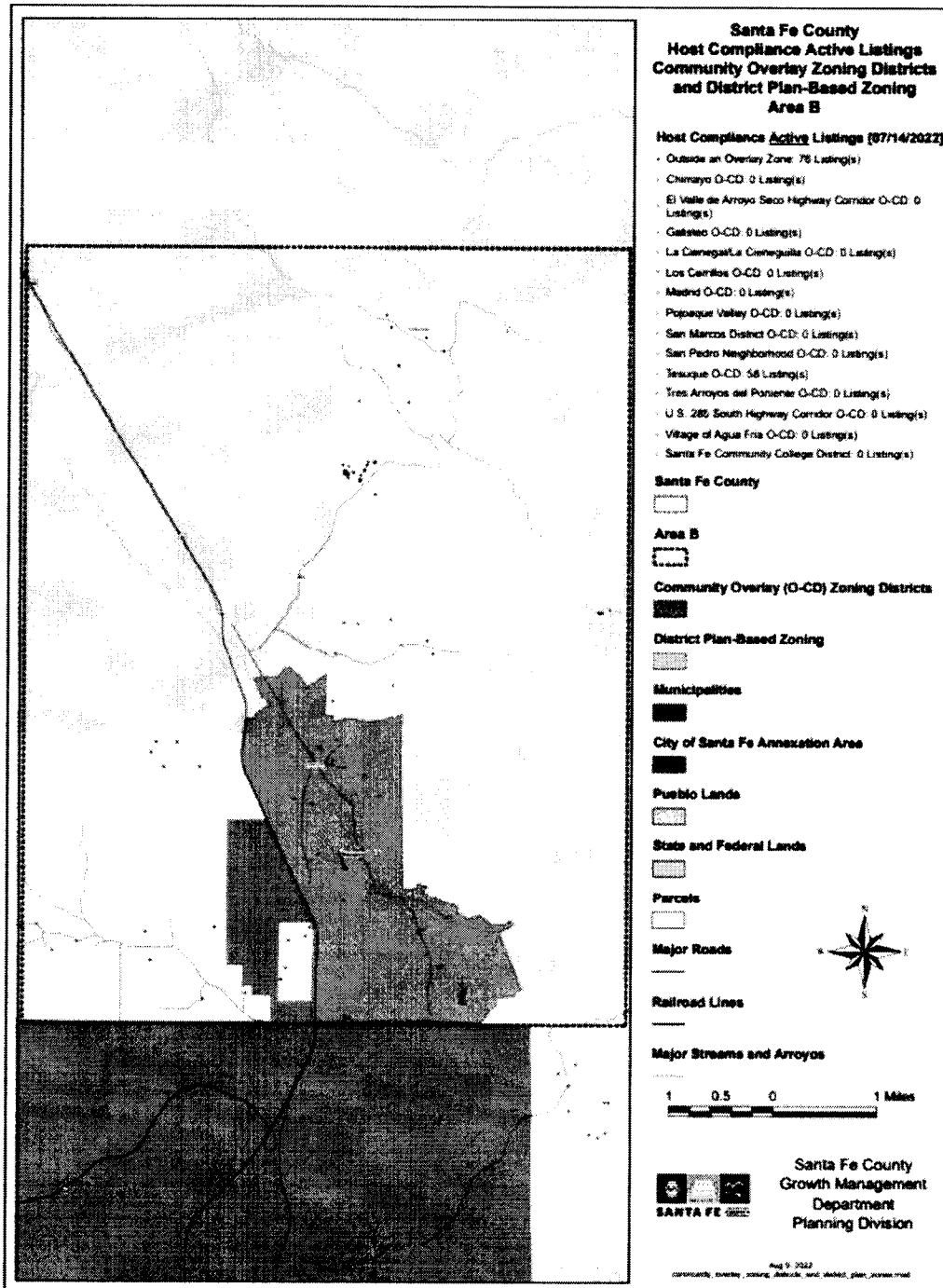


Map 1. Community Overlay Zoning Districts and District Plan-Based Zoning – Countywide



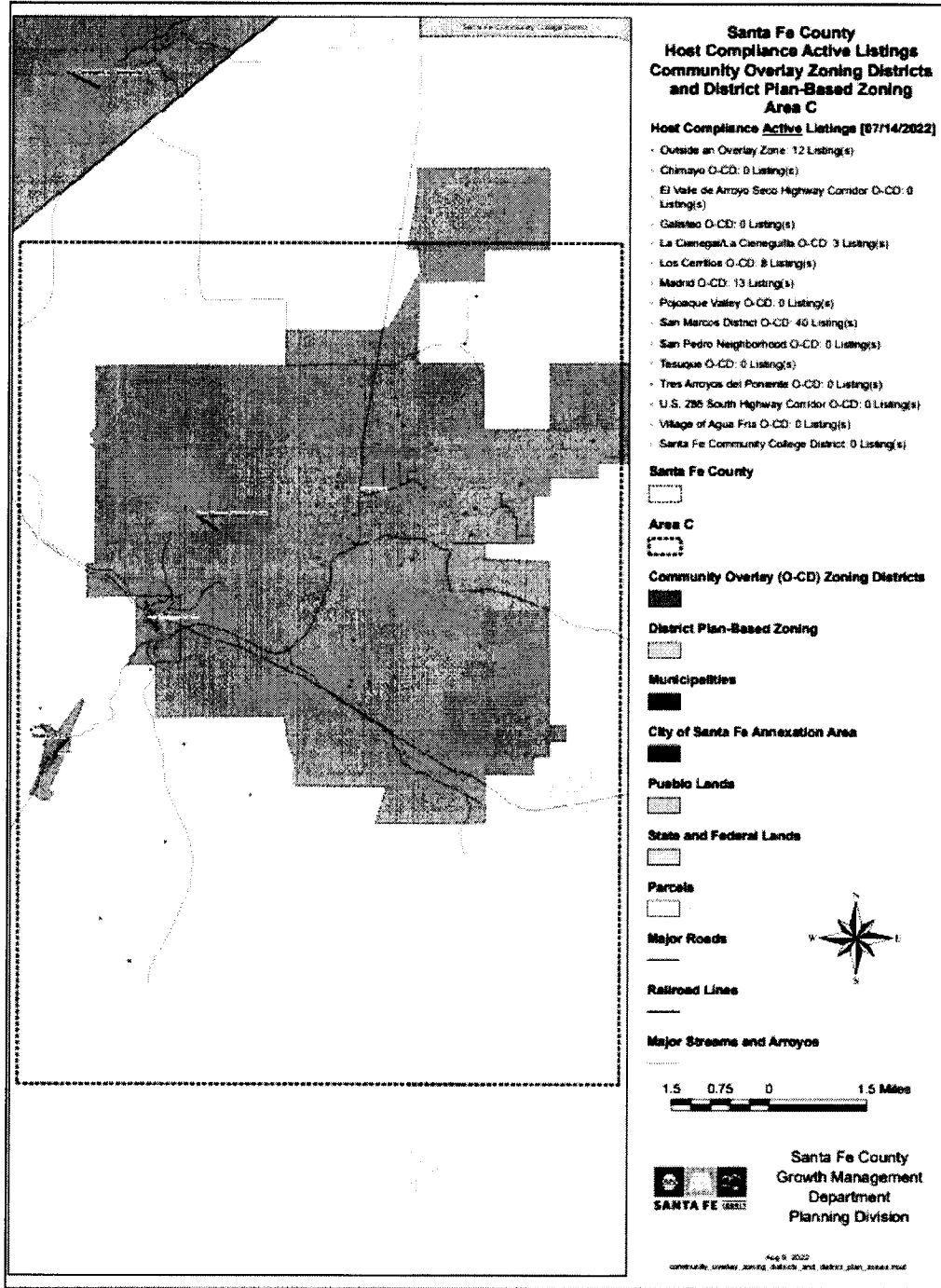
Map 2. Community Overlay Zoning Districts and District Plan-Based Zoning – Area A

Area A focuses on the Pojoaque Valley Community District.



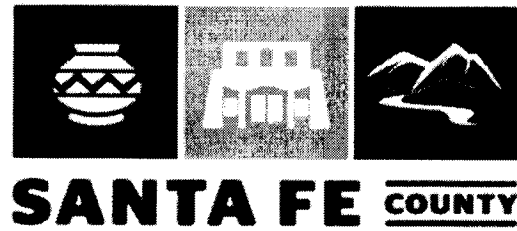
Map 3. Community Overlay Zoning Districts and District Plan-Based Zoning – Area B

Area B focuses on the Tesuque Community District and surrounding areas.



Map 4. Community Overlay Zoning Districts and District Plan-Based Zoning – Area C

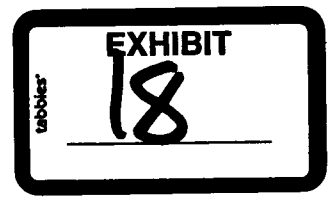
Area C focuses on the Madrid, Los Cerrillos, and San Marcos Community Districts.



Short Term Rental Draft Ordinance Public Comments

September 20, 2022

SFC CLERK RECORDED 11/03/2022



THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

ORDINANCE NO. 2022-_____

AN ORDINANCE

AMENDING ORDINANCE NO. 1992-3, THE BUSINESS REGISTRATION AND
LICENSING ORDINANCE, AND ORDINANCE NO. 1999-10, THE LODGERS'
OCCUPANCY TAX ORDINANCE, TO LICENSE AND REGULATE SHORT-TERM
RENTALS IN SANTA FE COUNTY

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

Section 1. Short Title

This ordinance may be cited as the "Short-Term Rental Regulation, Registration and
Licensing Ordinance".

Section 2. Section 2(G) of Ordinance No. 1992-3 is hereby amended by (1) deleting
"and" from subsection 8; (2) replacing the "." in subsection 9 with "; and"; and (3) adding the
following new subsection 10: "10. Non-Owner Occupied Short-term rentals, as defined in
Section 9(H)."

Section 3. The last sentence of Section 7 of Ordinance No. 1992-3 is hereby amended to
read as follows: "The decision of the Board of County Commissioners can then be appealed to
the First Judicial District Court within thirty (30) days of the date of filing of the final decision."

Section 4. Section 9 of Ordinance No. 1992-3 is hereby amended by adding the
following new subsection H:

"H. Short-Term Rentals.

1. Findings. . The Board of County Commissioners finds and declares that the
regulation of all STRs and licensing of Non-Owner-Occupied of STRs is conducive to the
promotion of the health and general welfare of the County because:

1.1 STRs can negatively impact neighboring properties due to noise, traffic,
trash, and offsite parking associated with the STR.

1.2 STRs are businesses available to rent to the general public, many of whom
reside outside of the County and may not be familiar with local law.

SFC CLERK RECORDED 11/03/2022

1.3 Excessive occupancy in STRs poses the risk of unduly straining scarce water resources and negatively impacting the environment by overburdening septic systems.

1.4 Because STRs often consist of residential housing used as commercial lodging made available to rent to the general public, the chance of non-compliance with the Santa Fe County Fire Code is increased as is the risk posed by such non-compliance to vendees.

1.5 Owner-Occupied STRs carry a lower risk of regulatory non-compliance and negative externalities because the Owner is generally onsite when the STR is rented and the Owner can be presumed to have a vested interest in maintaining the quality of life of the community in which they live.

2. Purpose and Intent. The purpose of this section is to establish regulations, registration and licensing standards, and registration and licensing procedures for STRs to:

- 2.1** ensure the safety and welfare of vendees to whom STRs are rented;
- 2.2** protect the peace and enjoyment of surrounding communities and neighborhoods;
- 2.3** protect water resources and the environment; and
- 2.4** otherwise promote the health and general welfare of the County.

3. Definitions. For the purposes of this Section:

3.1 Capitalized and bolded terms not defined herein shall have the same meaning as in the **SLDC**.

3.2 "Accessory Dwelling Unit" (ADU) is a Dwelling unit that is located on the same legal lot of record as, but incidental to, the Owner's primary residence. The ADU may share at least one wall with the primary residence or be a stand-alone structure (detached) from the primary residence.

3.3 "Daytime Occupancy Limit" means the maximum number of people who can gather at the STR during the day, including people not staying overnight.

3.4 "Occupancy Limit" means the maximum number of people allowed to stay overnight at the STR, not including children aged five (5) and under.

3.5 "Owner" means the person who is the record title owner of the property for which an STR Registration or STR License is sought or held.

3.6 "Owner-Occupied" is a Dwelling that is the Owner's primary residence or an ADU that is located on the same legal lot of record as the Owner's primary residence.

3.7 "Non-Owner Occupied" means a **Dwelling** that is not Owner-Occupied.

3.8 "Primary Residence" means the **Dwelling** in which the Owner resides for a cumulative minimum 275 days during a 12-month period. Primary residence is demonstrated by showing that, as of the application date for registration of the **Dwelling**

as a Short term Rental, the Owner has resided in the **Dwelling** for 275 days during the past 12 months, or that the Owner intends to reside in the **Dwelling** for 275 days of the next 12 months.

3.9 "Quiet Hours" means designated hours during which noise from a STR is more highly regulated.

3.10 "Short-term rental" or "STR" means a **Dwelling** or portion thereof that is rented for periods of less than thirty (30) consecutive days.

3.11 "SLDC" means the Santa Fe County Sustainable Land Development Code, Ordinance No. 2016-9, as amended.

3.12 "Vendee" means a natural person to whom a STR is rented.

3.13 "Vendor" means the proprietor of any **Dwelling**, lodging, or sleeping accommodation offered or used as a STR, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, or any other possessory capacity.

4. Permissible Locations.

4.1 STRs are permitted in all zoning districts within the County where residential uses are allowed as a primary use under the SLDC.

4.2 STRs are only allowed (a) on property that is a Legal Lot of Record and (b) within a Dwelling legally recognized under the SLDC.

4.3 STRs are not allowed where prohibited by private covenants.

5. Owner-Occupied Short Term Rentals.

5.1 Registration Required; Term.

5.1.1 Beginning on March 15, 2023, no person may operate an Owner-Occupied STR without a Business Registration issued and renewed pursuant to Section 3(A) and Section 5.

5.1.2 Only one Owner-Occupied STR Business Registration shall be approved per Owner.

5.2 Registration Contents, Display, and Notice.

5.2.1 The Business Registration for an Owner-Occupied STR shall specify the name of the Owner, address of the STR, the Business Registration number, and the expiration date.

5.2.2 The Business Registration shall be displayed in a prominent and visible location within the STR, along with the following information on a form prepared by the Land Use Administrator:

5.2.2.1 the Occupancy Limit and the Daytime Occupancy Limit;

5.2.2.2 a notice of the maximum number of vehicles to be parked at the STR;

5.2.2.3 a summary of the regulations contained in this section;

5.2.2.4 the name and contact information of the Owner or Owner's agent who can be reached 24/7 to meet emergencies;

5.2.2.5 the physical address of the STR;

5.2.2.6 solid waste storage and disposal requirements; and

5.2.2.7 Quiet Hours applicable to the STR.

The information listed in 5.2.2.1 through 5.2.2.7 shall be provided to vendees at least 48 hours prior to the beginning of the rental period.

5.2.3 All listings and advertisements for an Owner-Occupied STR shall include the Business Registration Number for the STR and its expiration date.

5.2.4 The Owner of a STR receiving a Business Registration shall provide notice by first class mail to the owners of property located within 500 ft. of the **Dwelling** used as the STR, at a minimum this must include all adjacent lots. The notice shall be mailed no later than fifteen (15) days after approval of the Business Registration and the Applicant shall provide an affidavit of mailing. The notice shall be on a form provided by the **Land Use Administrator** and, at a minimum, shall include contact information for the Owner or person responsible for managing the STR who can be contacted 24/7 to report violations of the regulations contained in this section or other County ordinance, a summary of STR regulations, information on how to report a violation to the Owner or person responsible for managing the STR and the County, and a copy of the Business Registration.

5.3 Procedure

5.3.1 The application and submittal requirements for a Business Registration for an Owner-Occupied STR shall be developed by the **Land Use Administrator** and shall include, at a minimum, the following:

5.3.1.1 An affidavit or other proof that the STR is Owner-Occupied.

5.3.1.2 Failure to submit a complete application, including the applicable fee and all required submittals, constitutes good cause for denial of the application.

5.3.1.3 The **Land Use Administrator** shall review the application for completeness. If an application is deemed incomplete, the **Land Use Administrator** shall inform the **Applicant** in writing and provide the **Applicant** with a reasonable amount of time to submit a complete application before the application is denied and a new fee is required.

5.3.1.4 As it relates to Business Registrations for Owner-Occupied STRs, the **Land Use Administrator** rather than the County Treasurer shall have the authority provided in Section 3, Section 5, and Section 7 of the Business Registration and Licensing Ordinance, provided that the County Treasurer may, based upon the **Land Use Administrator's** decision, physically issue a Business Registration for a STR.

6. Non-Owner Occupied Short Term Rentals

6.1 License Required; Term

6.1.1 Beginning on March 15, 2023, no person may operate a Non-Owner Occupied STR without a Business License.

6.1.2 Each **Dwelling** used as a Non-Owner-Occupied STR shall require a separate Business License.

6.1.3 Business Licenses for STRs shall be good for one year after issuance unless earlier revoked in accordance with this Ordinance.

6.2 License, Contents, Display and Notice.

6.2.1 The Business License for a STR shall specify the name of the Owner, address of the STR, the Occupancy Limit, the Daytime Occupancy Limit, the Business License number, and the expiration date.

6.2.2 The Business License shall be displayed in a prominent and visible location within the STR, along with the following information on a form prepared by the **Land Use Administrator**:

6.2.2.1 a notice of the maximum number of vehicles to be parked at the STR;

6.2.2.2 a summary of the regulations contained in this section;

6.2.2.3 the name and contact information of the Owner or Owner's agent who can be reached 24/7 to meet emergencies;

6.2.2.4 the physical address of the STR;

6.2.2.5 solid waste storage and disposal requirements; and

6.2.2.6 Quiet Hours applicable to the STR.

The information listed in 6.2.2.1 through 6.2.2.6 shall be provided to vendees at least 48 hours prior to the beginning of the rental period.

6.2.3 The Owner of a STR receiving a Business License shall provide notice by first class mail to the owners of property located within 500 ft. of the property on which the STR is located, measured from the property lines of the

property on which the STR is located. The notice shall be mailed no later than 15 days after approval of the Business License and the **Applicant** shall provide an affidavit of mailing. The notice shall be on a form provided by the **Land Use Administrator** and, at a minimum, shall include contact information for the Owner or person responsible for managing the STR who can be contacted 24/7 to report violations of the regulations contained in this section or other County ordinance, a summary of STR regulations, information on how to report a violation to the Owner or person responsible for managing the STR and the County, and a copy of the Business License.

6.2.4 All listings and advertisements for a Non Owner-Occupied STR shall include the Business License Number for the STR and its expiration date.

6.3 Procedure

6.3.1 The application and submittal requirements for a Business License for a Non-Owner-Occupied STR shall be developed by the **Land Use Administrator** and shall include, at a minimum, the following:

6.3.1.1 A description of how the STR was used prior to being converted to an STR (e.g., owner-occupied housing, long-term rental, second home) and how it is utilized when not available for short-term rental; and

6.3.1.2 The name and contact information of the **Homeowner's Association** (if any) governing the STR or condominium association of which the STR is a part. The **Applicant** shall mail a letter, first class mail, to the applicable **Homeowner's Association** and provide an affidavit of mailing with the application.

6.3.1.3 If the property on which the STR is located is subject to Santa Fe County imposed water restrictions and water use is required to be metered, the applicant for a Business License for a Non-Owner-Occupied STR must submit current water meter readings upon initial application and for each renewal.

6.3.1.4 If the water usage is in excess of applicable Santa Fe County imposed water restrictions, the application must include a water conservation plan to reduce water usage so as to comply with such applicable restrictions going forward.

6.3.1.5 Failure to comply with applicable Santa Fe County imposed water restrictions is grounds to deny the renewal of a Business License for a Non-Owner Occupied STR.

6.3.2 Failure to submit a complete application, including the applicable fee and all required submittals, constitutes good cause for denial of the application.

6.3.3 The **Land Use Administrator** shall review the application for completeness. If an application is deemed incomplete, the **Land Use Administrator** shall inform the **Applicant** in writing and provide the **Applicant** with a reasonable amount of time to submit a complete application before the application is denied and a new fee is required.

6.3.4 As it relates to Business Licenses for STRs, the **Land Use Administrator** rather than the County Treasurer shall have the authority provided in Section 3, Section 5, and Section 7 of the Business Registration and Licensing Ordinance, provided that the County Treasurer may, based upon the Land Use Administrator's decision, physically issue a Business License for a STR.

6.3.5 Renewal of a Business License for a STR is not automatic and shall require the submission of a complete application.

7. Regulation/Requirements for All STRs

7.1 STRs shall comply with all applicable requirements in other Santa Fe County ordinances, including, but not limited to, the **SLDC**, the Santa Fe County Fire Code (Ordinance No. 2018-8); the Anti-Litter Ordinance (Ordinance No. 1993-11); the Santa Fe County Noise Control and Public Nuisance Ordinance (Ordinance No. 2009-11), and the Junked and Hazardous Vehicle Ordinance (Ordinance No. 1993-6).

7.2 Any STR shall be responsible to pay all applicable taxes.

7.3 Occupancy.

7.3.1 The Occupancy Limit for a STR shall be two (2) people per approved bedroom .

7.3.2 The Daytime Occupancy Limit for a STR shall be the Occupancy Limit plus the greater of 100% of the Occupancy Limit or ten (10).

7.3.3 Children aged five (5) and under shall not count against the Occupancy Limit or Daytime Occupancy Limit.

7.2.4. Nothing herein shall preclude an Owner from establishing more stringent Occupancy Limits or Daytime Occupancy Limits.

7.4 Parking

7.4.1 All parking for a STR shall be located onsite or in a designated off street space for the **Dwelling**.

7.4.2 Vendees and their guests may not bring more cars to the STR than the number of onsite parking spaces.

7.5 Water

7.5.1 A STR must comply with all Santa Fe County water restrictions (if any) applicable to the property on which the STR is located, the applicability of which may depend upon the source of water for the property (e.g., domestic wells versus adjudicated water rights).

7.6 Fire protection

7.6.1 All STRs shall comply with the Santa Fe County Fire Code (Ordinance No. 2018-8) as required by the Fire Marshall. To assist Owners with compliance and streamline the processing of applications, the Fire Marshall shall establish for submittal with the STR Business License application a Fire Code compliance certification form in which the Owner shall certify, under penalty of perjury, compliance with Fire Code requirements of most significance to STRs. The STR is subject to Fire Department inspection.

7.7 Solid Waste

7.7.1 Each STR shall comply with the applicable sections of the Solid Waste and Recycling Management Ordinance (Ordinance No. 2014-10) concerning the storage and disposal of solid waste, as well as the **Development Permit** or other approval applicable to the property. At a minimum all STRs shall store all solid waste within a structure or in enclosed containers and shall remove all solid waste on a regular basis, at least monthly.

7.8 Address and Signage

7.8.1 Each STR shall clearly display the assigned Rural Address

7.8.2 Any signage shall comply with residential signage restrictions of the **SLDC**.

7.9 Noise and Quiet Hours

7.9.1 Vendees and their guests shall observe Quiet Hours between 10:00 p.m. and 7:00 a.m. each day; provided, however, that nothing herein shall preclude an Owner from establishing Quiet Hours that begin earlier and/or end later.

7.9.2 During Quiet Hours, it shall be unlawful for vendees or their guests to create any unreasonably loud, disturbing or unnecessary noise, or noise of such character, intensity or duration as to be detrimental to the repose, life or health of others. This includes, but is not limited to, the playing or performing of music, watching of television, or talking in such manner or with such volume as to disturb the quiet, comfort or repose of persons or animals.

7.10 Other Commercial Activities Require Separate Authorization

7.11 The granting of a Business License or Business Registration for a STR does not authorize the Owner or anyone else to engage in other business or licensed activity at the STR."

Section 5. Section 3(B)(4) of Ordinance No. 1992-3 is hereby amended by adding the following new subsections:

"o. Non-Owner Occupied STRs, \$375 for the initial Business License and \$300 for each renewal, both of which are payable at the time of application and are not refundable."

Section 6. The Whereas clause in Ordinance No. 1992-3 is amended by replacing "NMSA Sec. 4-37-1 and Sec. 3-38-3 (1978, as amended)" with "NMSA 1978, Section 4-37-1 and Sections 3-38-1 through 3-38-6, as such may be amended or recompiled,".

Section 7. Section 4(A) of Ordinance No. 1999-10 is hereby amended to read as follows:

"A. Business Registration and Business Licenses: All vendors, other than Short-Term Rentals, as defined in the Business Registration and Licensing Ordinance (Ordinance No. 1992-3), must obtain a County Business Registration pursuant to Section 4 of the Lodgers' Occupancy Tax Ordinance. Short-Term Rentals must obtain a business registration (Owner-Occupied Short-Term Rentals) or business license (Non-Owner-Occupied Short-Term Rentals) pursuant to Ordinance No. 1992-3, as amended by the Short-Term Rental Regulation, Registration, and Licensing Ordinance."

Section 8. Effective Date. The effective date of this Ordinance shall be 30 days after this Ordinance is recorded with the County Clerk.

PASSED, APPROVED AND ADOPTED THIS 25th DAY OF October, 2022.
THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna T. Hamilton
Anna T. Hamilton, Chairperson

ATTEST: Katharine E. Clark

Katharine E. Clark
Santa Fe County Clerk



SFC CLERK RECORDED 11/03/2022

APPROVED AS TO FORM:

Rep. Puccio for

Jeff Young

Santa Fe County Attorney

SFC CLERK RECORDED 11/03/2022