

SANTA FE COUNTY

SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

February 21, 2023

1. Opening Business

A. This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:00 p.m. by Chair Anna Hansen in the County Commission Chambers, 102 Grant Avenue, Santa Fe, New Mexico.

B. Roll Call

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

Members Present:

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

Members Excused:

None

C. Approval of the Agenda

CHAIR HANSEN: Staff, is there any changes to the agenda?

GREG SHAFFER (County Manager): Madam Chair, Commissioners, no, there was not.

CHAIR HANSEN: Okay. Thank you.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes, Commissioner Hamilton.

COMMISSIONER HAMILTON: I move to approve the agenda.

COMMISSIONER HUGHES: And I second.

COMMISSIONER HAMILTON: Motion by Commissioner Hamilton, second by Commissioner Hughes.

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

SFC CLERK RECORDED 03/30/2023

2. **Miscellaneous Action Items/Potential Public Hearing**

A. **Consideration and Potential Action on Ordinance No. 2023-___, an Ordinance Amending Ordinance No. 2022-7, the Short-Term Rental Regulation, Registration and Licensing Ordinance, and Ordinance No. 1992-3, the Business Registration and Licensing Ordinance**

CHAIR HANSEN: I'm going to turn this over to the County Manager, Greg Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioner. I would not that due to extenuating circumstances, our Growth Management Department Director, Ms. Penny Ellis-Green, and our Building and Development Manager, Mr. Jeremy Mier are unexpectedly unable to attend today's meeting. The presentation that will be presented by staff will be a tag-team effort led by Erle Wright, the GIS Manager for the Growth Management Department, and available to assist with lifelines as necessary are Jeff Young, our County Attorney, Leandro Cordova, our Deputy County Manager, and Jose Larrañaga, Building and Development Supervisor, who will manage the presentation in that manner. Thank you, also will manage the presentation in that manner. Thank you.

CHAIR HANSEN: Welcome, Mr. Erle Wright.

ERLE WRIGHT (GIS Manager): Good afternoon. So I will try and run through this presentation as quickly as possible so we can get to the structure and the proposed changes. First off is responses to issues raised at the February 14th BCC meeting. Just want to be clear that the Growth Management Department does not randomly dispose of permits. We do have a physical record system that has permits since 1981. These permits are retained in perpetuity. In other words, forever. We did check in with the New Mexico Environment Department. They also retain their permits in perpetuity, essentially since about 1973. In contrast, the Construction Industries Division only retains permits for about ten years.

Our permit database does allow search capabilities, but again, the older permits may not have a lot of data available, and this is very similar to what you would find at the Environment Department as well. Forms are much different, but the data is there and whether or not a permit was issued. County records do allow for landowners or potential property buyers to do their due diligence pre-purchase and permit records are probably one of the most requested items under the Inspection of Public Records Act for the County.

It is true that no records maintenance system is perfect, especially when you're dealing with 40 to 50 years worth of permitting, but again, the idea that permits are routinely disposed of by the County is just – it doesn't happen. County staff is very diligent about their work and these are records that relate to property rights and they are maintained in perpetuity. I will say that generally buyers – this is something they need to look out for themselves and there are remedies that buyers can pursue against third parties that they believe misled them or they felt they had the duty of disclosure in their purchases. Again this stuff is not really in the purview of the County. That's contracts between private individuals.

The Growth Management Department is offering in-person appointments to assist applicants. We try and make sure that the applications are ready to go. We do this appointment process to keep people from just having to queue up in the lobby and wait, essentially until – there’s no point in having the queue up when we can’t get to them, so these appointments are scheduled. It’s about a half an hour per permit request. We do have all relevant staff there and it’s unfortunate that some applicants have found that intimidating but what we’re trying to do is facilitate the process to make sure we have everyone there who can answer a question relative to the permit and to the property in question. And again, this is to ensure that help is available for the applicant at the time of their application submittal.

It should also be clear that the Growth Management Department is not applying different standards to short-term rentals. All applicants for business registration or a license may be required to obtain a permit and again, if it is determined that the development permit as defined in the SLDC is required. And again, the registration or license will be held until that development permit is issued. That is no different than any other permit application that comes before the Growth Management Department.

Also, typically, in these case, pre-issuance of the permit and the business license or registration, standard operating procedure is for a code enforcement visit to the property to ensure that every permit application is done pursuant to the SLDC and that no unpermitted development or other violations are allowed to occur before the issuing of a permit. There’s an opportunity to remedy those, but again, standard operating procedure is the permit and/or the license or business registration will not be issued prior to that inspection.

Again, due to volume, site inspections are not being done for short-term rentals and that also covers our fire inspectors as well. Again, the primary focus for compliance for short-term rentals is there must be a legal lot of record, a legally permitted dwelling unit, and related safety issues such as septic system, driveway access and ingress and egress.

Section 14.6 of the SLDC governs the non-conforming uses and structures. There are general applicable standards that apply to all uses and structures that do not comply with the SLDC. To be recognized, a use or a structure must either have legally existed prior to January 1, 1981, or have been legally permitted and operated under the Santa Fe County Land Development Code or earlier versions of the SLDC. The burden for proving non-conforming status is on the owner, and again, as this is as per the SLDC, Section 14.6.4. Structures that qualify for non-conforming status do not have to comply with the SLDC. Staff absolutely does not recommend special non-conforming rules for short-term rentals. These are dwelling units; these are occupied. There’s liability issues, not only to the property owner but also to the renters, and ultimately eventually to the County.

It is one of these things, we just can’t selectively enforce this. These are required for anything to come into compliance with the code. The grand exception for a certain class of land use opens up the entire code to this exception being granted across the board. And that’s really kind of our point is if we’re going to grandfather these we’re going to open the door to essentially grandfathering everything – long-term rentals, primary residences, accessory dwelling units, even the land uses themselves that the code speaks to throughout each zoning district and throughout the community overlay districts.

With regard to the after-the-fact permits and variance requests for unpermitted development, these are not unusual. Even prior to the STR Ordinance coming into place, in the calendar year 2001 there were 74 after-the-fact permits issues for unpermitted development. The breakdown is there. As you can see on the table, this included residences, mobile homes, accessory dwelling units, as well as roadways, fences, terrain and many other items. A similar scenario in 2022 when 53 after-the-fact permits were issued, and again, running the range of single-family residences, residential additions, and mobile homes and manufactured housing placement and accessory structures.

So there is a path forward for unpermitted development that does not qualify for legal non-conforming. To apply for an after-the-fact permits there is provisions for administrative minor deviations and/or a variance process. Minor deviations are typically for dimensional requirements and also for density. For development that does not comply with SLDC standards it's necessary to make the changes for the development to comply and if necessary request a variance of the requirements. Basically, the regulations are the code and those are the regulations that are required of every property owner throughout the county. So a variance is actually allowing for a quasi-judicial hearing for someone to actually violate those regulations.

The County's enforcement process does not work for existing STRs. The County ordinarily does not take enforcement action is a property owner is working in good faith to obtain an after-the-fact permit or variance. Unregistered, unlicensed businesses or illegal uses or structures can generally continue while the owner seeks to address this through the administrative application process. The possible exceptions would include imminent health and safety issues, or repeat offenders who previously did not diligently pursue the necessary approvals.

With regard to third party platforms such as Airbnb and Vrbo, requiring registration for members to list. Some STRs will therefore be effectively shut down without this temporary permit.

One of the issues that was raised at the February 14th meeting is there could be a crush of renewals. Basically, the renewal of owner-occupied business registrations will be automatic. The way the business permit is there is no review anticipated and owners will be sent letters reminding them of their renewal which they just automatically renew upon payment of that fee for the business registration.

Non-owner-occupied business licenses are staggered by the very nature of how they are issued. They run for a calendar year from the date of issue and in this case applications must be submitted for renewal. But however, since they're good for a year the renewals are already spread out by the nature of how these permits are being issued. And the draft ordinance clarifies this point.

As far as STRs, and this is a little out of my league maybe but in the presumptive city limits, the city and counties are parties to the 2008 settlement agreement and mutual release of claims. Divided territory in the presumptive city limits in areas outside the presumptive city limits the settlement contemplates the city was to have jurisdiction – it does have jurisdiction inside the presumptive city limits. Another option going forward is that both parties, the City and County, create the Extraterritorial Land Use Authority, which adopted Ordinance 2013-1 to implement the settlement. And again, this is what dictates the fact that the City has planning and platting authority in these presumptive

annexation areas as well as business and itinerant vendor licenses within the presumptive city limits.

It is our understanding that we don't see how the County Growth Management can issue a business a license being bound by this 2008 agreement.

So the staff proposal to respond to our February 14th feedback in a manner consistent with other ordinances and established practices, we're recommending to extend the STR registration and licensing deadline until June 1, 2023. This is consistent with the proposed lodgers tax ordinance effective date, and allows applicants time to apply for an after-the-fact permit and/or variance if needed. Temporary business registration for licenses for unpermitted short-term rentals for which an after-the-fact permits or a variance applications are pending we would issue that permit that would be valid on a temporary basis until that application can be properly processed by the County and go through the proper quasi-judicial hearings as needed. It would expire when the County takes final action on the application. If approved a final registration, business registration or business license would be issued. If denied, the temporary registration or temporary license would expire, though the applicant could reapply when the illegal non-conformity is resolved.

Now I'll move on to the potential timelines and I'll turn that over to Greg.

MANAGER SHAFFER: Madam Chair and Commissioners, so there are several proposed timelines here and really the idea is to provide some samples, depending on which direction the Board would like to go with this. The agenda and this presentation were geared towards providing some flexibility in that area, so if you look at this potential timeline #1, we are at the special meeting today on February 21st, and could potentially authorize publication of title and general summary on a proposed ordinance today. We would seek to publish that title and general summary on Monday or Tuesday of next week. It would run for two weeks, and then there will be a hearing and final action at the regular meeting on March 14th. The ordinance would take effect immediately upon recording by the County Clerk under an emergency exception.

So that's one timeline and the dates are set forth in the table there. So if you move on to the next one which is the timeline #2, so under this timeline, again, we're at the special meeting today to authorize publication of title and general summary. We would publish title on Monday. Then there would be a public hearing and final action at a regular meeting on February 28th. That would just be a day after the publishing so it's not a lot of time for public comment on that particular timeline. Again, the ordinance would take effect immediately upon recording by the County Clerk. So that's a very expedited timeline.

Then if you go to timeline #3, it's even more expedited and under this timeline you could adopt an emergency ordinance even today under an emergency exception to take effect immediately upon recording by the County Clerk. We could also push to like next week's meeting if you'd like, which is a regular meeting, but again, this doesn't allow a lot of opportunity for public comment on a proposed ordinance. So basically, I think I would recommend timeline #1 which is a longer timeline but it does provide ample time for public comment under that scenario.

So Madam Chair, if you move to the next slide, I believe it may be close to the end here, that just lists the attachments. We have drafted a proposed ordinance, not really

knowing exactly what direction the Board would like to go but just to give you an idea of what a draft ordinance might look like and then of course the SLDC provisions for your review, the Extraterritorial Land Use Authority Ordinance, 2013-01, and then the Fire Code Compliance Certification for your review as well.

And Erle, unless you have other questions or comments, that's all I have.

MR. WRIGHT: And I would stand for any questions or proceed with the action of the Board.

CHAIR HANSEN: Thank you, Erle. I want to get back to my screen, since I've been – okay, so with that presentation, I'd like to go to the Board of County Commissioners and start the discussion. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I guess I'm going to suggest maybe the first thing we need to decide is the timeline, or I guess we could decide in any order. But I'm wondering, Attorney, if you could – I do understand alternative 3 is a probably a bit too quick, because anybody who's not at this meeting then wouldn't have any chance to have any input. But is there an advantage to doing alternative 2 so that we're not doing it on the last day before the deadline? Would people be able to, even though we're not going to officially publish title and general summary would people be able to look at whatever we decide on today as a proposal so they could think about it before the hearing next week?

JEFF YOUNG (County Attorney): Madam Chair, Commissioner Hughes, so it is our practice at the County to of course publish the draft ordinances and agendas obviously, in compliance with the Open Meetings Act, in advance, and so there would be that opportunity, even if we didn't publish title and summary in a newspaper of general circulation we would at least publish that online for public review and even comments to be submitted. So under that timeline, whether you publish title and general summary, we could still post prior to the, say the February 28th meeting. That is a possibility.

But I do want to highlight, the general ordinance statute does provide usually two weeks of running the notice in advance of the meeting, so that's why I was recommending, #1 as well. Option #1, so that there would be there. However, in both circumstances there is the emergency exception for both publishing title and summary and the effective date of the ordinance. And so if the Board finds it is an emergency, an emergent situation then those exceptions would apply.

COMMISSIONER HUGHES: So with option 1 do we need any emergency exception or is that just the normal process?

MR. YOUNG: Madam Chair, Commissioner Hughes, so as to the effective date, yes. You would need that exception but you would be complying with the standard process for the publishing title and summary without the emergency exception in that situation.

COMMISSIONER HUGHES: And what are the usual conditions for an emergency ordinance?

MR. YOUNG: So generally they are public health and safety, immediate need to address a public health and safety. Both of those statutes hit on that point. So there would need to be finding and in the draft ordinance there is a sample finding included with that.

COMMISSIONER HUGHES: Okay. Well, I would probably go with

either option 1 or 2 then, but I'll stop talking now and let my fellow Commissioners –

COMMISSIONER HAMILTON: Yes. I want to have a discussion. I don't want to have any motions because we're going to have a public hearing, but I want to have a discussion among all the Commissioners ahead of time. Commissioner Greene.

COMMISSIONER GREENE: Just as a general question. Are we thinking of actually changing the ordinance or just pushing the date back? If we're just pushing the date back I think that it's a less complicated issue and it's buying us more time, as it may be. And that we could simplify things and give people in the room some more guidance and it's a minor just change of a date. If we're actually going to go dig into this ordinance and change aspects of it I think that it should be much more – much more public input should be brought into play. So if it's just to deal with pushing the date back I think we could be at that expedited, faster solution, but I still think option 1 is probably better for public comment. However, to keep people here a little bit more clarity I could go any way with that but as long as it's no major changes to the ordinance.

COMMISSIONER HAMILTON: Commissioner Greene, I don't believe that we are going to change the ordinance except for the timeline, but we have explained to people, as Erle Wright and Jeff Young did that there are avenues for people to be able to get a temporary license and then work to comply with whatever permit they might not have. That's how I understood it. If I'm wrong please correct me, but I'm going to go over to Commissioner Hamilton.

COMMISSIONER HAMILTON: I'm not sure I have any questions to clarify, I think it's a good idea to change the date. I think the idea of having a temporary permit is valuable because people need that to register. I understand there are lots of other concerns but this ordinance as it is is pretty consistent with the way most land use departments handle giving permits for things that require some standards for public health and safety, but given that it's only a date change, as you say, I'm not sure – we've had a lot of public comment so I don't think – I think the choices of using at least some of the emergency authority is within reason.

MANAGER SHAFFER: If I could Madam Chair and Commissioners, just to clarify. The draft ordinance does include a provision that allows for the temporary issuance of a permit or a business license. That is a new substantive change in the existing ordinance which does not. I inferred from some comments that that was clear but I just want to make sure we're all starting from the same premises. So I apologize for interrupting, Madam Chair.

COMMISSIONER HAMILTON: Thank you.

CHAIR HANSEN: I was going to point that out. Also that's something I think is really important. It will allow for people to understand that Land Use is not the enemy, that they are trying to actually help you and that by doing a temporary registration and license that allows people to come into Land Use and work with the Land Use staff to get your property permitted. So #8 is a new section. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, thank you, and thank you, Manager Greg. I appreciate that clarification because it's also the application for the variance or the opportunity time, that's additional, as well as the opportunity to bring it into conforming if that's the next step. So all of those are included in the new section. Thank you. That was my only clarification. Thank you.

CHAIR HANSEN: Thank you, Commissioner Bustamante. I'll go back to Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I was going to mention what Manager Shaffer said about there being one substantive change in the proposed amendment, which I think probably everybody in the room is in favor of. At least that much.

I did have a couple of quick questions for the Growth Management staff. If we don't change the end date for the moratorium, are we still going to be able to get enough data to enact the final version of whatever limits – in other words, will we have data in the summer about how many licenses have been issued and what type they are?

MANAGER SHAFFER: I think I can take that, Madam Chair, Commissioner. If you're looking at a June timeframe, I believe I recall Growth Management Department Director Penny Ellis-Green suggesting that while it would be tight it could be achievable. But I think our recommendation would be that you address the moratorium in a more regular timeframe rather than on an emergency basis, would be staff's recommendation that we don't take that up at this point in time if we're operating at emergency powers.

COMMISSIONER HUGHES: Thank you. My other question was I got an email today – we all got an email from someone who mentioned that there was an unexpected asking for well meter readings, even in areas where there wasn't limits in those. Does anybody know what that's about? Is that a real problem?

JOSE LARRAÑAGA (Building & Development Services): Madam Chair, Commissioner Hughes, that is on the checklist, so if there's a shared well, again, verifying if it's on the plat. We'll make sure that it is a shared well and they should be turning in meter readings according to the bar covenants when they split their property. If it is on County water or a community water system or on its own private well, then we won't ask for the meter readings.

COMMISSIONER HUGHES: Okay, so maybe the confusion is people were not expecting to have to turn in their well meter readings if they're in an area that doesn't really have limits, other than the requirement that we've always had that you're supposed to turn those readings in. Do you think that's where the confusion is maybe?

CHAIR HANSEN: Commissioner Hughes, Jose, would you please identify who you are? We know who you are but for the minutes and for the audience.

MR. LARRAÑAGA: Sure. Jose Larrañaga. I'm the Building & Development Services Supervisor in the Growth Management Department. So going back to then, when we realized we were looking at the plat and especially the plat will tell us if they have a shared well, then they would have to turn in meter readings. We'll ask them for that. But it is on the checklist, so if they're on a shared well and they have to do meter readings and submit them to the County, they should have those meter readings. Again, if it's on a community water, County water, or they have their own private well, without a shared well agreement, they won't have a meter to share with us, to share the readings.

COMMISSIONER HUGHES: Thank you. That's all for me at the moment.

COMMISSIONER HAMILTON: Could I just follow up on that?

CHAIR HANSEN: Yes. Of course.

COMMISSIONER HAMILTON: Thank you. What you say makes total sense, but if it's on the checklist and it's causing confusion that it's only required for people that already have to submit meter readings because they're on a shared well, maybe we would add a footnote to that. Most people – that explains it. You do not need this unless –

MR. LARRAÑAGA: Just to elaborate a little, Madam Chair, Commissioner Hamilton. Usually they don't bring it in, or even their shared well agreement. So we went down to the Clerk's and pull up their instrument number and print that document so it's in the file. And then if they don't have meter readings at that time they could always send them back to us.

COMMISSIONER HAMILTON: Yes. I'm just trying to address the issue that if some people see it on the checklist and they think it applies to everybody and it only applies to a subset. If you could just clarify that with a footnote or something; whatever.

MR. LARRAÑAGA: Madam Chair, Commissioner Hamilton, Greg, I don't know if the new checklist of that's online, if we took out the meter readings on that also.

MANAGER SHAFFER: We'll look into making it as clear as possible. The last I looked it was specific that that's only required if you are subject to regulations. So – but we'll double-check it. If it can be clearer we'll certainly do that. Thank you.

CHAIR HANSEN: Thank you, Commissioner Hamilton. So one of the other – I'm going to make a few comments now. One of the other issues that I've had with constituents was about the Fire Code Compliance Certification. So I requested that Chief Black and the Fire Department come and explain this form, the short-term rental Fire Code Compliance Certification so that people understand what we're asking them to do, because there seems to be some confusion about this. And so I want to be clear about this, because there was questions. So please. Good to see you, Chief Black.

JACOB BLACK (Fire Chief): Madam Chair, thank you very much. Thank you for having us today and inviting us. So to address the issue with the short-term rental Fire Code Compliance Certification, to comply with Ordinance 2022-7, Section 7, it does talk about that the owner shall certify under penalty of perjury, compliance with Fire Code requirements of most significance to short-term rentals, and that the short-term rental is subject to Fire Department inspection. So that is accompanied in the attachments of today's agenda. The short-term rental Fire Code Compliance Certification.

So, Madam Chair, just as you were talking earlier, we want to be of assistance in this program and not a hindrance. And so we, working with Fire Marshal Blay, put together a checklist that addresses items that are specific to short-term rental, and specifically looking at items that are of interest to the structure itself as well as the environment.

So the first portion of the Compliance Certification Form talks about issues that are of particular interest for life and health within that structure, such as smoke detectors, a fire extinguisher, if there's a fireplace to have a metal can with a lid, and those are things that the short-term rental owner-operator would then go through and make sure that they are in compliance with.

The second portion of this form talks about the vegetation management plan. It requires the short-term rental owner-operator to have a defensible space to ensure that they have wood stored away from their property, to really protect against the threat of a wildfire or something of that nature. So this is a self-certification form that the owner-operator would do, and then would turn in with the application to comply with the ordinance. They are subject to inspection by the Fire Department so if there is any cause for concern, that's where Fire Marshal Blay and his inspectors can then make contact and perform any needed inspections.

CHAIR HANSEN: Thank you. So on this issue, in some places defensible space in the county is no problem. In other places, people live in very tight, condensed places just like they live in the city. Agua Fria Village being one example. So defensible space might mean something in a traditional historic village where the houses are more dense than if you're out in the country in El Rancho or Cuyamungue or Stanley. So I think that is where people are getting uncomfortable. Like, what – obviously one size does not fit all.

CHIEF BLACK: Madam Chair, yes, ma'am. So in the attachment it does talk about defensible space is. And so if we're looking at things such – an example would be a six-foot minimum clearance for tall ponderosa pines and then moving further out as well, depending on the space from the structure. Assistant Chief Blay, can you elaborate on what that would entail?

JAOME BLAY (Assistant Chief): Madam Chair, so the intention of this vegetation management plan is to, for example, the County, we want to make sure that people are going to be safe, protect wildland fires from burning their homes, protect their tenants. And this is a process – it's a document that basically if you don't have the space to do defensible space, it can shrink or expand as needed. It depends on the size of the lot. If you have a very small lot then all you need to do maybe is just to make sure that if you have a tree abutting your structure that maybe you need to cut some branches within five feet, or something like that. It doesn't mean that they need to cut trees.

Usually defensible space won't entail cutting trees. It will entail trimming branches, getting rid of the underbrush if it piles up. I don't know if that answers your question.

CHAIR HANSEN: Yes. I believe it does, but I have suggested that the person who wrote me this would be online or come to this meeting, so at some point I will open up a public hearing, if that question comes up. Because that is something that people have been concerned about. So I just want to make sure that you're available to answer those questions.

ASST. CHIEF BLAY: Madam Chair, if I may, one of the things we ended up adding it to this list is because we had a lot of people concerned about the lack of defensible space and then having tenants that maybe aren't going to be as careful as the actual owners and during the summer they could potentially smoke, or light cigarettes, something like that. So in theory this was to protect the County and the residents.

CHAIR HANSEN: We all know that defensible space around a home is the most important thing you can do to prevent wildfire. And so I don't have any issue with this list but I want to make sure that constituents are able to understand it also.

Are there any other comments? The other comment I have is I would like to

suggest that we go with option 1. I think that we are meeting the deadline. We will be able to extend it on March 14th. It will be signed and then people will have an extension of 2 ½ months. Is that correct? Thereabouts. March 15th, April 15th, May 15th, 2 ½ months. So I would think that that would be the best avenue because if people have issues during that time they will have time to comment at our next Board meeting and at the Board meeting on the 14th.

But I want to allow some time for public comment today on the items that we are discussing here. I think that we have heard a lot of comments already from everyone, and so I'm going to allow for a two-minute comment period and please keep it to items that we are talking about here. I also want to comment on the temporary license and the ability to bring your property up into code is something that I have kind of mentioned regularly during these meetings that we are willing to do variances. If you look at the record that Erle shared with you, there was a lot of variances. There was a lot of after-the-fact permitting that has happened. And Land Use has not denied people that ability. I think that they have tried to work with people to make sure that they can bring their property into compliance.

So with that, Daniel, will you put up a timer for two minutes?

DANIEL FRESQUEZ (Media Specialist): Madam Chair, yes. I am displaying the timer right now.

CHAIR HANSEN: Okay. Thank you very much. So please state your name.

TREY CORKERN: Thank you, Madam Chair. I have a couple of questions. My name is Trey Corkern. I live on Highway 14. So I just want to know if you think, collectively, if you all think that the June deadline is time enough for approximately 600 people to find new jobs, because that's how many people you're going to put out of business, according to about how many permits have been issued. You're taking away people's livelihoods by requiring the SLDC requirement. Because if you go – I bet, if you went and checked on the permits of all the buildings in Santa Fe County you're probably looking at – I don't know – 80 percent of the accessory dwellings or main houses are not permitted. And I just think this is an unjust – you're giving too much power to one person, essentially.

Like I said in my previous comments in the last meeting, I feel like you guys have listened and had a lot of thoughtful things to say about this, but ultimately, if you hand this to Land Use – like he said, there was a bunch of variances. It didn't show how many people had applied for variances. That could have been 2,000. The number I saw was 11 in one year. So when you go and you cram these 800 and something applications, there's no way, just based on the numbers that we have for people that have been turned down already, you're literally going to put about 600 – 600 people out of jobs, out of work, including myself. That's just a fact.

So you sit coming here today, you listened to our comments last time, but you're not going to make any changes to the ordinance? You're just going to go forward with it, because it's inconvenient or it's not timely? It's just unfair. And my experience in something similar to this when I lived in Portland, I was a food truck owner, and sort of the same rush happened. They had a whole bunch – somebody had a trailer. Somebody had a truck. Somebody had a portable building. And instead of shutting everybody down

because the City of Portland knew how important that was to tourism, they made exceptions. And I just do not believe that a person who's anti-Airbnb, which Penny Ellis-Green is, is going to make any exceptions for anyone. I just know that as a fact.

So when Portland – they came in. They did what you guys did last time, which was to say hey, we're going to work with you on this. And I just – so far with the permits that have been turned down and all the stories that we get from the Airbnb owners, that's not the case. They're not. They're turning down permits. So leaving the language how it is, you are taking away my livelihood and at least several hundred people's livelihood. And I just don't think that's fair.

So if you're okay with that, if you're really looking out for the public safety and well being of the people, you wouldn't put all of us in the unemployment line. And I need – actually just need more time to find a job. Because you are putting me out of business by passing this ordinance as it is. Out of business. And I bought a building that wasn't compliant and didn't know it. And yes, I could have gone and dug through County records –

CHAIR HANSEN: Thank you, but your time is up.

MR. CORKERN: So you just don't care?

CHAIR HANSEN: I think the Commission cares.

MR. CORKERN: No, I don't think the Commission cares, because you are putting people out of business.

CHAIR HANSEN: That's enough. Thank you.

MARY GARCIA: Hello. My name is Mary Garcia and I have questions about the vegetation management plan. I think it's idealistic, but based on the way New Mexico landscape is it's unrealistic. The problem is it says that if you don't abide by this that you'll be charged with perjury. That's what the ordinance currently says and I have a real problem with this perjury penalty. I'm wondering if there's other businesses, organizations, etc. in the county that have perjury as a penalty like the short-term rentals do. Are there? Are there businesses that if you don't abide by something you're charged with perjury? Because it says that in the ordinance and I can read it to you if you want. So I think that is something that you need to reconsider about changing. And people that have already applied for their license, and maybe they didn't realize that they were up against that.

Another thing, I spoke with one of the fire people and she said that to her knowledge, she was always taught that if you have a regular watering system like a drip system in an area then that excuses you from some of these regulations. And she looked at the ordinance and the maintenance plan and she said it's not in here.

And the last thing is, if you have a plan then it seems to me you need to carry it out. I don't know that the Fire Department is going to carry out all those regulations throughout the county. I can see them to be guidelines or recommendations but as a plan, I don't think that's going to work.

CHAIR HANSEN: Thank you, Maria.

EVELYN BEMIS: My name is Evelyn Bemis. I live in Santa Fe County. I sometimes forget to say thank you for all the work that you guys do that I approve of. I like what you do and then I forget that part. So I am here, one of the few, probably, on behalf of this ordinance. I thank you very much for bringing it forward. My next door

property was bought about three years ago specifically for renting out the main house and the guest house, despite the fact that when I had owned the property I had put restrictive covenants on it. And at the time I did so it could have never had legally a guesthouse. It could not – it was less than ten acres. But even so I put a restriction on it that said no short-term rentals.

And I made sure the realtor knew this and still it sold to these people and when I discovered that they had listed both properties on Airbnb I called them and I said no. We've had discussions. They've assured me they're not doing the short-term rental. It has to be 30 days. But, I said also I believe your casita was bootlegged. There was no permit for it, and indeed, there was no permit ever issued for it, so when it was inspected they said, oh, we just had this now after-the-fact permit. So it would have never qualified. There's no water restriction. We know that vacationers are less apt to care about the water usage.

So I congratulate the County for considering that, for us, the people who've lived there a long time and are very worried about our properties when the wells run dry. So thank you. I hope you don't change anything other than little tweaks. Thank you very much.

CHAIR HANSEN: Thank you, Evelyn. Next please.

BOB CLANCY: Madam Chair, Commissioners, I'm Bob Clancy from San Pedro, and I really don't understand what the public safety issue is, because there's been B&Bs going for years and if there really is a public safety issue I wish somebody would talk about emergencies. It would be nice to know what it is.

Secondly, if I read the sign for [inaudible] on 3/14 there will be a public hearing on the ordinance and on 3/14 the improved ordinance will be recorded, and that really doesn't make sense to me that there's a public hearing and then, boom, something happens. And from what I understand, the ordinance itself is not being modified, it's being deadline-extended and we're being told that will give us more time to work with County staff and come into compliance.

One thing, I'm not really confident that good things are going to happen that way because there have been a couple hearings and a lot of complaints about the real guts of the ordinance. And if this isn't going to be modified those are all just being totally ignored and out the window. I mentioned it before, in my case I thought that your intent between the owner-occupied and non, was to kind of separate the commercial outfits from the mom and pop, and we really need some mechanism where we can talk to somebody in the County and work this out so that we're classified in the right manner. Thank you.

JAN ROSENTHAL: Hello. My name is Jan Rosenthal and I have a place in Pueblo Encantado and my parents have owned it since 1987. Commissioner Greene, I believe you got my letter yesterday so I so won't expound on that, but just in relevance to today's meeting, since you want to keep it to those points, the one concern I have is being a non-owner-occupied unit although I am living here during the winter is just the process itself, if I may speak to that. I'm sure you've gotten numerous letters and phone calls. But I was able to come in in early January and meet with the staff. I think it was like the first week that they were getting the kinks out.

Eleven people were in the room. Several of the guys were pretty much

spearheading the meeting. But they were very helpful to me because there were a couple things on the checklist that I didn't know needed to be done, like the recorded plat or whatever and they ran downstairs and did some legwork for me. I know they're not going to do that for everyone. They expressed that. But I'm kind of talking on behalf of other owners out there that can't be here because they live out of state, although they come quite often, but the long distance thing for us non-owner-occupied people, regardless of how much time we spend here or how long we've owned a unit is just proving problematic. I don't think that there should be an in-person meeting that is requiring people from out of state to get on a plane and spend an exorbitant amount of money to come to try to get a meeting, which they can't even get because they haven't gotten a phone call.

I'm sure that you guys have had some feedback that numerous calls, numerous emails have been made to staff without phone calls being back. And so I am lucky because I'm here and I will get this done. I have one more thing, my CRS deal to get done, but I'm talking on behalf of other people that really have to go through the expense of getting on a plane to do this in person, including delivering the check. I don't understand why the check can't be mailed or certified mailed. You have to come in a second time?

And the other thing to that point is that several owners have gone through the process. They are through 100 percent of the checklist, unlike me with one item left. It's been a month and they still haven't been approved. They have preliminary approval but they haven't received approval when we were told that it's going to be two weeks. So part of that problem is that we have guests that have already booked for summer. One of my guests, for instance, is the manager of the Santa Fe Opera that's going to be here for 45 days. So I'd like to just see a little more expedition of the process, because I think if everything's been turned in and the checklist is completed I don't understand what the delay is. And I also have a concern about next year having to go through the same process again. It could be handled with a lot more efficiency virtually and online than having to do in-person meetings. Thank you.

CHAIR HANSEN: Thank you, Jan. Next.

SARAH WEST: Hello. My name is Sarah West and I live on Highway 14. My appointment was Monday on the 20th and I had everything on my checklist, diligently checked off, stapled, photocopied. I, however, could not provide the E-911 form because I request – I followed the instructions, requested it via email, almost four weeks ago. I have neither had a response nor the form provided. So anyway, Christina said don't worry; just come on in and we'll give it to you then.

I had a family emergency come up and I knew I couldn't attend the meeting. I started calling Christina who's been very helpful, at 8:00 sharp in the morning to let her know, give her a heads-up, I couldn't make it. I kept getting an old school busy signal, just over, over, over and over again. I called – I don't know. Sometimes it was neurotic. I was calling every five minutes, every ten minutes. I would say on average I called about every 30 minutes the entire course of the day from 8:00 sharp till close of business, and then I tried – the same thing. Busy signal. And then I tried to call again today because I wanted to explain why I just didn't show up to the meeting, and the same thing. I started at 8:00 this morning and it was just the old school busy signal. So if you see Christina tell

her I'm sorry I couldn't make the meeting.

But I do wish they would reconsider some of the – modifying the ordinance, especially those permits. Land Use is not out to help us. They're tough. So it's pretty scary. So thank you.

CHAIR HANSEN: Thank you. Hi, Katie.

KATIE TOY (via Webex): Thank you, so much. My name is Katie Toy. I've recently moved to Santa Fe and am in the process of purchasing a home that has been rented as a short-term rental, and it's kind of a complicated situation just because of the timing of it, but the questions that I wanted to ask, I guess just in listening to a lot of people, I'm wondering if the County or Land Use Department has maybe considered the need for like new homeowner education or training. It seems like the STR application process is kind of indicating that inspections and appraisals maybe aren't identifying non-compliances and new homeowners may not be aware that their home improvement projects are non-compliant. It seems like a lot of these issues may be just related to a lack of awareness and competency regarding regulations.

My second question is is the County might be willing to indicate on the website or an application packet average timelines for things like back permitting and pertinent contacts to reach out to for more information, just to kind of help community members participate in the process and get the information that they need, and try to like [inaudible] I guess. If issues do come up how much time can they expect things to take? So that's it. Hopefully that wasn't too much. Thank you.

CHAIR HANSEN: Thank you, Katie. Daniel, do we have another person?

MR. FRESQUEZ: Madam Chair, our next speaker is Ethan.

CHAIR HANSEN: Welcome Ethan.

ETHAN STONE (via Webex): Hi, there. My name is Ethan Stone. I was a pretty early applicant in the process. It was pretty confusing but I made it through it. It seems like this has been addressed, but there was really no reason to meet in person if the application was complete, so I believe that's already taken care of, in my understanding at the last meeting. I think we definitely need a system to electronically track these application statuses, because at this point I've completed the process but I haven't really received any temporary or permanent approval or further information.

As for defensible space, I wanted to provide some comment on that area. Unlike the other items that were mention in the fire attestation, which are obvious life safety concerns and in my understanding that was the intent of the council when they instructed the Fire Marshal to come up with this list, because I followed closely the discussion that was had. There's really no obvious life safety concerns with defensible space. I do understand the property connection there, and really the County has not met the burden of providing evidence to suggest that an owner-occupied short-term rental has different fire protection issues than any kind of long-term occupied property. If there's a history of such loss related to short-term rentals the County really needs to provide that prior to selectively enforcing the defensible space provision, especially in application to sites that were prepared before the ordinance was put into place.

We all know defensible space is incredibly important but we need to recognize that there is a significant cost in terms of engineering, potentially, for erosion control, relocating prior permanent gas tanks, and also potentially moving entire septic fields that

have integrated vegetation as part of their permitted use that pre-dates this code. So I think we need to take a look at that in more detail to understand how that would impact a lot of these properties, and understand how it would be enforced or what variances would apply to that provision.

CHAIR HANSEN: Thank you. Daniel, do we have anyone else on line:

MR. FRESQUEZ: Madam Chair, Myra Canterbury would like to speak.

CHAIR HANSEN: Welcome, Myra.

MYRA CANTERBURY (via Webex): I just had a couple of questions.

One, I am one of the people that live at Pueblo Encantado where Jan lives, but when I tried to make an appointment several weeks ago, I talked to Christina who was enormously helpful, but she said she couldn't make an appointment far in advance. Two weeks is all her calendar allows her to put out, and that seems a little bit restrictive, in that I need to be able to plan flights to Santa Fe and be able to stay in my home and so I can't understand why a calendar – a calendar is generally used for forward facing timelines. And it seems like two weeks, you could allow her to go out a little more than that for making appointments in the future.

And then the other thing is I don't understand why we can't have a Webex meeting and do a lot more of this electronically with changes that have come from COVID it seems short-sighted to make people travel to Santa Fe to meet in person. So this meeting is being done with the Webex. There's plenty of tools that are available for that and I'd be happy to supply my own tool when [inaudible] into it. It seems like we should be able to make appointments that are electronic and a month in advance if you're going to make us fly to Santa Fe. So Thank you.

CHAIR HANSEN: Thank you, Myra. Anyone else, Daniel?

MR. FRESQUEZ: Madam Chair, I'm not seeing anybody else indicating that they'd like to speak during public comment.

CHAIR HANSEN: Is there anyone else in the audience who would like to speak under public comment?

CHAIR HANSEN: Okay, gentlemen sitting down, please come forward.

VANCE WILLIAMS: Thank you, Madam Chair. My name is Vance Williams and I live in Vista Redondo. I have found – I think I'm finished with the process but I still don't know where I stand. And so a little more communication part, the recipients of the application [inaudible] The issue of reviewing licenses has been very arduous when it could be simplified.

Another comment is the entire process could have been greatly made more [inaudible] and simplified, because offices that are right next to each other that have the documents you require – for instance I had to get a construction permit and I told the person in the offices there I could just walk over there and ask for it. No, you have to go home. You have to call the Legal Department. The Legal Department has to call in and then you have – they have x-number of weeks to get back to you, and they will communicate by the internet, and then you will finally get – and then you have to go back to the building and hand it to them, where maybe if you had a common database where they could have just pulled up a lot of these documents it would be easier for the County and it would be easier for us citizens in the county. That's my comments.

CHAIR HANSEN: Thank you, Vance.

HERVE GOUJON: Hi. My name is Herve Goujon. I'm in the county as well. I have a question about the ATF. We don't know how much that's going to cost. Is that going to be an additional burden on us? We don't know the cost of getting such a permit, an after-the-fact. Again, most of the homes in Santa Fe County are old. They were not permitted. I think Trey said that. I think it's true. It's not on the checklist either, which is kind of a surprise when we go to the appointment and we're told that we should have a permit for buildings that were maybe built in the forties or sixties, before the County implemented such a rule that we needed a permit. So I think it's not really fair.

The other point I'd like to make is that I have friends that are realtors. They are saying the more permits are denied the less business they're going to make because they have people who come to buy homes in Santa Fe hoping to maybe to be a short-term rental. If the permit is denied, they can't make the sale, so you're hurting local businesses. It's tax money for the County. It's money for the people who sell the properties. And of course it's income for us who own those short-term rentals, and I've invested quite a bit of money in a business – it is a business. Putting business people like us out of business goes against what the County should do.

So I think you should make it really easy for us to get a permit so we can keep on bringing tax money, tourism dollars to the county, which otherwise you won't get. You're kind of shooting yourself in the foot by denying permits or making it very difficult to get the permit. I think it would be best to be reasonable, give the permits, make it as easy as possible. I think extending the deadline is a necessity to start with, because we cannot get the appointments. The ATF is a novelty. We didn't know. It's a surprise. It's going to take a while. There is no way we'll be ready by March 15th. And we have bookings after March 15th. What are we supposed to do? Cancel them?

It seems to be everything has been precipitated, not really fair, not really taking into account our investments, the money we bring to the county, and that we are not the enemy here. And I think a lot of us feel that we are treated like the enemy. And we are not. We bring business and money to the county. Thank you.

CHAIR HANSEN: Thank you very much. Who wants to speak?

DEBORAH TOMPKINS: Commissioners, Madam Commissioner, I've been here before. My name is Deborah Tompkins. I want to thank everyone at the office at Santa Fe County including Jose, who has been so helpful in helping us trying to get this process finished. I am dismayed though because if you've ever had a dream where you can't reach to the end of the hallway, this is what it feels like.

We have been told that we need to pour concrete down our shower drain. We need to revegetate one driveway even though the 911 numbers have already been placed on both driveways, so which one is it? I know Jose and everybody in the County is doing a good job and doing their best, but why not grandfather ADUs if they're listed as legal non-conforming structures with the Tax Assessor's Office?

I'm afraid you're all going to end up with an empty bag at the June deadline because at the moment, you're not going to have people come forward and try to get an ATF permit. It's just not going to happen. I would wager a good 80 percent of the properties in Santa Fe County are non-conforming and they're not permitted. So you're going to end up with an empty bag come the June deadline.

We're at the point right now where we're going to give up because we don't want

to compromise our property values by pouring concrete down one of our shower drains, and we certainly don't want to revegetate one of our driveways because I'm concerned about gas safety. I'm concerned about safety. None of this SLDC is about safety. None of the land use rules – the development permit has nothing to do with safety. Even if you do have a development permit, you still can't get a state issued building permit after the fact. So why are we even doing this? Thank you.

CHAIR HANSEN: Thank you. Okay. I will close public comment and I will go back to the Commissioners. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. Jose, I've got a question for Land Use. Is this system that's currently backed up for short-term rentals, is it impacting other building permits going through the process right now? Is there like a waiting list that's beginning to build up behind here for housing and other permits?

MR. LARRAÑAGA : Madam Chair, Commissioner Greene, the residential permits, we're staffed on that. Those are still going through the regular process and that should be a 15-day review process. The short-term rentals is a separate application. Again, you've heard that we've had a crew in there. We kind of whittled it down because of staff, to three, our staff, our BDS staff and Erle usually has two on his staff, and for training purposes to we have some new people in there so that way they can start learning what a basic submittal is.

COMMISSIONER GREENE: Okay. Great. Thank you. And then in terms of the after-the-fact or these non-compliant building structures, sort of two questions. One, in a lot of communities, airstreams and other trailers are allowed, and from my understanding our ordinance does not allow that. And so this might be a little rhetorical to ask my fellow Commissioners if this is something that we want to look at to either deal with trailers or some of these non-conforming types of – whether it's a yurt or a dome or another sort of alternative structure with a different type of occupancy that we can create that is safe but allows for a different experience in Santa Fe.

MR. LARRAÑAGA : Madam Chair, Commissioner Greene, you are correct. Under the definition of a dwelling it states that an RV is not allowed to be lived in. So we wouldn't allow that. They could always come back to create, if the zoning allows, to create a campground, an RV park and put modern RVs and use it as a short-term rental area. And so the other uses, as a yurt, we have permitted them as a dwelling. They just need to meet the standards and then of course meet the CID standards, state standards to live in that.

COMMISSIONER GREENE: And then lastly, does the state CID review any of this? Or is this another complication that we're going to have with the after-the-fact licensing?

MR. LARRAÑAGA : I spoke to Martin Romero and Clay Bailey. They are from the State. They're division directors and bureau chiefs. If somebody comes in with an after-the-fact permit for a dwelling unit, one of the requirements – well, there's two requirements. They could choose either one, the applicant, is that you'd hire an architect or an engineer to certify that that dwelling meets code requirements, that the electrical, the plumbing, everything else meets code requirements, and they will accept that as their plans. The other thing they can do is take out drywall and look at the electrical, the plumbing, but that's state requirements.

COMMISSIONER GREENE: Thank you.

MR. LARRAÑAGA : They're not our requirements; they're state requirements.

COMMISSIONER GREENE: Right. I understand. Thank you.

CHAIR HANSEN: Okay. Commissioner Hughes

COMMISSIONER HUGHES: Thank you. That was even before I raised my hand. I'm just wondering, do we – I think one thing that was apparent, I don't think everybody in the audience – obviously they haven't seen the draft ordinance that we're considering, so I think it was a little hard for them – we did mention the June 1st timeline and the possibility of temporary permits but that is what we're considering so I think people will be hopefully happier and also easier to comment when they actually have published or at least made public whatever it is that we're going to pass today, because obviously, we're not looking at a March 15th deadline anymore unless nothing passes today.

So I'm just wondering, I was fine with option 1 and as I understand it, we really can't do much more than the ordinance that the staff proposed because those are the emergency type things we can do. Everything else we should probably do when we consider it at the end of the year and make longer-term fixes. But certainly, our intention would be certainly to make the renewal process much easier and I think staff did address that in some of their communications to us, that the renewal process wouldn't be anything like the first go-round.

But I guess I'm just wondering, do we want to do a motion that incorporates everything all at once or do we need to address the timeline separately from the ordinance.

CHAIR HANSEN: I still would like to hear comments from all the rest of the Commissioners.

COMMISSIONER HUGHES: I'm not going to make a motion. I just want to know what we're looking for.

CHAIR HANSEN: Commissioner Hamilton.

COMMISSIONER HAMILTON: It's just interesting because I've got some input from some people I know who are constituents that all this stuff in the presentation sound good but they are still getting a runaround about – I'm not sure I understand why people have to come in. I understand the response is because if they come in we can help them get everything done all at once, but then we keep getting comments that we come in and then we're told we have to go do something else, someplace else and we have to come in multiple times.

So I'm still concerned – I think extending the deadline and what we're doing today but I'm still concerned about the fact that implementation seems to be a real problem.

CHAIR HANSEN: Thank you. Commissioner Bustamante.

COMMISSIONER BUSTAMANTE: Madam Chair, I think the extension of the timeline, with the caveats, a temporary permit, the potential for a variance, all of those allow that to that end. I am, much like Commissioner Hamilton, I am concerned, because we do want things to be a bit easier for people, if it is possible to somehow expedite a process that is important. I have to say my number one thought is a health and

safety thought, and if there is any type of request for some type of getting away from the purpose of permitting, those are health and safety reasons. And it's not about trying to make things more difficult for people, but I think we have to look, and there are plenty of really good examples of where building code has been bypassed, especially now with fires all over the country. Other countries that do not have building code and they are buried under rocks on days like today give the earthquakes.

All of the things that have been put together for the purpose of a permitting structure is reasonable for the quality of life, for the inhabitants of Santa Fe County. And I am very focused on the inhabitants of Santa Fe County and whether or not people are putting structures and looking for variances just because it's cumbersome and it doesn't have a permit, health and safety is the bottom line. It really is something that if you do not have safe and resilient structures the misery isn't about a meeting at a County Commission, the meeting is about how to make good on something that should have been more protective of the inhabitants at the time it was determined it would be used for any kind of extended use.

So that being said, as I am sympathetic for the amount of time that it takes to get things done and do them right in the interests of public service, ensuring our insurance is going to cover it, and that's for those who are transforming the tuff-shed, whatever, to make sure that things are meeting code so that people are healthy and safe when they do come visit our community. I think that I've heard what we've needed to hear today. I want to make sure things are easier, but we're not doing the right thing if we do get away from requiring code that ensures that people are healthy and safe. And that's all I have to say about that. Thank you.

CHAIR HANSEN: Thank you, Commissioner Bustamante. So one of the things that we have done, for those in the audience and those out online, is that each of us have a constituent liaison, and we have given up two days of those times. We only have one employee that works for us as Commissioners. We have given up time of our Commissioners' liaisons to help the public, because we really want to help you. I know some of you don't feel that way, that you think we are trying to make it harder, but we are not.

I want Land Use to hear, we want you to help these people when they come in. Help them. Go down, take them downstairs to the Assessor's. Take them to the Clerk's. Make them feel like they are respected because what I'm hearing is that they are not. A 911 address might be difficult to get. Maybe you can't do that in one day. But I know that Erle Wright is a stellar human being and is doing everything he can to help you.

And so I'm saying that to you because I know our Land Use staff is trying, but we're also understaffed. So that's not an excuse but it gives us the ability to extend the deadline so that we have more time for everyone. Our liaisons are on the phone with you. We are trying to make sure that every single person who calls in gets answered. We have had phone issues the last couple of days, so we apologize for that. Some things are out of our control. CenturyLink has not been cooperative. So there are things that we have not been able to do, but in general, sincerely, this temporary permit was not something that was available before. We are adding it into the ordinance, a temporary registration and licensing, so that you can bring your property up to code. It is for the health and safety of the community to bring your property up to code. It is not something that – it is

something that we think that properties need to be. I agree with Commissioner Bustamante. [Disturbance in the Chambers]

COMMISSIONER BUSTAMANTE: Madam Chair, I'd like to call for order please. Thank you.

CHAIR HANSEN: I'm not answering any questions. So I'd like to continue this discussion about the resolution and about the ordinance change and do we want to make it Section #1, or what did you call it, Jeff? Option #1. Do we have a motion for that?

COMMISSIONER BUSTAMANTE: Madam Chair, I would like to make the motion that we would go with timeline #1 for amending the Short-term rental Ordinance, that includes this special meeting that we're having today, sending the newspaper information by February 23rd, publishing the title and general summary, having the public hearing on March 14th, and extending this to June 1st.

CHAIR HANSEN: Do I have a second?

COMMISSIONER HUGHES: Second, but I –

CHAIR HANSEN: Under discussion.

COMMISSIONER HUGHES: Yes, for discussion I have a question about the thing I just seconded though. Are you intending to include the whole ordinance as well as the timeline in your motion?

COMMISSIONER BUSTAMANTE: Yes, sir.

COMMISSIONER HUGHES: Okay. Then I want to make sure it's clear then that we're also talking about the temporary permits, temporary registrations as well as the extension of the timeline.

MANAGER SHAFFER: Madam Chair, Commissioners, if I could. I understood the motion as confirmed by the seconder that you're authorizing the publication of title and general summary of the ordinance as presented. Obviously, that doesn't preclude changes after the public hearing. But that's what I understood the motion to be with the timeline proposed under option 1. Just for clarity.

COMMISSIONER BUSTAMANTE: Manager Shaffer, Madam Chair, yes.

COMMISSIONER HAMILTON: Yes.

CHAIR HANSEN: And temporary registration licenses, which I hope will allow many people to come in and get their legal lot of record or dwelling recognized under the SLDC. Is there any other comment or discussion? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just want to make sure people in the audience understand that the temporary licenses to basically allow people to keep operating while whatever process goes forward to get the land use issues worked out. It will be all printed in much more legal terms but I don't know that we talked that much about that, but that is what we're looking at so that even if you aren't all – if you don't have your after-the-fact permit by June 1st you'd still be able to operate under a temporary license.

CHAIR HANSEN: My question is to the Fire Chief, one of the constituents was concerned about perjury. Is this a common addition to add to the language? It is self-certified so you are making a commitment.

ASST. CHIEF BLAY: It is under fire protection. What it says is the owner

will certify under penalty of perjury, compliance with Fire Code requirements of no significance to STRs as identified by inspection. The intention is, because we're not going to be the ones doing the fire inspection. We're adding it on the owner's responsibility that they will be complying with having the fire extinguisher, a non-combustible can with a metal lid if they have a fireplace, ashes, an emergency escape from their bedroom. Just minimum safety requirements.

So I believe that that is there to let them know that if you say that you're going to be doing this and you're granted a license, that's what it means, under the penalty of perjury. If you're getting a license and you're not committing these requirements, you may be liable for responsibility or maybe even revocation of the license. These are minimal fire safety requirements for people to be able to survive a fire. Smoke alarms.

And we heard about the defensible space. Again, the defensible space, we're willing to meet with any constituent that may have questions about defensible space and let them know what it entails. They may be under the impression that they're going to have to cut all kinds of trees; that's not the case. We're just asking them to trim trees, to remove underbrush, to remove stuff from next to their home. It's just – I think we're only requiring basics here.

CHAIR HANSEN: That is good to hear, thank you. I think just making things clear for constituents is really important. Commissioner Greene.

COMMISSIONER GREENE: Thank you, Madam Chair. So County Manager, just to ask the question, were you saying that the entire ordinance is – so there's minor tweaks available to be made, not only just the date and the temporary permit? So if there's minor revisions or even major revisions, is that available for us to entertain at these next meetings?

MANAGER SHAFFER: Madam Chair, Commissioner, I think generally speaking, you'd want to be within the subject matter that you notice to the public. So I think if, for example, and I'd defer to the County Attorney on this, if we didn't give notice to the public that we might be looking at occupancy limits, and March 14th rolls around we decide well, we might want to look at occupancy limits, if that's what the question is that you're asking. There may be a line that, yes, you cross. My comment was more focused on the fact that within the general summary that is provided to the Board that there is flexibility. So June 1st is what's in the draft ordinance. Certainly nothing would preclude you from saying July 1st, or August 1st. I think it really does depend upon the general subject matter that is put forth to the public. So it's a nuanced answer to your question, but I hope that I did answer it.

COMMISSIONER GREENE: Thank you.

CHAIR HANSEN: Any other questions? Commissioner Hughes.

COMMISSIONER HUGHES: Yes, I just wanted to add, in answer to your question and the Fire Marshal's answer that in my previous business where I ran a non-profit I had to sign that I was not committing perjury about once a week. So basically all you're saying is, yes, I am telling the truth. I did put up smoke detectors. I did cut the limbs. Things like that. So it's pretty common language in my experience. That's all.

CHAIR HANSEN: Thank you. I appreciate that. I think that it's fairly standard just to state, this is your intention and your willingness to oblige by the rules. In response to Commissioner Greene, yes, I think there are things that need to change in the

ordinance but this is not the time, and we had set that aside to do that at a later date. And I think getting through these serious issues of the timing and the temporary license is really what is needed at the moment for people. And as we move forward and the moratorium ends, or as we move forward and we want to bring back the ordinance, I think those are the times to make more substantive changes, which I think we do need to do. Anything else?

COMMISSIONER BUSTAMANTE: Madam Chair, to Commissioner Greene's question, because there was some discussion in our previous meeting with regard to those that would have been grandfathered in under the SLDC, that is something that we would address at another time if it's something that would have been grandfathered under those circumstances. Is that correct?

CHAIR HANSEN: I think that in the information that we received today I don't think grandfathering in is a pathway but a temporary registration and license is a way to bring your building or accessory dwelling unit up to compliance. I don't want to see anybody have to pour concrete down a toilet or a shower. We need units. We are already under – I don't know what the right word is. I'm sorry; I'm struggling. We don't have enough units for people to live in as it is, and making somebody put concrete down a toilet or a shower, I think there needs to be a way around that and I believe that this temporary registration and license is a possibility for them to come up with a solution, and for Land Use to come up with some solutions that are outside of the box of thinking. I don't think we should get rid of any accessory dwelling units because we're struggling for housing as it is. And I think most of the people on this Commission – I see them shaking their heads – agree that pouring concrete down a toilet or a shower is not the answer.

I'm going to call the question, unless there is any more discussion.

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

CHAIR HANSEN: Okay, so we can not publish title and general summary.

3. CONCLUDING BUSINESS

A. Announcements

COMMISSIONER GREENE: So just as a point for all of us up here and for folks in the community, the congressional earmarks, the first time in many years have come forward and I think there's an opportunity to look at the projects in your district that may be eligible for federal money that haven't received state or other monies in the past, so to look out for that and to see how to go find some money for those projects.

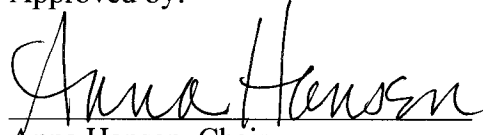
CHAIR HANSEN: Right. There have been earmarks for the last couple years, but definitely we should all look and see what we can find.

B. Adjournment

Upon motion by Commissioner Hamilton and second by Commissioner

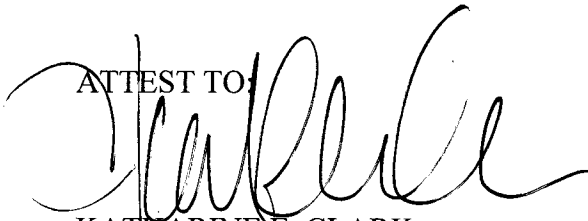
Bustamante, and with no further business to come before this body, Chair Hamilton declared this meeting adjourned at 4:40 p.m.

Approved by:



Anna Hansen, Chair
Board of County Commissioners

ATTEST TO:



KATHARINE E. CLARK
SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork
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SFC CLERK RECORDED 03/30/2023