

**SANTA FE COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**REGULAR MEETING**

**September 13, 2022**

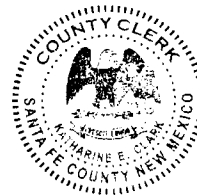
Anna T. Hamilton, Chair - District 4  
Rudy Garcia, Vice Chair - District 3  
Anna Hansen - District 2  
Hank Hughes - District 5  
Henry Roybal - District 1

COUNTY OF SANTA FE           )  
STATE OF NEW MEXICO       ) ss

BCC MINUTES  
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**SANTA FE COUNTY**  
**REGULAR MEETING**  
**BOARD OF COUNTY COMMISSIONERS**

**September 13, 2022**

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

**B. Roll Call**

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

**Members Present:**

Commissioner Anna 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 Johnny Baca of the Public Works Department.

Commissioner Hansen requested a moment of silence for her cousin, Kristin Marie Johansen, and Johnny Baca asked that the victims of 911 be remembered.

1. **F. Approval of Agenda**

CHAIR HAMILTON: Manager Shaffer, do we have some changes?

GREG SHAFFER (County Manager): Thank you, Madam Chair. Our initial agenda was posted on Tuesday, September 6<sup>th</sup> and the amended agenda was posted on Friday, September 9<sup>th</sup> at approximately 5:00 pm. There were three items added to the agenda. Miscellaneous Action item 6. D, which is a letter commenting on the notice of intent to prepare a new Los Alamos National Laboratory site-wide environmental impact statement. Presentation 7. B, Presentation on the Northern Area Local Workforce

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Development Board was added to the agenda, and Matters of County Attorney, potential Fair Labor Standards Act was added to the executive session agenda. Finally, packet material was added to the administrative adjudicatory matter, item 13. A.

With regard to changes today, there has been a request made to move item 7. B, the Northern Area Local Workforce Development Board presentation up in the agenda so as to be respectful of the presenters' time, so that that item would be considered after item 3. A. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. so with those changes, what's the pleasure of the Board?

COMMISSIONER GARCIA: Move for approval.

COMMISSIONER HANSEN: With additional changes, with amendments, second.

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

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

**2. APPROVAL OF MEETING MINUTES**

**A. Request Approval of the August 9, 2022 Board of County Commissioners Meeting Minutes**

CHAIR HAMILTON: Commissioner Hansen

COMMISSIONER HANSEN: Madam Chair, I move to approve the August 9, 2022 minutes.

CHAIR HAMILTON: Thank you. I have a motion. Do I have a second?

COMMISSIONER GARCIA: Second.

CHAIR HAMILTON: Thank you. Motion and a second.

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

**B. Request Approval of the August 23, 2022 Board of County Commissioners Special Meeting Minutes**

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I request approval of the August 23<sup>rd</sup> Board of County Commissioners special meeting minutes.

COMMISSIONER GARCIA: Second.

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

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

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**3. CONSIDERATION PROCLAMATIONS, RESOLUTIONS, AND/OR RECOGNITIONS**

**A. Resolution No. 2022-070, a Resolution Recognizing September 21, 2022, as the International Day of Peace and Urging the United States Congress to Reduce Funding to the United States Department of Defense and Reallocate Those Funds to Domestic Needs**

CHAIR HAMILTON: I'm going to go to Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I feel like this resolution is completely in line with the comments that the New Mexican quoted me as being a peacenik in regards to the shooting range.

CHAIR HAMILTON: I liked that. I thought that was great.

COMMISSIONER HANSEN: So now I'm bringing forward a resolution to recognize International Day of Peace. This was originally established by the United Nations General Assembly in 1981. The International Day of Peace is an annual celebration devoted to commemorating and strengthening the ideas of peace, both within and among all nations of people by celebrating the people who work hard to end conflict and promote peace in our communities.

The United States as a representative adopts a concurrent resolution recognizing national days of peace, coexistence and cooperation committed to facilitating the application of peace, tolerance, cease fire and non-violence throughout the year. Every year the International Day of Peace is observed around the world on September 21<sup>st</sup>. The attached resolution asserts that the Santa Fe County Board of Commissioners supports the important international effort to honor our collective humanity.

According to the National Priorities Project, the United States military budget of \$801 billion far exceeds spending on education, affordable housing, and local economic development. By reducing funds to the United States Department of Defense, those funds can be reallocated to priorities of our domestic needs and further pursue peace.

I have always considered myself a peacenik and I consider that a positive word as somebody who advocates for peaceful resolutions throughout the world. So in this time of war with Ukraine and all the other conflicts around the world, in Syria and Tibet and many other places I respectfully ask that we approve this resolution and therefore I make a motion to approve this resolution of the International Day of Peace.

CHAIR HAMILTON: Thank you very much for bringing this forward. I have a motion. Can I entertain a second?

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Excellent Shall I entertain comments or questions before I go to – I know there's some people here who might want to speak to this. So I would ask if there are Commissioners who want to say something first and then I would entertain public comment.

COMMISSIONER HANSEN: Thank you, Madam Chair. Well, seeing none, maybe after public comment. So I'm going to open public comment on this. If there are people in the audience who wanted to say something to this, please come forward. Yes, please come forward, Joni, and identify yourself. Welcome.

JONI ARENDS: Thank you. Hi. Good afternoon. Thank you for this

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opportunity to support this resolution. My name is Joni Arends. I'm with Citizens for Nuclear Safety. We appreciate the leadership of Commissioner Hansen to bring this forward to make a declaration for the people of Santa Fe County about this important day to recognize. There's a growing movement around the world about it. So thank you.

CHAIR HAMILTON: Excellent Thank you so much. Is there anybody else from the public who wishes to speak at this point, on this item? We'll have general public comment subsequently. Excellent. Thank you. Thank you, Joni. Any other comments? It's a very auspicious time to bring this forward and sometimes there's a sense of what little people do in the big wide world has little impact. In fact, the sum of a lot of little good things can be what keeps the balance of the world in light. So it's a reason for you to bring this forward. Commissioner Hughes.

COMMISSIONER HUGHES: I'll just add that peace gets a lot less publicity than war, obviously, and so I'm really glad for Commissioner Hansen bringing this forward and giving a little bit of recognition.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: In the 60s there was a saying to give peace a chance. So I'm asking once again for all of us to give peace a change because, to me, that is the only way we can really all heal from the trauma that is being spread around the world by people who think that war is a better solution than peace and we all know that peace is a better solution. So thank you, Madam Chair.

CHAIR HAMILTON: Excellent I hope we know it better as time goes on. So for a very small vote on a very auspicious topic, I have a motion and a second.

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

## **7. PRESENTATIONS**

### **B. Presentation on the Northern Area Local Workforce Development Board**

CHAIR HAMILTON: And I'm thinking the people from 7. A are also here and though it's a little bit on the fly, I wonder if we might move that up. So we'll do 7. B first. We have Lisa Ortiz and Eric Vasquez. Welcome. If you would just come forward.

LISA ORTIZ: Good afternoon, Madam Chair, Commissioners. Thank you for having us today. My name is Lisa Ortiz. I'm the executive director of the Northern Area Local Workforce Development Board. We have Eric Vasquez, our One-Stop Operator, and Barney Trujillo, our operations manager.

CHAIR HAMILTON: Welcome.

MS. ORTIZ: We are the Northern Area Local Workforce Development Board. It's been established in 2001. We are a non-profit. The Northern Board serves ten counties. We serve Cibola, Colfax, Los Alamos, McKinley, Mora, Rio Arriba, San Juan, San Miguel, Santa Fe and Taos. The workforce innovation grant serves out Title I program, and that's our primary source of funding. The Northern Board receives about \$3.7 million for PY 22. We serve adult, dislocated worker, and our youth. Help New

Mexico is our Title I service provider and Zlotnick & Sandoval is our fiscal agent.

WIOA funding flows from the federal government to the Department of Workforce Solutions and then is allocated to the local boards. The funding formula is based on total population, unemployment rate, poverty, poverty level, and WIOA program resources required to serve residents.

New Mexico has four local workforce development boards. We have the north, central, east and southwest. WIOA requires states to administer six core programs. We have our adult service programs which provide career training to 18 and older, our dislocated worker program, assistance for workers that are about to be laid off and have been laid off. We have our youth services that provide training and education for ages 14 to 24. We also have our adult education which provides basic skills to ages 16 and older, rehabilitation services that provide job training to individuals with physical and mental disabilities. Also we have our Wagner-Peyser program. This is an employment service program bringing people together – individuals seeking employment with employers seeking workers.

Our chief elected officials of the local governments are responsible for appointing board members to the Workforce Development Board. Our CEOs of all ten counties jointly approve our fiscal agent and our One Stop Operator. At the county level, Workforce Development Boards set policies and oversee WIOA programs and services.

I'd like to share this video with everyone: What is a Workforce Development Board? We could go to the next slide and come back to our video.

So the labor market for Santa Fe County, as you can see, unemployed are a little over 3,000. Our unemployment rate is 4.1, and job openings right now are a little over 11,000. We do have the table to the right, which is the number of job openings. As you can see, most of those are in healthcare, education and state government. The Northern Board has served over 500 participants in Santa Fe County in the last four years. We've had about 100 registered nurses, many other certifications and degrees in medical, education, IT, trades, and hospitality. The table to the right shows jobs by occupation. Most of those are in healthcare, construction, hospitality and food service.

[A video was shown.]

MS. ORTIZ: Thank you. Next, we have several initiatives that we have with Santa Fe County: our collaboration with Santa Fe Community College, with the I-BEST program. This provides youth with career pathways for automotive, early childhood and healthcare. Our partnership with the Boys & Girls here in Santa Fe. This is to conduct a six-week virtual career exploration training for teens. The types of training are manufacturing, automotive, public safety, skills, trades, warehousing and storage, hospitality and tourism.

Some other partnerships include our heavy equipment operator and CDL training with Santa Fe County employees, our on the job training program with Woodruff Scientific Initiatives. This is a custom magnetic coil company. So we have some participants placed here currently earning a high wage. Our partnership with the North Central New Mexico Economic Development District and Santa Fe Community College is the Good Jobs Challenge program. We also have our 3-D printing program with our Santa Fe Community College that we have currently students enrolled in that program. Our Z Pet Hotel partnership, we currently have some participants placed in on the job

training, and they are currently in managing positions. And also our Santa Fe Chamber of Commerce partnership to help promote local businesses.

We do have some additional partnerships with Christus St. Vincent, Santa Fe Recovery Center, RTD Transit, Santa Fe Public Schools, Innovate and Educate.

Currently, the Northern Board consists of 21 board members and eight working committees. Those board members represent businesses, union, workforce, education and apprenticeship. Thank you, Madam Chair, that's the end of my presentation. Eric Vasquez, our One Stop Operator would like to say a few words. And also you can visit our website and [northernboard.org](http://northernboard.org) for more information.

CHAIR HAMILTON: Excellent Thank you.

ERIC VASQUEZ: Thank you, Lisa. Madam Chair, members of the Commission, my name is Eric Vasquez. I serve as the One Stop Operator for the Northern Area Local Workforce Development Board. It's a job that I'm willing to be all of you – most of you had never heard of before. That's because it's actually an unusual position that's created by Congress in statute under the WOIA Act, the Workforce Innovation Opportunity Act, which actually funds all the operations. And as the video that Lisa shared with us demonstrated, it's something that's nationwide, where every state kind of sets up who they do it, but the idea is these local boards are created to give the local communities- you – a voice in how we try to connect the workforce with the employers out there to try to grow our economy, to try to put people in the positions that will be most beneficial to the community overall, and that's what we do.

As Lisa mentioned, we have ten counties with offices or what we call One Stop Centers scattered throughout the region. As a matter of fact, in Santa Fe we have a brand new facility located at 525 Camino de los Marquez, which is behind the Wells Fargo bank, across from Trader Joe's, which is the new Workforce Connection office. In that one stop site we have multiple partners. We have the Department of Workforce Solutions in there providing the Wagner-Peyser services that Lisa mentioned.

We have HELP New Mexico in there working on what we call Title I. I don't want to go too deep in the weeds but it's basically providing training resources for individuals who qualify, whether they be low income, young parents, or people who are dislocated workers, which means they've recently, through no fault of their own, lost their job. We can provide training resources to put them back in school and pay for it, or to buy them equipment if they need steel-toed boots, hardhats, or specific specialized equipment to go to work. We can help them with that. We have money for that.

And we also have DVR, Division of Vocational Rehabilitation, serving people who have specific physical or cognitive disabilities that make it difficult for them to work, we have a resource center right in there, all these agencies working together. We even have Job Corps working in there right now and we're talking with other entities seeing if they would be good fits to come in and join us. These one stop places are truly one stop.

We have the brand new one in Santa Fe, and serving north Santa Fe County we have one in Española that is available as well with multiple partners there as well. These sites are located here to provide direct services to your community, and it's our board that is made up of leadership such as yourself, including Commissioner Roybal who serves as the lead CEO governing all our operations who helps us select what industries, what

employment focus, what areas are we going to be putting resources to. So we want to make sure that you all understand what we're here for, what we can do for you, and what we can do for the community.

So thank you so much for having us here.

CHAIR HAMILTON: Thank you so much for the presentation. This is clearly so important to us and I actually have a few questions on the numbers, but I'm going to go to the Board first, like Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair, and I just want to thank the Northern Workforce Board for being here today and their presentation. It's really a great program that's out there that I really want Commissioners to learn more about and be able to share with their constituents. So I'm glad that there are questions from the Commission because this board has made a huge amount of changes in the last four years and it's working really well so I'm really proud of this board, so please go to other Commissioners for questions.

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

COMMISSIONER HUGHES: Thank you, Madam Chair and Eric, it's nice to see you again as always. So either of you, I just had a quick question. Do we have any training programs for people in the healthcare field? You showed that huge number of positions open for healthcare. I just wondered if we were doing anything to train people for those jobs.

MS. ORTIZ: Madam Chair, members of the Commission, we currently have students enrolled in healthcare trainings, whether it's here at Santa Fe Community College. We have several other institutions in our ten counties that we serve. This is out Title I WIOA services and we do serve adults, youth, and our dislocated workers. And we will provide training based on eligibility. We will pay for tuition to provide these trainings at our institutions in our ten counties.

COMMISSIONER HUGHES: Okay. So in other words you would help someone pay their tuition at Santa Fe Community College if they were learning to be a respiratory therapist or a phlebotomist or one of those programs.

MR. VASQUEZ: Yes. Madam Chair, if I could just add, so long as those individuals qualify. There's multiple qualifying factors. So as long as they qualify they would be able to be trained. We also have what we call the ETPL or the Employment Training Program List, which is a list of many different approved training programs at the local community colleges or other organizations that we can fund. And if you have a program that you think would be a good fit and it doesn't happen to be on our list, Lisa and her team can add it to the list so we can fund that as well.

COMMISSIONER HUGHES: Great. Thank you very much.

CHAIR HAMILTON: Excellent Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you for the presentation. As a former board member of this Northern Workforce Solutions Board, as Commissioner Roybal mentioned, you all as staff have done an excellent job as well help New Mexico bring this board from here to up here. Moving forward, I'd like to actually recognize – who's done a lot of work out there is ex-commissioner Barney Trujillo, sitting there in the audience. He's actually very instrumental in doing a lot of



things in Rio Arriba County. Thank you, Barney.

In regards to the working with Santa Fe County, do you all work with – how many other counties north of Santa Fe County do you all work with? Are they all participants?

MS. ORTIZ: Commissioner Garcia, the counties that we serve? So we serve the northern region. We serve, of course, Santa Fe, Rio Arriba, Taos, Colfax County, McKinley, San Juan, Mora, Cibola, and we also have Las Vegas, San Miguel.

COMMISSIONER GARCIA: Thank you, guys. Are all the counties fully participating in it?

MS. ORTIZ: Yes. Currently, Colfax County is one of our success stories. We recently – Eric – opened a One Stop Center in Colfax County. We currently have a lot of our participants participating in the program, which before we did not have, and that is a rural community.

COMMISSIONER GARCIA: Thank you, Madam Chair, Thank you, Lisa. So one of the things I heard about four or five days ago is actually some individuals are going to go to the One Stop Shop in Santa Fe to learn some basic computer skills. I actually thought that was a very good idea. So how do we actually do marketing throughout the community to individuals so that we have some basic 101 computer skills that I probably should take.

MR. VASQUEZ: Madam Chair, Commissioner Garcia, that is a good question. So we have a limited budget for media or outreach, but a key factor in this is partnering with other organizations and getting information out. So for example, I was jotting some notes down here for this presentation, but it's on a flyer. This is just a paper copy of a pdf. document that's also being shared on Facebook and other social media sites about a hiring event that is happening in our Santa Fe site tomorrow. And it lists the employers and types of jobs that would be available.

So we use social media. Occasionally we'll use radio, sometimes print and sometimes direct mail to alert people about who would be eligible about some of the resources available.

COMMISSIONER GARCIA: Thank you, Madam Chair. Also, I know you all do work with the Santa Fe Public Schools and they've actually started a groundbreaking in regards to the HEC, which is the old Vo-tech, and if you can just keep in close contact with them, as well as Capital High School for the nursing program, because those are actually career pathways that the schools actually recognize.

MR. VASQUEZ: Madam Chair and Commissioner Garcia, one of our key factors here is again working with our partners. So a lot of times when people are coming out of the schools they will think, well, what's next? And they'll automatically gravitate towards, like, Santa Fe Community College, for example. We have a very close partnership with Santa Fe Community College where we meet with their team from the One Stop partners and the Santa Fe Community College team are meeting every other week to talk about coordinating for bringing students into the different programs. So Santa Fe Community College knows what we can offer and they can help funnel students towards our resources.

COMMISSIONER GARCIA: Thank you for that, because not every student is made out to go to university and I can tell you right now, a computer doesn't

change your oil or a tire, or a computer doesn't paint a car. So those are just individual youngsters. If we can just make sure that we actually kind of help them out because those career paths are needed throughout the community.

MR. VASQUEZ: Madam Chair, Commissioner Garcia, you are absolutely correct. Our adult education director and myself had the honor of earlier this year being the keynote speakers for the I-BEST graduates at Santa Fe Community College, which I'm sure you're familiar with. They're basically individuals who did not complete high school and this is an alternative way to get their high school diploma and start on a career path, training towards a specific career.

COMMISSIONER GARCIA: Madam Chair, thank you all for the presentation.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Yes, nice to see both of you, Lisa and Eric. Thank you for the presentation. I think this is something I have advocated is workforce development for a long, long time. I think it is so important for New Mexico and especially northern New Mexico where we have a fair amount of poverty, and to help people find ways to have skills to help themselves is really important, so I'm really grateful for your presentation and thank you so much for being here.

MR. VASQUEZ: And Commissioner Hansen, or just all Commissioners, if I could just add, I see on today's agenda that you have the Food Depot who is also going to be doing an informational presentation. They're one of our employers who's going to be at tomorrow's hiring event at our One Stop Center here in Santa Fe, so spread the word. Let's get them some good staff.

CHAIR HAMILTON: Zero degrees of separation. Commissioner Garcia.

COMMISSIONER GARCIA: Madam Chair, just really quick, I know there's several departments in the County for internships. I don't know, Madam Clerk, how can you work with Santa Fe County to get some internships during the voting season? Is that something that could be done, or can you give us some direction for that?

MS. ORTIZ: Madam Chair, Commissioner Garcia, yes, we can work with you to provide those resources and trainings.

COMMISSIONER GARCIA: So Madam Chair, if you could actually check with Madam Clerk here and see how we can actually – because November will be here before you know it and I think she needs some help with the polling places.

CLERK CLARK: We love our interns. They help us with our high school outreach program.

CHAIR HAMILTON: Excellent Zero degrees of separation. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you. Speaking of your event tomorrow, is Santa Fe County allowed to be one of the employers offering employment? We are looking for employees also, as everybody is.

MR. VASQUEZ: Madam Chair, we would be happy to pull together a job fair or career fair for your employers or different departments. Tomorrow's event is pretty narrowly focused, but we can work with you to get one set up soon if that works with you and we can speak with the County Manager or whoever would be appropriate.

COMMISSIONER HANSEN: Thank you. I think that would be great,

because we have many departments that could use someone to do a job here. Thank you very much, and of course it would be the County Manager you would speak to. Greg Shaffer is our County Manager. Thank you so much.

CHAIR HAMILTON: Thank you. So it's interesting. The numbers don't all add up. Like how many unemployed and how many job openings compared to how many candidates. Then I put that together with in the last four years you've worked with 500 Santa Fe people. Obviously, you have nine other counties as well. But in a way, 500 – 100 and some a year doesn't sound like a lot. Are we not utilizing this well enough?

MR. VASQUEZ: Madam Chair, that 500+ number was specifically for one title, which is our Title I services. Those are the ones we're providing money for specific training. We also provide job placement or résumé building skills free of charge where we have in the thousands that we've worked with.

CHAIR HAMILTON: I see. That's excellent. I didn't catch that difference. I appreciate it. Obviously, the level of interest generated show how important this service is. I really hope that you continue to work really strongly with us. This was incredibly useful to come and do this. And thanks for doing what you do and for your time being here.

MS. ORTIZ: Thank you, Madam Chair. We'll be happy work with the County Manager and set up a job fair so that we can provide assistance to Santa Fe County.

CHAIR HAMILTON: Excellent Thanks so much.

MS. ORTIZ: Thank you, Madam Chair. Thank you, Commissioners.

COMMISSIONER ROYBAL: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER ROYBAL: I wanted to recognize – I know earlier Commissioner Garcia recognized Mr. Trujillo. He was also a former county commissioner for Rio Arriba County. And then also I want to recognize Commissioner-elect, Mr. Justin Green, who is also here in the audience.

CHAIR HAMILTON: Excellent I was going to do both those things, so I'm very appreciate you did that. Welcome, and thank you so much, both of you, for being here. If the Commissioners don't object I know this is a little bit on the fly and out of order. We moved up 7. B and just did that but the Food Depot people are here and they actually have some time limits on their ability to be here. Does anybody object if we go to 7. A now?

COMMISSIONER HANSEN: I think that's a great idea, Madam Chair.

CHAIR HAMILTON: Excellent Thank you very much.

**7. A. Presentation on The Food Depot's Report to the Mayor: Ensuring Every Child in Santa Fe Has Access to Sufficient and Nutritious Food**

CHAIR HAMILTON: I believe we have Scott Bunton, and somebody else. Please come up.

SHERRY HOOPER: Madam Chair and Commissioners, thanks so much for giving us your time today on the agenda. My name is actually Sherry Hooper. I'm the executive director of the Food Depot and I'm here basically to introduce our expert, Scott

Bunton.

Several years ago the Mayor approached me about putting together a plan that we thought could end child hunger in Santa Fe and we took that request very seriously, as you can imagine, being the Food Depot. That is what we are about is ending hunger for our citizens. We had a really good opportunity to pay attention to this request and to do the research needed during the pandemic, clearly, because many of us were at home and doing lots of research on our computers anyway. So we were able to draft a full report for the Mayor of Santa Fe and we presented that report in June. And we have met with some of our Commissioners to fill you in on the report. Those of you that we were unable to meet with of course we'll do our best to fill you in today.

So I'm here to introduce Scott Bunton who is a board member of the Food Depot and who headed up our task force to develop the report to the Mayor. Again, thank you very much for your time today.

SCOTT BUNTON: Thank you, Sherry. Madam Chair, Commissioners, my name, as Sherry indicated, is Scott Bunton. I'm a member of the board of directors of the Food Depot. I've had the pleasure of serving on that board for the past five years and also am the chair of its Public Policy Advocacy Committee. As Sherry indicated, the Mayor several years ago requested that the Food Depot come forward with a plan for eliminating childhood hunger in the Santa Fe area. That is a large-sized order and as we began to grapple with the dimensions of the Mayor's request we came face to face with just how large an order that is.

But let me run through the major provisions of the report and the conclusions of the working group that Sherry referenced came to, and then we'd be happy to respond to any questions or comments that any of you may have.

When the working group began its work it settled on three basic criteria that it would use to guide its deliberations. We took the Mayor's request literally and seriously and we decided that the plan must have a realistic prospect of truly eliminating hunger, not just ameliorating it, or reducing it, or mitigating it, but eliminating it. Second, the plan's elements must be wholly within the authority of the City and the County and not require action or approval by state or federal governments. We felt that it would be a cheap way out to tell the City and the County, well, the solution here is just to get the federal government to solve it. So go talk to your elected representatives in Washington, or go talk to your state house representatives at the Round House and let them do this. Instead, since the Mayor asked for a plan for the City to eliminate childhood hunger we felt that it out to be within the City's and the County's capacity.

Third, the plan's cost must be financially realistic for City and County governments and their taxpayers, and not require new kinds of taxes.

We quickly established that hunger is not a freestanding social problem. It's a symptom. What is it a symptom of? It's a symptom of income and resource insufficiency. Sometimes that has been shorthanded poverty, but there are multiple definitions of poverty. They can be very confusing. They can be very misleading. So I'm going to refer, as the report refers, to income and resource insufficiency.

The only way to eliminate the symptom is to eliminate the problem and its cause. Therefore, the working group concluded that it had to recommend something that would eliminate income and resource insufficiency among the families in Santa Fe City and

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Hunger frequently is experienced by families whose able-bodied adults are indeed working. In many cases they're working full time. These families have insufficient income and resources to meet their essential needs because their wages are insufficient. The Massachusetts Institute of Technology every year calculates separate for every one of the counties across the United States the wage level that is necessary for a full-time working breadwinner to enable that breadwinner's family to meet its essential expenses. It calls this amount of income a living wage.

Last year, MIT calculated the living wage for Santa Fe County for a representative family of three to be \$57,583. That's \$27.66 per hour. Santa Fe City's current minimum wage is less than half that amount. It pays \$27,000 a year. It's important to note that 42 percent of the county's workers – that's 64,000 workers, earn less than \$50,000 a year, and so we're well below MIT's living wage for Santa Fe County. It shouldn't be surprising to any of us that the result is income insufficiency, resource insufficiency, and lots of social problems. We start with the problem of hunger.

Aware of the realities that I've just described, the working group selected as the primary plan component that it would recommend, an increased minimum wage. One of the reasons for this is that the working group felt a proposal that is work-based and not just a grant of money from one level of government or another would be better received in this area. Subtracting from the MIT living wage the approximate value of assistance benefits and tax credits that are available to all families in this income range use wage level in the \$22 to \$25 an hour range, and the report labels this a living income minimum wage for Santa Fe. So the report proposes that Santa Fe City and County make this range their minimum wage objective. We recognize that of course an instant jump to that level is unachievable. So we propose an immediate increase of about half that instance, to \$17 an hour as the first incremental increase.

The plan's second component is a grant to adjust the income of a family larger than three members to cover the consequent increased costs. While a family's expenses undoubtedly vary according to family size, wages typically do not, and so this income adjustment would make sure that a family that was earning the minimum wage but that had more than three persons would have enough to achieve that minimum living wage level.

The third component is a grant for any family in which all adults are unable to work because of disability. It would bring that family's income from the federal or state benefits that most of them receive up to the living income level if they're not already at that level.

The final and fourth component is a temporary public service work program for able-bodied adults who are unable to find and retain regular employment. That would be coupled with supervised and assisted regular employment search that is intended and is designed to help all of the participants in that public work jobs program find regular employment in the private sector or regular employment with local or state government.

In Section 6 the report recommends several new programs and extending the reach of about seven existing programs that can have the effect of reducing childhood hunger. It's important to understand that implementing all of these suggestions in Section 6 won't eliminate hunger because it doesn't eliminate the cause of hunger, but it will help

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reduce the incidence and the severity of childhood hunger while work is being done on something that will eliminate the problem.

We don't claim the report's plan is the only way to eliminate childhood hunger in Santa Fe City and County. We just must assert that it is the only way that the working group found to accomplish that in accord with the three criteria that I mentioned at the outset of my remarks. What's crucial is for the City and the County to agree that childhood hunger is unacceptable, that the City and the County commit to eliminating it, as the Mayor requested, and that the City and the County can chart a course to accomplish that. The Food Depot is ready and eager to work with the City and the County toward this objective.

If someone believes that the plan that the report recommends is fatally flawed, is unworkable, he or she, we believe, should feel obligated to prescribe a better way that satisfy the three criteria that I mentioned, and that provides the leadership to obtain the approval of the implementation of that plan. That concludes my prepared remarks, Madam Chair and Commissioners, and I would welcome any questions or any comments that any of you might have. Thank you.

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

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you for the presentation, and what a good idea from Mayor Alan Weber to bring this forward and to help the community realize that there are individual children out there, which I believe is 18 years and younger, that are actually hungry out there.

MR. BUNTON: There's about 5,000 of those Commissioner.

COMMISSIONER GARCIA: And if you go to some of the parts of my district you can see that, that there are children out that actually don't have a place to eat. Their parents are busy. I understand all that, how it works, but thank you for going out and reaching out and coming to my colleagues here, because maybe they can actually pass a resolution because I'm limited in my time here, and they can pass a resolution in support of a plan as into what we need to do to work with the City to get rid of the hunger in children in our communities.

One of the things that I asked the previous presenters, in regard to marketing. I know you all do a good job of it. I see your signs pretty much on every corner, which is great. How do you all go out and find individual children who are actually afraid to come forward or don't know how to come forward, how do we market to those individuals?

MR. BUNTON: Madam Chair, Commissioner Garcia, that is what used to be called the \$64,000 question. I'm sure with inflation we're up into the millions by now. It is very difficult to locate individual families and individual children who are suffering from hunger. You noted the advertising that you see. It's present in a number of different forms including on all the vehicles that the Food Depot uses in order to distribute food. We have to look to other organizations – food pantries, faith-based organization, social organizations, organizations like the Rotary, Kiwanis, etc. in order to help us become aware of where there are problems, and just because of the magnitude of these problems and the expense of trying to look to individual families and children, it's almost always necessary for us to deal more broadly, to set up locations where several families that may be suffering from hunger or from food insecurity can come to obtain food at the same

time.

So we try to do it in an economical fashion that lets us spread the resources that the Food Depot has available to it just as far and to as many families and children as possible.

COMMISSIONER GARCIA: Thank you, Madam Chair.

MS. HOOPER: Madam Chair, Commissioner Garcia, we also work through the schools and that is a very important partnership for the Food Depot in that what we do is we work through their wonderful communications system to parents and we provide both summer lunches and afterschool meals, so that is another way that we reach children. We reach them right where they are of course, in the school system.

COMMISSIONER GARCIA: Thank you, Madam Chair. I know you all, as a former board member, I know you all do work with the schools. During the COVID actually Santa Fe Public Schools went out actually in buses and went to the south side area and actually fed the children that were home participating on Zoom. I know the Boys & Girls Club actually – Santa Fe County did participate in probably about pre-COVID where we actually did give some funding to the Boys & Girls Club and they actually sent a note home to every one of the – all the children that went there. Like whenever I was a kid they used to pin a little thing to you and you had to go home.

But we actually provided some funding to allow the Boys & Girls Club to work with individual children to do their homework and they fed the family as well a dinner meal. So I thought that was very good.

One of the other things, I have seen your vehicles out there. I've seen the trucks going through the City of Santa Fe. They're well wrapped. I think they actually stand out. Very good job. In regards to marketing, once again, is it possible that we can actually get some of these signs that are bi-lingual, Spanish?

MS. HOOPER: Madam Chair, Commissioner Garcia, absolutely. We currently have signs out because of our Neighbor to Neighbor Fund Drive, which I know the County is very supportive of. Thank you very much. And we are happy to provide signs in English or Spanish too if you like.

COMMISSIONER GARCIA: Madam Chair, some areas of the community I think that would help out because sometimes there's some individuals out there that don't know how to go get help And once again, thank you for what you all do. This community – we're lucky we live here in Santa Fe. This community is very giving to individuals that are in dire need, and it's just how do we figure out how to talk to these individuals that there is help out there. You just need to go and find it and figure it out. Just marketing, Spanish, possibly, would be a start. But thank you once again for all you do.

MS. HOOPER: Thank you. And Madam Chair, Commissioner Garcia, if I might, if I may share that the Food Depot is very much a part of this City's and County's navigation program or CONNECT program. This is a wonderful opportunity to say thank you so much for giving us the opportunity to work in the CONNECT program. That also really helps us to reach families and individuals who are in need of emergency food assistance. We have two navigators currently on our staff. Both are Spanish speaking navigators and they work with individuals and families throughout the county be referrals from other organizations, and they're able to then line them up at a local food pantry or

they come directly to us for their food supply when they need that help, and we also provide diapers through that program as well

COMMISSIONER GARCIA: Thank you, Madam Chair. So do we provide milk for the children, the infants?

MS. HOOPER: That's a very good question, Commissioner. We really rely heavily on getting the individuals signed up for the WIC program, the Women's and Infant Children's program, which is a federally funded program administered by the state. That program allows them to access, milk, formula, baby food and other things that are needed for infants and young children.

CHAIR HAMILTON: Thank you very much. Commissioner Hughes and then Commissioner Hansen.

COMMISSIONER HUGHES: Thank you, Madam Chair. Thank you, Scott and Sherry for all your work and for bringing this report forward. I really don't have any questions. I just wanted to say what I really appreciate about this plan that you've brought forward that it is not something that you thought it would be politically possible; you thought it would be possible. And so many times advocates, and I know when I'm advocating for housing we sort of would take the stance of, well, what we really need won't fly so let's ask for something less. And that never works because you might get the something less, but then the problem doesn't really get any better.

And so I think it's on us now, whether we can take this forward and make some real progress towards the goals and the plan that you set forward, knowing that it would make a real impact if we could get all the way there. And so I look forward to working with you and the City and the other Commissioners on seeing what kind of first steps we can make towards this. Thank you.

CHAIR HAMILTON: Thank you, Commissioner. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Scott and Sherry, so much for being here. Also thank you so much for inviting me to speak at the revealing of this report. I was honored to be able to speak. I wanted to remind everybody, and you did, of the Neighbor to Neighbor Food Drive is going on right now. That is an excellent way for people to help the community, and it's going through September 17<sup>th</sup>, so we only have a few more days till the end of the week. It's a fund drive. You can easily go to the Food Depot website and sign up and make your donation. I think that's a really important annual project that has been started by local volunteers for the Food Depot.

Also, I want to thank Commissioner Hughes who came with me to the opening or revealing of the report and so did Commissioner-elect Justin Green, who I know is a large contributor to the Food Depot through his business, Dashing Delivery, and thank you very much.

I think Commissioner Garcia and I might have to argue who has the poorest district. I also have a village that is quite – is struggling. I think I have also in my district the wealthiest district in Santa Fe, Las Campanas who I always encourage to participate in the Neighbor to Neighbor. We're lucky to have them. They do participate in many ways and provide skills and services throughout the community. But in Agua Fria we have our Reunity Resources that has a community fridge for people to be able to come and get fresh food whenever they need it, and I think that that is a really important offering that is given. And then we also have the San Ysidro Catholic Parish that gives



out food to the community.

So those are other ways, but both of those two institutions, Reunity Resources and the San Ysidro Catholic Church are connected to the Food Depot. This is a network. We're all working together and that's the only way we're going to solve this problem is really all of us working together. Santa Fe County has committed to making sure that we have no one here who is working for less than \$15 an hour, even though that is not the \$17 that you're suggesting we're working towards that. But a large percentage of our workforce does make more than the \$17 per hour. I think that that is really important. That is what we can control in Santa Fe County.

So I think it's important that we continue to do that and make sure that our own employees are taken care of so that we don't have hunger in Santa Fe County. But at the same time encouraging businesses, and I always remember how much push-back there was from restaurants when we did the living wage. And yes, some restaurants did close but others thrived. So there's always a possibility that we can do this and make sure that our community has the food and that we do not have hungry children. That is heartbreaking to think that there are children that are hungry in our county.

So thank you so much, both of you, for being here. I'm grateful for the work that you do in our community. It's really important. Thank you, Sherry. Thank you, Scott. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you, Commissioner Hansen. Thank you for the work you guys do. You know and we all know how valuable it is to the community. One thing that struck me is you threw out that number of 5,000 kids in Santa Fe. For three meals a day that's a little over nine million means over the course of a year. And that's a huge number and I know you could contrast that to how many meals you provide a year, which is huge. It's also a finite amount of money. There are programs that throw \$18, \$20 million around every year. I wonder if there's even that much waste. So it just puts it in perspective. I don't know if you guys have any reflections on that. It's not really a question but it gave a ball park to me of the magnitude of the problem.

MR. BUNTON: Madam Chair, one of the things that the working group discovered as it was looking at what was happening not only in other jurisdictions in the United States but abroad, particularly in western Europe where a number of the social program apparatuses are considerably further developed than those in much of the United States. But one of the discoveries was that – and it perhaps shouldn't be surprising to any of us, and I'll distill it to its essence by saying money is green. And when families lack enough income and resources to meet all of their essential needs, they allocate money to the most pressing of those needs.

And so even if 5,000 children were being provided food for the meals that they're now missing, if it's the middle of the winter, a number of those families are going to be struggling to pay their heating bills. And so the money that perhaps would have gone to those 5,000 children's meals if the family had had that money, will instead go to keep its electricity from being cut off, or to make sure that gas is still flowing, or that the propane tank is filled. The same thing holds true with transportation. If a breadwinner in the family is unable to get to work because he or she can't afford gasoline, they may take money that otherwise would have been destined to provide food for the children of the family to fill up the gas tank so the breadwinner can get to work.

That is one of the explanations for why you can't solve, you can't eliminate the hunger problem just by providing additional food. You have to meet a family's income and resource needs across the board or they'll be shuffling money, some of it coming from food to go to those other essential needs.

CHAIR HAMILTON: Good point. Thanks for that reflection about what I was thinking. We really appreciate the time that you took to come and make this presentation, because in the long run this kind of thing really informs how we can move forward as a Commission and a County and these things are important to us as a Commission but sometimes you need to change your thinking or update and we really appreciate the inputs.

MR. BUNTON: Madam Chair, if I may in turn say that we at the Food Depot greatly appreciate the fact that in Santa Fe there is a receptive County Commission and a receptive City Council that is willing to listen to us talk about this problem and its extent, and willing to think with us and work with us toward a real solution. There are plenty of jurisdictions, I'm sorry to say, in this country where that would not be the case, and we are grateful.

CHAIR HAMILTON: Appreciate it. Commissioner Roybal, I'm sorry. Thank you.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I just want to echo the sentiments from my fellow Commissioners. I know that there's a huge need. I have a lot of friends and family that actually work with helping the Food Depot with different programs or events that they try and hold, like where they try and raise money or they actually have where people bring food, but I know that it's better to get donations as far as monetary because the Food Depot can buy a lot more food.

I have foster kids. I've been a foster parent for about 15 years and I've had actually some foster kids that came. They called and asked if they could come visit. They haven't been with us for about five years but in talking to the older one, he told me – I said it's already getting kind of late. I haven't eaten today yet, and it was like 10:30, 11:00 and he said, oh, I usually only eat once a day. It's something that's really sad. I asked him, well, why is that? And he said, well, I usually wait till I get home because I don't have a lot of money for my lunch at school. He said they provide peanut butter sandwiches for like a dollar. If he has a dollar he'll get one.

I went on line, asking for their passwords, called the mom and got the information they need, like Medicare card numbers and stuff and worked with the mom and went through it. They qualify easily for free lunch but they just didn't know how to do it. So there's services, sometimes the mom has some behavioral health issues and the kids are back with her now and they've been with her for the last five years and it was something that I questioned and pushed back on CYFD but ultimately that decision was made. But those kids are still pretty close to us and come to visit us probably once a month, every other month, especially when they have book reports and things like that. We help them with those.

So it was really sad to see that because I thought that it was something they already automatically got, so it's something they need to fill out, and I don't think the mom really has the capability to do that. So I would think that the schools probably have a program that would reach out to help those kids in those situations but maybe the kids

just don't know. I don't understand why – I don't know if it's been more than one school season but it was really disheartening to listen to them. So I just thought I'd bring that up. That all kind of comes into play with the fact of them saying they only eat once a day was pretty sad. So thank you.

CHAIR HAMILTON: Thank you, Commissioner Roybal.

MS. HOOPER: Madam Chair, Commissioner Roybal, thank you for bringing that up. It's heartbreaking, first of all, to know that there are children – and we've had children report to us that they eat lunch at school and they don't eat again until the next day at lunch, which again is heartbreaking. So we are working more and more on targeting children who are in need of help. We are working currently with communities and schools and we've set up school-based food pantries. We know that if there's a hungry child, likely there's a hungry family at home and so we've set it up so that communities and schools can identify the children who are in need of emergency food assistance. We provide all the food to those school-based food pantries and they are able to send food home with the kids or with the parents when the parents come in to pick up the kids.

So that's just one more way. I mentioned earlier we're doing the afterschool meal program. We've recently acquired a kitchen, and we're able to prepare really good, nutritious hot meals now for children who are in school after school for programming. They can get a good hot meal before they get home as well. So we're very open to – we're doing other things. For example we have what we call our food mobile, which is a refurbished old bookmobile from the state, and we literally go into neighborhood and we offer families an opportunity to access the groceries that they need for their families. And this is set out so that when they come to the food mobile for help they get to fill out an order form. So we're actually providing them with the food that they will use at home, not a pre-made bag where they may get half the food they don't even use and throw away, and of course throwing away food is unacceptable to the Food Depot as you can imagine.

So there are so many ways that we're trying to get to people where they are with what they need. And we believe that that too is a more dignified, respectful way to help those families in need. But we're always open to – we'd love to hear from you all. If you see things going on in your district that we can address so that we're getting food into those communities and it's especially important too that there are families who don't have easy transportation to go to a food pantry, so we're taking this opportunity to them. But if you see a gap in service in your district we would love to hear from you so that we can fill that gap. Thank you.

COMMISSIONER ROYBAL: Thank you. And do you guys have cards?

MS. HOOPER: Yes.

COMMISSIONER ROYBAL: Okay. Great.

MS. HOOPER: Madam Chair, Commissioner Roybal, we'd be glad to leave cards and we look forward to contact from any of you who have questions or as Sherry indicated, would be able to help us find pockets of hunger where we can take food.

And one other reaction to your comments, Commissioner Roybal. In Section 6 of the report, which are the kinds of recommendations we make for mitigating hunger until

we can solve the overwhelming income and resource insufficiency which we recommend be done with the minimum wage increase, one of the recommendations is that all children in all schools in Santa Fe and Santa Fe County be provided with free school lunches. If that is done then we don't have those kinds of problems that you pointed out, being unable to figure out how to work the eligibility problem.

CHAIR HAMILTON: Interesting. Thank you so much. If there are no other questions, we just once again really appreciate you coming and presenting here and for doing all this work. It's really an incredible benefit to the community. Thank you.

MR. BUNTON: Thank you very much.

**4. CONSENT AGENDA**

- A. Request Ratification of the Acceptance of Economic Development Administration (EDA) Grant Award No. 08-79-05632 in the Amount of \$678,128 for Design, Acquisition, and Construction of Segment 6 of the Rail Trail Toward Lamy (i.e., from Spur Ranch Road to Highway 285) (Community Development Department/Chris Hyer)**
- B. Final Order in the Matter of Case # 20-5011 Spirit Wind West Conceptual Plan Extension. Kathy A. Miller, Applicant, Land Development Planning (Danny Martinez), Agent, Requested an Amendment to a Condition Imposed by the Board of County Commissioners Which Required the Applicant to Record a Conceptual Plan and Final Plat for Phase 2 by May 1, 2022. The Applicant Requested a Two-Year Time Extension of the Previously Approved Spirit Wind West Master Plan/Conceptual Plan (39 Lots to Be Developed in Four Phases, on 133 Acres) and to Amend the Previously Imposed Condition to Allow the Applicant until May 1, 2024, to Record the Conceptual Plan. The Property is Located off Cerro Alto Road, via US Highway 285, within Section 5, Township 14 North, Range 10 East, and Section 32, Township 15 North, Range 10 East, within the Bishop John Lamy Grant (Commission District 5) (Growth Management Department/Jose E. Larrañaga, Case Manager) (APPROVED 4-0)**
- C. Final Order in the Matter of Case # 20-5021 Tierra Bello Conceptual Plan Extension. Kathy A. Miller, Applicant, Land Development Planning (Danny Martinez), Agent, Requested an Amendment to a Condition Imposed by the Board of County Commissioners Which Required the Applicant to Record a Conceptual Plan and Final Plat for Phase 2 by June 12, 2022. The Applicant Requested a Two-Year Time Extension of the Previously Approved Tierra Bello Master Plan/Conceptual Plan (73 Lots to be Developed in Eight Phases, on 263 Acres) and to Amend the Previously Imposed Condition to Allow the Applicant Until June 12, 2024, to Record the Conceptual Plan. The Property is Located off Avenida de Compadres, via Avenida Eldorado, within Sections 24 & 25, Township 17 North, Range 9 East within the Cañada de los Alamos Grant (Commission District 5)**

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**(Growth Management Department/Jose E. Larrañaga, Case Manager) (APPROVED 4-0)**

CHAIR HAMILTON: Are there any Commissioners who have any questions or any items on the Consent Agenda that need to be pulled off? I just wanted to make the comment that for the second and third items on the agenda which are two final orders in the matter of Spirit Wind West and Tierra Bello conceptual plan extensions that the conditions that were discussed at the hearings a month ago were in fact included. Just for the record, frankly, confirmation that that was the case.

COMMISSIONER GARCIA: Madam Chair, just on that note, Mr. Larrañaga, is the applicant okay with the conditions?

CHAIR HAMILTON: That was all discussed before. Yes. It's documented in the paperwork that he was.

COMMISSIONER GARCIA: All right.

CHAIR HAMILTON: Thank you, Mr. Larrañaga.

COMMISSIONER GARCIA: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Garcia.

COMMISSIONER GARCIA: If there's no additional questions, this is actually – the approval process for this development has been since I worked in the zoning department, which is about 20 years ago. But it's good to see this coming forward. Motion for approval of the Consent Agenda.

CHAIR HAMILTON: Thank you.

COMMISSIONER HUGHES: And I'll second.

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

**The motion passed by unanimous [5-0] voice vote.** Commissioner Hansen was not present for this action and expressed her affirmative vote later in the meeting.

**5. APPOINTMENTS/REAPPOINTMENTS**

None were presented.

**6. MISCELLANEOUS ACTION ITEMS**

- A. Request (1) Approval of Addendum No. 4 to Agreement Between Santa Fe County and Immix Technology, Inc., Agreement No. 2020-0056-FIN/BT, for the Workforce Dimensions and Telestaff Enterprise Software, Increasing Compensation by \$129,614.92, for a Not-to-Exceed Contract Sum of \$640,680.56, Inclusive of NM GRT, and Extending the Term of the Agreement to September 27, 2023, and (2) Delegation of Signature Authority to the County Manager to Sign the Purchase Order**

CHAIR HAMILTON: We'll go straight to Bill Taylor from Purchasing. Thank you, Mr. Taylor.

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair,

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Commissioners. Pleasure to be here. In 2019 the County entered into an agreement with Immix Technology to purchase and implement Countywide timekeeping and scheduling. Prior to this implementation every department was tracking, reconciling different manual processes for this. So the County needed to centralize this process for timekeeping and scheduling. We entered into the agreement as I said in September 2019 through utilization of a Government Services Administration GSA contract. Addendum to that contract were the County's terms and conditions, and this is the fourth addendum to that agreement. We want to extend the term another year and increase the compensation for the licensing of the software for a total contract sum of \$640,680.56 since the implementation of the agreement. And with that I'll stand for any questions.

CHAIR HAMILTON: That's great. Are there any questions?

COMMISSIONER GARCIA: Madam Chair, if there's no questions, this is actually obviously needed. Motion for approval.

COMMISSIONER HUGHES: Second.

CHAIR HAMILTON: Excellent I have a motion and a second. If there's no further discussion.

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

6.     **B.     Request (1) Approval to Utilize a New Mexico State Price Agreement (NMSPA) for Construction of Fencing and Community Park Upgrade at the Boys & Girls Club located at the Valle de Esperanza Public Housing in the Amount of \$452,668, Inclusive of NM GRT; and (2) Delegation of Signature Authority to the County Manager to Sign the Construction Contract and Purchase Order**

CHAIR HAMILTON: We'll go again to Mr. Taylor.

MR. TAYLOR: Thank you, Madam Chair, Commissioners. The Santa Fe County Housing Authority was provided \$452,668 in capital outlay funding from the State of New Mexico to plan, design, equip site improvements for the public housing in Santa Fe County. This is specific to the Boys & Girls Club located at the Valle de Esperanza public housing and this is before you to request that we be able to utilize the cooperative agreement with the state, being that it's in excess of \$250,000. So we request approval to utilize that procurement method.

CHAIR HAMILTON: Okay. Great. Thank you, Mr. Taylor.

Commissioner Hughes, then Commissioner Garcia.

COMMISSIONER HUGHES: I was going to move for approval of item 6.

B.

COMMISSIONER HANSEN: Second.

CHAIR HAMILTON: Thank you. Commissioner Hansen, were you doing the same or did you have comments? So I have a motion and a second. Is there further discussion or questions?

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

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6. C. **Resolution No. 2022-071, a Resolution Amending Resolution No. 2021-071 to Adjust Certain Consolidated Precincts; to Replace the Polling Place/Voter Convenience Center for the Consolidated Precinct Consisting of Precincts 14, 72, 88, 114, 126, and 150; and to Add Additional Polling Place/Voter Convenience Centers for Certain Consolidated Precincts**

CHAIR HAMILTON: I'll let the Clerk go into the details. Madam Clerk.

CLERK CLARK: Thank you, Madam Chair. So this resolution is basically a cleanup resolution for some not clear language. The last resolution when we switched from the yet to be built Los Cerrillos Community Center and Fire Department to the Madrid Fire Department. There was some ambiguity in the language and we are also adding – so we basically reconsolidated it to also accommodate adding Carlos Gilbert as a polling site.

So what we're noticing around voting behavior is that while we do want to maintain our outerlying districts polling sites those are not being utilized as much on election day. What we're seeing is that people are voting during the day, taking a couple of minutes from work. And so our downtown polling sites, lines are forming, and we want to avoid that in the general. So we'd like to add an additional polling site downtown because Montezuma, St. Johns, Gonzales, Santa Fe Fairgrounds – we're seeing more and more waits and wait times, and we think that there will be decent turnout this election so we want to make sure that no one has to wait in line.

I can't promise that about Santa Fe Fairgrounds, honestly, because that's kind of a social polling place, but for all the other polling places we want to make sure people can get in and out in ten minutes. And so we are adding an additional polling site.

CHAIR HAMILTON: Excellent Thank you so much. So Commissioners, are there any questions, comments? Commissioner Hansen.

COMMISSIONER HANSEN: Yes, Madam Chair. I think it's an important thing but I want to make sure that people out in the rural areas, because there are, as Commissioner Garcia or Commissioner Roybal would say, their aunt or uncle or grandma needs to go vote and they might not be working in town.

CLERK CLARK: Yes, Madam Chair, Commissioner. We are not taking any polling sites away; we're simply adding just to help with the work. And actually I would suggest to the Commissioners something I mentioned to the County Manager, we only give time off to our own workers and we're a very large employer for election day. One of the ways of relieving some of the pressure on election day is allowing people to take time off to vote early during our early voting hours.

COMMISSIONER HANSEN: So with that I would like to make a motion to approve and I think this is a good addition to allowing more people to vote.

COMMISSIONER ROYBAL: I'll second.

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

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Madam Clerk. So I saw in here the Town of Cerrillos in regards to – those will still

remain open, right?

CLERK CLARK: Yes. So the issue is that Los Cerrillos Community Center and Fire Department have yet to be constructed. That was something that we had chosen as a good location. So we've been using since the regular local election – so last fall, the Madrid Volunteer Fire Station. So because of the ambiguity in the previous resolution of whether or not this was a permanent or just temporary for the primary, we're making sure that language is back in so that when we go to the district judge that we can get clarity on that we can use Madrid Fire Department.

For the voters, they won't see the administrative change. They are used to, in the last two elections, voting at the Madrid Volunteer Fire Department, so we are not planning on closing anything. It's just we in resolution land have to make all of everything line up, but for the voter they won't perceive a difference.

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

CLERK CLARK: Thank you, Madam Chair, Commissioner.

CHAIR HAMILTON: Thank you. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you, Madam Chair. I just wanted to add that I fully support this. It's so nice and I'm very proud to be part of a County that actually takes democracy seriously and wants the input of our constituents in many different ways and are trying to make it easy for people to vote instead of hard. That's not happening everywhere, even in our own country, much less around the world. And so it's not something we can take for granted. We can probably take it for granted as long as we have the good government that we have, but I think we should just take a second to reflect that this is really important. Thank you.

CHAIR HAMILTON: Thank you for mentioning that. That's a really big deal that we're opening more polling places and not closing them. Thank you so much for that. So if there's no further discussion, I have a motion and a second.

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

[Clerk Clark provided the resolution numbers throughout the meeting.]

**6. D. Request Approval of Letter from the Santa Fe County Board of County Commissioners to the National Nuclear Security Administration (NNSA) Commenting on the Notice of Intent to Prepare a New Los Alamos National Laboratory (LANL) Site-Wide Environmental Impact Statement**

CHAIR HAMILTON: Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. I brought this forward because a number of years ago we passed a resolution requesting that LANL do an EIS and so I feel like this is fruition and I think it's really important for us to comment as a governing body. This is just the beginning of the process. Today in the paper LANL believed that they didn't need to do this a number of years ago but they have moved forward and had I guess a more come to Jesus moment, so to speak that they need to

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actually be more responsive to their communities.

So I worked with our new County Attorney, Jeff Young, who did a fantastic job in writing this letter and using all the information that I gave him. One of the things that I'm really happy that we added which was not in our previous information was the PFAS, because I think that is a really important issue that we are all going to have to be dealing with in the future.

So with that, unless there's any other comments, I also want to mention that I think it's very important for us to realize that there are seismic impacts from LANL and the fact that they want to build a plutonium production facility on a fault line is concerning to me and possibly we need to reconsider that. But thank you, Madam Chair. And I'm hoping to stand for questions or anything else but I'm happy you would sponsor this with me. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. I was very happy to sign onto this with Commissioner Hansen. It did a fabulous job writing comments. It lays the groundwork, and previous comments laid the groundwork for this one. I think it's an important and valuable thing to do. It's important to both Commissioner Hansen and I and we know you just said some of this but on the BDD Board this becomes an important thing for protection of that source water, which is important to the County and the City. It's a lot of effort to move this forward and over the years I think Commissioner Hansen deserves some recognition for picking the important fights to fight on this ground.

COMMISSIONER HANSEN: And with that, Madam Chair, can I make a motion to approve the comments from Santa Fe County Board of Commissioners?

COMMISSIONER HUGHES: I'll second.

CHAIR HAMILTON: Excellent Thank you so much. I have a motion and a second. Is there any further discussion?

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

## **8. MATTERS OF PUBLIC CONCERN**

CHAIR HAMILTON: I know – I just want to point out that we also have public hearings later, so this is general Matters of Public Concern and we'll have those public hearings subsequently. I believe we have at least one person who I believe is on Webex who wants to speak. Daniel, if that's the case, Steve Horowitz, are you available and wanting to comment at this point?

DANIEL FRESQUEZ (Media Coordinator): Madam Chair, I do not see Mr. Horowitz on line unless he's on the phone.

CHAIR HAMILTON: Okay. Well, then I'll just ask generally. Is there anybody present from the public or on Webex who wishes to speak to the Commission on Matters of Public Concern?

BUSHROD LAKE: I would like to speak, if I may.

CHAIR HAMILTON: Absolutely. Welcome. If you'd just introduce yourself and tell us what you'd like to say.

MR. LAKE: I'll be short. My name is Bushrod Lake. I live in La Cienega and I've been here for about 35 years. I've noticed reports from LANL have been

unreliable. At first I believed what they said and then as the years went by I began to think that there were not being honest with us in the surrounding county. As far as the environmental impact goes I think we should look beyond that and consider whether the world needs more nuclear weapons, which is the purpose of the pit factory that's being proposed for LANL.

If you representatives I think are in favorable of it. Certainly our Senators and Representatives are for it, but the people are not. If you go out and ask people if they want more nuclear weapons they'd say no. So I'm very much with the two Commissioners are questioning this environmental act or attempt on Las Alamos but I really wouldn't believe them if they told me it was okay, if Los Alamos is doing the investigating. Thank you very much.

CHAIR HAMILTON: Excellent Thank you so much for coming and making your comment. We appreciate it. Is there anybody else from the public here or on Webex who wishes to speak to the Commission at this point? Daniel, do you see anybody else, barring those who are here to speak at the public hearings?

MR. FRESQUEZ: Madam Chair, I do not see anybody else indicating they'd like to speak for public comments.

CHAIR HAMILTON: Excellent Thanks so much, Daniel. I'm going to go ahead and close public comment then.

## **9. MATTERS FROM THE COUNTY MANAGER**

### **A. Miscellaneous and COVID-19 Updates**

CHAIR HAMILTON: Manager Shaffer.

MANAGER SHAFFER: Thank you, Madam Chair and Commissioners. First update, I wanted to acknowledge and recognize a member of our Emergency Management team, Ignacio Dominguez, who was instrumental in saving the life of an individual who collapsed at Ace Hardware while Ignacio was present to purchase supplies for our Emergency Management Office. A gentleman collapsed and Ignacio determined he was suffering from a heart attack and not breathing. He performed CPR for four minutes until the City of Santa Fe medics arrived and transported the gentleman to the hospital where he recovered and Ignacio visited him last Friday.

Fire Chief Jackie Lindsey presented Ignacio with a Santa Fe County Phoenix CPR Award in a ceremony last week, and said that Ignacio is an amazing public servant who goes above and beyond for our constituents, a sentiment that I'd like to echo. And while this is a feel-good story about the efforts of a County employee, the real story here is the fact that Ignacio is not training in emergency management. This was the performance of CPR and this is a reminder that we all have it within our power to put ourselves in a position that we may be able to save one of our fellow citizens or family and friends through that training and in fact tens of thousands of people are saved each year through CPR. So I wanted to acknowledge Ignacio but also put a plug out to the community and to all County staff members to take the time to be trained in CPR so that they too might be in a position where they can someday step up as Ignacio did to help save a life. And I believe he is present and if you'd like to recognize and allow him or his employer to say a few words.

CHAIR HAMILTON: Not to jump in on you, Manager Shaffer, but I'm willing to bet in a way this is not the first time Ignacio has saved lives because he started out doing this in dispatch. I'm sure he had many opportunities to be explaining to people over the phone how to do CPR and save people's lives. And so he's made a side career of that that is really, truly amazing. I'm so grateful that both you and Assistant Chief Vigil are here to be recognized for that.

MANAGER SHAFFER: Secondly, Madam Chair and Commissioners, at our special meeting last week there was some information requested about the property tax valuation in Santa Fe County, so I did follow up, my office did, with the County Assessor. The total net taxable value in Santa Fe County that is not under protest increased from \$7.879 billion in calendar year 2021 to \$8.558 billion in calendar year 2022. There's some figures that I left off there so I rounded not particularly artfully, but those were the overall values.

In terms of what made up that increase, and that is an increase of about 8.21 percent, \$123,654,098 was net new value, so that was new value that was coming onto the property tax roles for the first time, and approximately \$523,268,612 of the increase was attributable valuation maintenance. So again, I did want to provide that information to the Board as it was requested at the special meeting. So to sum up the value increased by \$646,922,610.

There was also a question that had been asked about delinquency on property taxes, and we did ask the County Treasurer's Office to at least provide macro level information in terms of looking at property taxes billed versus that which is collected, and in 2021 the delinquency rate was actually lower than the pre-pandemic rate in 2019. The delinquency rate in 2019 was 2.18 percent. The delinquency rate in 2021 was 1.39 percent. Somewhat counter intuitively it dipped in 2020 to .92 percent, but again, as you can see historically, our collection rates are actually quite high. So I wanted to provide that information to the Board as it was requested at the special meeting.

Finally, relative to miscellaneous updated, I did want to reiterate that this is the final week to donate to the Food Depot's 2022 Neighbor to Neighbor Fund Drive, and you can donate at [thefooddepot.org](http://thefooddepot.org) through Saturday, September 17, 2022.

Moving on to COVID updates, the only real update I have for the Board and for the community is that the omicron booster vaccine is now available and will be offered at upcoming vaccine events that are being coordinated through the Santa Fe County Office of Emergency Management. The events are held on Tuesdays and Wednesdays from 10:00 am to 2:00 pm, and they are as follows: tomorrow, the 14<sup>th</sup>, the location is La Cienega Station in Rancho Viejo at 37 Rancho Viejo Boulevard; September 20<sup>th</sup>, which is a Tuesday, the event will be held at the Hondo Fire Station; Wednesday, September 21<sup>st</sup>, the vaccine event is at the Turquoise Trail Station; and Tuesday, September 27<sup>th</sup>, at the Agua Fria Fire Station; and Wednesday, September 28<sup>th</sup> at the Eldorado Fire Station.

For additional information you can contact our Assistant Chief and Emergency Management, Martin Vigil.

Just to summarize before moving on from that point, again, all vaccinations will be offered at these events, not just the omicron booster but also the Moderna primary and Pfizer primary as well as boosters for those ages five and up. Omicron booster is specifically for those 12 years and older. That's all I have by way of miscellaneous and

COVID updates. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you so much. Are there any questions or comments? Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. Thank you, Manager Shaffer for following up on the questions that I had asked or some of us had asked. Appreciate that. In regards to the additional COVID vaccines, is that – so if you already have three shots, does that include the fourth shot now, or that's just for children under a certain age.

MANAGER SHAFFER: I'd defer to Assistant Chief Vigil to make sure I'm not giving misinformation. So I would ask him if he could address that question. Thank you, Madam Chair. Thank you, Commissioner Garcia.

COMMISSIONER GARCIA: Thank you.

CHAIR HAMILTON: Thank you. We really appreciate your being here.

MARTIN VIGIL (Asst. Fire Chief): Madam Chair, Commissioners, Ignacio just spoke with PMG, our partners in these and I'll let him give that clarification.

CHAIR HAMILTON: Fantastic. Thank you.

ASST. CHIEF VIGIL: One of the things in the logistics behind this is the partners that we have are having to work with the Department of Health and then when you hear things on the news coming through CDC it takes a little while to trickle down and then it's what's actually available at the Department of Health at the time we do these vaccines.

IGNACIO DOMINGUEZ (Fire Department): Madam Chair, Commissioners, so to clarify, yes, it is the fourth shot available for 12 and up. They will have Pfizer as well as Moderna available.

COMMISSIONER GARCIA: Perfect. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Commissioner Hansen.

COMMISSIONER HANSEN: If you've had all four shots, can you get a fifth?

MR. DOMINGUEZ: Not just yet, no.

COMMISSIONER HANSEN: Okay. Thank you very much.

CHAIR HAMILTON: Good question. Excellent. Thank you so much.

## **10. MATTERS FROM COUNTY COMMISSIONERS AND OTHER ELECTED OFFICIALS**

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

CHAIR HAMILTON: I'll start with Commissioner Hansen, if that's okay.

COMMISSIONER HANSEN: Thank you. I want to share with everybody that *Land, Water, People, Time* came out which is the annual magazine of the Northern Rio Grande National Heritage area, which I have the honor of serving as president, and this year, I feel very proud to have got our John Gaw Meem building covered in that, and part of it was because it's published by the Taos News, and so they don't always get to know all the great things we're doing here in Santa Fe County and since Santa Fe County

is part of the Heritage Area I wanted to have them focus a little bit, so I also had them focus on Reunity Resources, which has a very nice spread in there. So I'm very honored to have this publication which has some great stories. Georgia O'Keefe is also featured in it. I have a few copies and I will get a few more copies to share with the Board.

Also, I want to mention that Agua Fria Mutual Domestic is having their annual meeting on September 17<sup>th</sup> from 9:00 to noon at their offices in Agua Fria so anybody who is listening who is out there in Agua Fria and is a member of the mutual domestic please come. Myself, Representative Tara Lujan and Senator Nancy Rodriguez will all be present as we all represent the great Village of Agua Fria.

And then I wanted to share with everyone that I am a member of the Santa Fe City River Commission and as the River Commission we are having River Talks. Our first one, the first one that is listed here is there's a watershed tour which is on September 17<sup>th</sup>. Unfortunately I can't attend but I'm encouraging other people to attend.

Then on September 21<sup>st</sup> is Who owns the water here?, An illustrated survey of the administration of Santa Fe's water resources. This is at the hydroelectric plant building in the Water History Park and Museum at 1201 Canyon Road, at the corner of Upper Canyon Road and Camino Cabra. Presenters will be Mac Watson and Vic Johnson. The Water History Park is actually one of my favorite parks. When I was a member of the Parks and Open Space for the City of Santa Fe I had the honor of naming this park, so I have a special affection for it.

September 27<sup>th</sup> we'll be repairing the Santa Fe River using natural channel design and native vegetation, a walking tour of the newly constructed Santa Fe River repairs.

And then October 1<sup>st</sup> will be the Acequia Culture, a historic review of Santa Fe's Acequia Madre location. The location will be 500 Market Street and that is by one of our long-time members, Phil Bové, who is the Acequia Madre Mayordomo.

And then on October 5<sup>th</sup>, the last one in the series this year, is Building Resiliency in the Arid Southwest, One Household at a Time – How to Conserve Water and Improve Water Quality on a Residential Scale. Reese Baker from the Raincatcher, and I will share this again through my email to make sure the people know about this. I think the River Commission is a really great group and I have served on it since 2015, thanks to former Mayor Gonzales.

I have mentioned that I'm going to do a proclamation and resolution recognizing Gus Martinez, our Assessor, and I know that he is working to get on the agenda to give a presentation of his time in office before he leaves. And I'm sure I have something else but at the moment that is all I have. So thank you, Madam Chair, for allowing me to share that information.

CHAIR HAMILTON: Excellent Thank you.

COMMISSIONER HANSEN: Oh, I want to mention that my Coffee and Tea under the Trees was very successful with the Undersheriff and Public Safety and Elias Bernardino was there, which we were all grateful to, and my next Coffee and Tea under the Trees will be about the Forest Service and I'm naming it the Forest, the Health of the Forest, and the Health of the Community. James Duran from the National Santa Fe Forest and the Carson National Forest will be there along with Sandy Ignacio who is the new Española ranger from the Española district. So that should be a very lively conversation on October 8<sup>th</sup>. We will be sending out more information about that. But I

also want to thank all the people who came and presented from Public Safety, the animal control officer and Elias and thank you to my new constituent liaison, Laura, who has been doing an excellent job and is on top of all of these new projects for her. So thank you, Madam Chair.

CHAIR HAMILTON: Thank you so much. Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. I just have a couple things. I wanted to use my time just to give a really quick report on the Regional Transit District which is the bus service that serves our area everywhere from Edgewood all the way up to Dulce. They're having a ribbon-cutting for their new Española maintenance facility on Thursday. Unfortunately, I won't be able to be there. Commissioner Hansen is going to hopefully represent us there, but it's been a long time in coming, so congratulations to them on this milestone.

But also, they need bus drivers. Like everybody else they need employees, and so I've been waiting to ride the bus again from my neighborhood and we need a bus driver. So if anybody wants to drive out to Eldorado every day and pick me up with a few other commuters, please sign up and get your certification.

And then finally, I just wanted to mention that I signed up on the Department of Health website last week to get my updated omicron vaccine booster and I got it yesterday. So it's actually very easy. If you don't want to go to one of the vaccination clinics you can sign up and get it at a drug store. Thank you.

CHAIR HAMILTON: Excellent Thank you. Commissioner Garcia.

COMMISSIONER GARCIA: Thank you, Madam Chair. I just want to give a shout-out to our County Assessor, Gus Martinez as well, his entire staff for the 2022 International Association of Assessing Officers. Basically distinguished assessment jurisdiction of the year. Congratulations to the Assessor's Office for getting this award in Boston. And what is interesting is the achievements include but are not limited to a state of the art website, which we know the Assessor has that, online chat, chatbot, an automatic chat service after hours, customer service, property valuation protest text messaging updates, and community engagement and outreach including implementation of aerial and oblique imagery software, as well as creation of customer service and a quality control department. I think that's actually great and awesome, and once again, congratulations that Santa Fe County in the entire country actually received this award and when you do go to Assessor's webpage, website, it's amazing. Congratulations, Gus and your entire team. Thank you, Madam Chair. That's all I have.

CHAIR HAMILTON: Thank you so much. Commissioner Roybal.

COMMISSIONER ROYBAL: Thank you, Madam Chair. I also wanted to recognize the Assessor's Office for the achievement so thank you to Commissioner Garcia for bring that up. I did want to recognize staff and also I guess staff as far as road maintenance. I had several roads in my district that they did some chip sealing on, and so I just want to express my gratitude for that. I know right now I'm getting calls because it's loose gravel until traffic drives over it for a certain time before they put the finish, so just asking constituents to have patience with that. That will change here really soon in the next couple of weeks.

Also, wanted to just thank Public Works. I know that because we're so short-handed I think I have only two working in my district as far as road maintenance so I

know it's something that hopefully we can start hiring more employees to be able to keep up with this and I know that I noticed today, a lot of the maintenance, after the chip sealing project was complete are starting to get done on some of the roads, so I just want to thank staff for their hard work. I know that we're short-handed right now and I just want to express my appreciation to staff for trying to get those things done and hopefully we can catch that up here soon, but just once again, asking for patience from my constituents. I did have some calls in regards to speeding on one of the roads that we redid that we didn't put speed bumps back on so I want to thank Public Works again for working with the constituents there so we can look at some traffic calming ideas in that area. So once again, I just want to recognize staff for working with my constituents. Thank you.

CHAIR HAMILTON: Thank you so much. So I actually wanted to take this opportunity to do a shout-out to our County Emergency Management. Anybody who watches the evening news, which is probably most nights, except of course every other Tuesday night when you guys are all watching our BCC meetings. You know the importance of emergency management is increasing exponentially all over the country. We are incredibly lucky to have that here in the county in spades.

We actually have our Emergency Management Department sitting in the audience today, Assistant Chief Martin Vigil and Ignacio Dominguez. I can only think when I sit as a County Commissioner and think about what the County will need more of in the immediate future, we'll need increasingly those kinds of services. And we are positioned with a level of expertise we have to be able to make good on those needs. And I think that's something that we really need to give serious, serious thought to in the future. But because we have you guys here, I really want to just do a shout-out to the incredible job you do and the unbelievable amounts of overtime, the personal commitment you put into this, I really want to thank you for everything you do for the County.

Talk about unsung heroes. We really have our two top examples sitting here in the audience with us. So thank you very much.

COMMISSIONER ROYBAL: Madam Chair, I also wanted to recognize the Sheriff's Department. I made some calls due to the speeding in some of the areas and they were responsive right away. And so thank you to the Sheriff's Office for doing that.

CHAIR HAMILTON: Excellent

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

CHAIR HAMILTON: I'll start with Madam Clerk.

CLERK CLARK: Thank you, Madam Chair. So I have spent all day rejecting absentee ballot applications, unfortunately, because there are still third party organizations who are emailing us digitally filled out paper ballot applications, which by statute we have to reject. So there are two ways to apply for an absentee ballot in New Mexico. The first is the very convenient and easy nmvote.org where you go online, you sign in and request an absentee ballot, or you have to send us a physical paper application. It cannot come from a third party. So if a third party organization has

emailed you an application saying they will send it in for you, thank them kindly, but go to nmvote.org instead.

And if you are out of country, the way to apply for an absentee, otherwise known as a UOCAVA ballot, is to go to fvap.gov, and that's where our military or non-military citizens outside of the country who will be outside at the time of the election can apply for their ballot.

So voting starts October 11<sup>th</sup> in the Clerk's Office, so if you don't know what your registration is doing, if you changed your registration and you want to change it back before the general election, although it doesn't matter, but some people feel better when they've switched back, make sure you go to nmvote.org and check the status of your registration, but because moving forward we have same day registration, no matter what time the voting is happening, you can always same day register if you bring ID at any open polling location. So voting does start October 11<sup>th</sup>, and the last day to register on line is that same day.

We also have been hearing from our constituents that they're getting a lot of mailings from a third party organization called the Voter Information Center. They're not nefarious but they do send out a lot of mailers because they're interested in studying when people respond to mailings, so they may send up to 15 mailings to voters asking them to register to vote or apply for an absentee ballot, and the problem with this is they are not allowed to use the New Mexico form; they have to use the federal form, which means there's a lot of back and forth between our office and someone else trying to get a Social Security Number.

So we would recommend if you're interested in registering to vote to always use nmvote.org, or call the Clerk's Office and ask for a voter registration form, and if you want to unsubscribe, it is possible from the Voter Information Center. You just go to their website and unsubscribe, taking yourself off the list so you don't get tons and tons of mailings.

I would encourage folks, speaking of getting tons and tons of mailings to vote early, because what campaigns do is they check the voter list to see if you've voted and then they don't talk to you anymore if you've already voted because they can't persuade you anymore. So if you don't like getting phone calls and you don't like getting lots and lots of mailers, although some people do, vote early so you get off that list. It's just an insider tip.

And then finally, we started our phase of our high school outreach program. As you may remember, we did win a national award for our I Voted sticker contest, and today was the day we launched our Democracy 101 high school civics education program for high school students. So we went to the New Mexico School of Arts today and we had a tabulator and some ballots. They're called ice cream ballots because the project that's programmed on the tabulator is like, what's your favorite ice cream flavor? What's your favorite season? Inconsequential questions. But the goal is to get high school students practicing voting with a ballot that looks just like a ballot they would get during an election and putting it in the tabulator and understanding the mechanism of voting and answering questions about voting and trying to establish a lifelong habit of voting and we also did register some voters today who may not be 18 now but we'll put them in suspense and when they turn 18 it will roll over and then they can vote. So we've



launched that program and you'll start seeing us at high schools around the county. So thank you very much, and that's the update from the Clerk's Office.

CHAIR HAMILTON: Excellent Thank you for all that information. That's incredibly useful. Commissioner Hansen.

COMMISSIONER HANSEN: I appreciate the information about voting early and getting off of people's mailing lists, but sometimes, the campaigns do not check and you still get mail. So don't count on that as an indication. I have voted early often and still have gotten many, many mailers.

CHAIR HAMILTON: That's too bad.

COMMISSIONER HANSEN: But it's a smart thing for campaigns to do if you have voted early. So thank you for that tip. I think that was a good tip.

CLERK CLARK: Thank you, Commissioner, Madam Chair. We also will be hopefully providing sort of a campaign kit this year, indicating to campaigns that they can follow along with who has voted by getting an automatic email every day to encourage them to save the trees and not mail people who have already voted. Thank you.

CHAIR HAMILTON: Excellent Thank you. So are there any other County elected officials, because I don't see any here live, who wish to speak at this time? Daniel do you see anybody on Webex? Our Treasurer? Our Assessor?

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

CHAIR HAMILTON: Okay. Great. Thanks for checking for me.

**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. Potential Fair Labor Standards Act Actions**

CHAIR HAMILTON: Attorney Young.

JEFF YOUNG (County Attorney): Thank you, Madam Chair, Commissioners. I would ask that we go into executive session for discussion of 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, specifically including potential Fair Labor Standards Act actions. I don't expect it to be a particularly long executive session but seeing we have matters at 5:00 we have some time there.

CHAIR HAMILTON: Excellent Thank you very much. So I would entertain a motion.

COMMISSIONER HUGHES: Madam Chair, I move we go into executive session to discuss the matters just outlined by the County Attorney.

COMMISSIONER ROYBAL: 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   | Aye |
| Commissioner Hamilton | Aye |
| Commissioner Hansen   | Aye |
| Commissioner Hughes   | Aye |
| Commissioner Roybal   | Aye |

[The Commission met in executive session from 4:12 to 5:10.]

CHAIR HAMILTON: Good evening everybody. I would entertain a motion to come out of executive session.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: I move that we come out of executive session and the only thing we spoke about and the only people that were in the meeting were what was listed on the agenda.

COMMISSIONER HUGHES: Second.

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

**The motion passed by unanimous [4-0] voice vote.**

[Commissioner Garcia was not present for this action and did not return for the remainder of the meeting.]

## **12. PUBLIC HEARINGS**

### **A. Resolution No. 2022-072, a Resolution Replacing Resolution No. 2013-139 and Amending Resolution No. 2015-155, the Sustainable Growth Management Plan, to Adopt the 2022 Tesuque Community District Plan**

CHAIR HAMILTON: Welcome, everybody. This is very exciting. I think this is one of the first times we've had a series of public meetings since the start of the

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pandemic where we've had so many people in person. This is truly a unique and pleasant experience. We have Lucy Foma to lead us into this action.

LUCY FOMA (Senior Planner): Good afternoon, Madam Chair, Commissioners. Thank you for having us today. We're here before you to present the 2022 Tesuque Community District Plan for adoption, and I have a short presentation. So the Tesuque Community District Plan, as all our plans do, will amend the Sustainable Growth Management Plan. Our planning context is we work with communities to develop a plan and then we bring it forward for adoption and based on that plan, we amend the Sustainable Land Development Code, which is the regulation for our community.

We allow, as you know, in the county communities we allow community district overlays so that communities can have a little bit more nuanced regulation that fits the character and details of the community better than the general code. So the overlay will state slightly different regulations for Tesuque as it currently does. Anything that's not stated in the overlay district is what the general code dictates.

So this process was initiated in 2019 by staff and the Tesuque Valley Community Association. They initiated it to replace the 2013 community plan. Staff has been working consistently since 2019 with this planning committee to develop the document that we're here to present today. So when we initiate a plan process we reach out to all the residents in a community district – in this case Tesuque – letting them know that we're initiating a process. We then hold monthly meetings usually but sometimes they're at different intervals and all members of the community are considered planning committee members, so it's always open to the public. We noticed in this process the entire community midway through as well that we were undertaking this process, and then we work with all of those people to develop a plan that staff brings forward to you.

The elements of this plan as most of our community plans, have three sections. There's a plan context, the plan elements which are going over the agriculture, water – various things that I'll show you, and then the final part is the land use plan. And the land use plan is what we base our future code changes on, but also it identifies actions that the community can take to implement the plan.

So in the plan context we discussed where the community lays in the county. We also have an existing land use map. We identified the community vision as part of this planning process, about seeing where the community wants to grow into, what they want to be in the future, and the existing challenges and opportunities, among them being flooding, wildfire, the Aamodt settlement as it's built out, a road safety study along Bishop's Lodge Road, and then open space and trails.

The second part covers existing conditions in the following areas: we really buffed up the acequia and agricultural section of Tesuque's plan because in reviewing this plan with the community, we realized that the acequias are really integral to Tesuque and especially the tree cover and the tree canopy that people associate with the community. I just want to hover on this topic for a minute. People don't really think of Tesuque as being a traditional agricultural region so much anymore. There's not a whole lot of food produced there but there are orchards and in talking with the mayordomos and acequia parciantes the acequias really do feed the tree canopy and so it's really important even if they're not producing food to still maintain that heritage and that character, if

nothing else for the trees.

We also – a very large part of this plan was discussing the Bishop's Lodge corridor and the fence and wall standards that currently existing in the Sustainable Land Development Code overlay, and then also what people would like to see modified in that section. The other standard elements of this plan are the trails, the access to public lands, fire safety and prevention is very big, and then community facilities and water supply.

The third section of this plan is the land use plan, as I mentioned. It contains a land use map, which is parallel to what the zoning map is currently in Tesuque. It also identifies what the land use densities and development patterns are, and then the final part is the identified improvement activities which normally in plans we call the implementation plan. So this is identifying specific actions that any entity that's able to, whether that be the County or the community association or the community organization, that they can take to help further along the goals of this plan.

So in accordance with Sustainable Land Development Code and the Sustainable Growth Management Plan, we undertook the process of reviewing this plan for consistency with the rest of our policy documents. We then completed two public meetings with the entire community, or that the entire community was invited to. Those were held in July of this year. One was in person at Bishop's Lodge Resort. The other was a hybrid meeting; it was in person and in chambers, and then also broadcast via Webex. And now we're going through the two public hearings. So we're here before you to ask you to adopt the plan.

So we have today a resolution to adopt the 2022 Tesuque Community District Plan which will replace the 2013 Tesuque plan. And I stand for comments and questions.

CHAIR HAMILTON: Just a quick question before I go to other Commissioners or open public comment. Is this the second public hearing?

MS. FOMA: This is the second. The first was the Planning Commission.

CHAIR HAMILTON: Right. Okay. Great. Before I open public comment are there questions from Commissioners? Okay, Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Lucy. One of the things that has come up in my community, Agua Fria, is the fact that somewhere along the line the community plans do not have the ability to make comments about development and be a recommending body like the ELUA and ELUC. So what I'm wondering is how do we begin to initiate that so that we can have these traditional historic communities have a little more say about development in their area, because this is something that is very concerning and I think it would probably be concerning to Tesuque Village also if some developer came in and they didn't have a way to make an official comment.

ROBERT GRIEGO (Planning Manager): Madam Chair, Commissioner, in regard to your question, in regard to the status of the plans and how that works. I think I understand part of your question in regard to how the community is able to recommend regarding development coming in. And I think the plan as a whole provides what the community would like to see in the community through the future land use plan, but also the overlay district as Lucy mentioned provides the specific regulations in regard to the density and the uses that would be allowed in the community. So I think I understand your question is how do they make a recommendation about development coming in, but

I think the plan is a policy guidance framework and the community district overlay that will follow will also provide the development regulations for that community.

Also, again there's a process for communities in the Sustainable Land Development Code for communities to create a community organization where they have input on development. Again, it's not a recommending body as the Planning Commission is or local development review committee, but they can provide comments on development as it comes forward. I think there may be a future presentation that the Land Use Administrator will be addressing specifically regarding the Planning Commission and local development review committees.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you for allowing me that question.

CHAIR HAMILTON: Thank you. To go to public hearing, I recognize there are people here and potentially on Webex on potentially three different matters. For those of you, if there's anybody here – I'm going to open public comment and if there's anybody here who wants to speak to this particular matter, could you please stand up? Okay. Great. Stay standing. I'm going to ask that everybody who wants to speak to this matter get sworn in all at once, so if you could stand up and when you come forward after being sworn in, when you come forward you'll speak one at a time. We generally limit public comment to three minutes. When you come to the microphone you would state your name, your address, and that you're under oath. So if everybody who's going to speak would stand up the Clerk will swear you in.

[Those wishing to speak were placed under oath.]

LYNN PICKARD: My name is Lynn Pickard. I live at 44 Big Tesuque Canyon. I am the co-chair of the Tesuque Valley Community Association, and I'm here with Margo Cuttler and we are the two contact people for the community organization of Tesuque. And I just want to speak in support of this plan. We've worked on it for a long time. Staff has been great. I want to comment them and I just ask that you pass it.

CHAIR HAMILTON: Excellent. And you were under oath for that?

MS. PICKARD: Yes.

CHAIR HAMILTON: Great. Thank you. That's your whole comment?

MS. PICARD: Yes.

CHAIR HAMILTON: Excellent. Thank you so much for coming. Is there anybody else here who would like to speak to the Tesuque Community Plan matter. Is there anybody on Webex that would like to speak to the Tesuque Community Plan matter? If there's anybody on Webex only for the Tesuque Community Plan matter if you could unmute yourself and indicate your presence that would be great. Okay, hearing none, I'm going to go ahead and close public comment on this particular matter. Commissioners, are there any other questions or further discussion on the Tesuque plan, or Lucy, do you have other things you wanted to mention? Commissioner Roybal.

COMMISSIONER ROYBAL: Actually I don't have any questions but I do want to move approval of the community plan.

COMMISSIONER HUGHES: And I'll second.

CHAIR HAMILTON: Excellent. I have a motion and a second. Is there any further discussion? Seeing none.

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

COMMISSIONER ROYBAL: I just wanted to thank staff for the hard work and also the dedication from the Tesuque residents on working on this overlay plan with our staff. I know it was quite a few years in the making but thank you guys for working hard.

CHAIR HAMILTON: Excellent. Thank you. Obviously, this takes quite a few years and quite a bit of dedication so kudos to the community and to our staff for helping them. Thank you for doing this.

MS. FOMA: Thank you.

**12. B. 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 (First of Two Public Hearings)**

CHAIR HAMILTON: And usual, we'll go first to the staff presentation and Director Penny Ellis-Green.

PENNY ELLIS-GREEN (Growth Management Director): Thank you, Madam Chair, Commissioners. On August 9, 2022 the Board gave authorization to publish title and general summary of this ordinance to regulate short-term rentals. It was determined that this should be accomplished through an amendment of the Business Registration and Licensing Ordinance and 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.

The proposed Ordinance as drafted includes the following requirements: each short-term rental will be required to obtain a business license which shall be valid for one year; the proposed ordinance includes findings that short-term rentals may create a possible negative impact on neighboring properties due to noise, traffic, trash, offsite parking straining of water resources, negatively impacting the environment by overburdening septic systems; and possible non-compliance.

There are definitions included in the ordinance.

Short-term rentals will be permitted throughout the County in all zoning districts where residences are allowed as a primary use, that means every district other than industrial and industrial light, and public institutional. They will be allowed on legal lots of record where the residential construction was either permitted or grandfathered in.

A short-term rental license will include the owner's name, property address, occupancy limit, daytime occupancy limit, license number and the expiration date. The license must be posted at the property along with a separate document providing additional information for guests, including allowed number of vehicles, quiet hours, owner's contact number and solid waste disposal requirements. In addition, the owner is required to mail notice to nearby property owners providing the owner's contact information, steps for reporting a violation and shall include a copy of the business

license.

The short-term rental license application will be reviewed and approved administratively. Appeals would be heard by the Board.

The regulations include an occupancy limit based upon standards for a septic system, or two per bedroom if on a sewer system. A daytime occupancy limit can be up to ten more than the occupancy limit, and ages five and under are not included. Parking shall be onsite limited to the spaces provided in order to keep roads free of parked cars.

The owner will need to prove that all any existing water restrictions have been met. We're looking at a slight change here in the ordinance to make it clear that we're referring to County water restrictions and the reporting of usage related to County imposed restrictions. So that would be if the property already has a County water restriction.

A separate form identifying all requirements to meet the Fire Code will be provided to each applicant. Each applicant is required to sign an affidavit verifying all requirements have been met. A list of fire requirements is attached in your packet. They include smoke and carbon monoxide detectors, fire extinguishers, egress from each bedroom, spark arresters on chimney.

The owner shall provide for solid waste removal. Rural addressing shall be posted on all properties and one single sign meeting residential standards will be allowed. Quiet hours are established as 10 p.m. to 7 a.m. each day.

There's also technical cleanup language related to the statutory references is included in Sections 5 and 6.

There are existing issues with the Business Registration and Licensing Ordinance where it's outdated so it will be necessary in the future to bring that back for language clear-up.

The ordinance includes a fee of \$375 for a first time license and \$300 for renewals. It's based upon the review, processing and issuance time, inspection time, need for tracking through Host Compliance contract, and the use of an online permitting system.

Public comments received since the last BCC meeting are attached in your Exhibit E, and just to address response to some of those comments, short-term rentals are permitted within dwelling units, so tents, RVs etc. are not considered dwelling units. This has been a long-standing requirement as RVs are not built or meant to be utilized as dwellings. These need to be submitted through an RV park/campsite permit even if they're just small and just several unit where we look at zoning hookup capacity, connection to sewer, etc.

Single rooms within a house will still require a short-term rental license. Our process is administrative so we believe it will be streamlined for all. Each short-term rental will require a license at each property as different compliance regulations need to be ensured for each short-term rental. Additional comments were also uploaded on Monday supporting the ordinance, recommending the license number required to be published on all ads and all listing, supporting and recommending that only a primary residence could be used for short-term rental, supporting short-term rentals as an additional source of income, stating that many rental agencies already collect taxes, a statement that single room renters are different, requesting a reduction in fees, and

regarding the issuance of installing a meter on a well if there's no restriction. Again, we would look at amending that section to make it very clear it's only if you have existing County water restrictions.

And if I could enter the entire memo and all exhibits into the record, [on file with Planning Department] and Nate and Lucy will do a brief presentation on some data. And this is the first public hearing so no action is needed. The second public hearing is scheduled and noticed to take place on September 27<sup>th</sup>.

CHAIR HAMILTON: Yes. Thank you for entering that in the record and welcome, Nate and Lucy.

NATE CRAIL (Planner): Madam Chair and County Commissioners, I'm presenting Exhibit E entitled the backup data memo. We essentially compiled all the data that Lucy presented from the public title and general summary hearing in August that we compiled into one memo so all the data in this is from July 14, 2022 and it involves STR from both Host Compliance as well as US Census data. In this memo, there are four graphs, three tables, and four maps. Additionally, we found that for STR owners only five owners had two separate listings and two owners had three separate listings. Every other STR owner only had one listing.

So for the graphs, we have four different graphs: bedrooms, room types, bathrooms and property type. And then for Table 1 we have nights occupied for STR listings, and so for 90 days per year or less, 174 of the 386 identified listings, the STR is occupied. And then for 180 days per year or less, 322 of the 386 total STR listings are occupied.

And then for Table 2, percentage of STRs as a total housing units by overlay district. We have the total housing counts for each overlay district except for four, and as you can see, there's a wide array of percentage of STRs of the total housing units ranging from Tesuque's being eight percent of the total housing units down to Chimayo being only 0.1 percent of the total housing units.

In Table 3 you can see that the percentage of STRs for the total housing units for the whole county, excluding the incorporated sections, approximately two percent of total housing units are short-term rentals.

And then Map 1 is the entire county with the community overlay zoning districts and district plan zoning with STRs identified. And then Maps 2, 3, and 4 are small sections of the county including Tesuque and the surrounding area, the Pojoaque Valley area, as well as Madrid, Los Cerrillos and San Marcos areas.

This is all the data that we currently have. I would say it's insufficient. We don't have sufficient data to explain this necessarily because of the wide array of variables through the county, but with the proposed ordinance we have to collect more and address – try to answer why. But thank you.

CHAIR HAMILTON: Thank you, Nate. So Lucy do you in fact have an additional presentation? Okay. Penny just said both your names so I assumed we had more to go. Okay, once again, I'll open public comment but I'm going to first go to Commissioners to see if there are any preliminary questions or comments. Okay, so everybody knows, this is on short-term rentals. I would like to get everybody who's going to speak to this sworn in at once. So if everybody who plans to speak – and I will get people on Webex separately, and I think it will be more efficient to do those present



live first. So everybody who wishes to make public comment on the short-term rentals, could you please stand up and get sworn in? Madam Clerk, we're going to hold everybody to like three minutes, but I'll go over the ground rules after we get sworn in.

[Those wishing to speak were placed under oath.]

CHAIR HAMILTON: Thank you. So just a couple of ground rules. I appreciate everybody's given thought to this. We really want the input. For the sake of efficiency I would really appreciate that if somebody has already testified to the substance of what you want to testify, if you could abbreviate what you want to say and indicate your agreement and spend time only on new matters. We will get a sense from everybody of what the key matters are from that. Daniel, can we put a timer up? And just to reiterate, when you come up if you could give your name and address and that you're under oath and then give us your comments. And it's going to be up to you to self-sort, so if somebody would please come up and start the process. You're in the front row; please come forward to the microphone.

[Previously sworn, Jack Schelberg testified as follows:]

JACK SCHELBERG: My name is Jack Schelberg. I live at 58-A Evergreen Lane, Santa Fe, 87506. We're in the Pojoaque Valley. We have an Airbnb there. I understand I'm under oath. I went over this regulation here and in our particular case all the benefits that are claimed are just non-existent. First of all, we have no County services. It takes 45 minutes to get a policeman out there. Water, septic, trash removal, cleaning up the lots, everything else, we do it ourselves. I've got a mile and a half of water distribution. I've got another mile and a half of wastewater collection. I've got septic tanks. I've got water wells, everything I put in there myself.

I just spent \$70,000 improving the systems. So that's just a no-gain for us. I'm curious to know what the fees are for. The impact to the water system – I wish everything I had on my property was short term because my average from my Airbnb is probably three people for 20 days a month. If it were a long-term rental there'd be six people in the house for 30 days and everyone can do the math.

The benefits and the impact to the infrastructure and the services, it's just not there as far as I'm concerned, and in my particular situation and I think probably a lot of the short-term rentals that are going to be up here are going to have the same situation.

The long-term people who live around us cause the most impact. My father-in-law donated the road in front of Evergreen Lane. He donated it. Gave it to the County, said if you maintain it, you can have it. Many years ago. There's been absolutely no response about maintenance on that road. There's no signage, no speed limit signs. There's not even a sign that says he gave it to the community and it's the only north-south access to the north end of the north side of the river in El Rancho. Only one in that particular community. The other one is a one-lane dirt road.

I really object to these regulations because all of the protections that you're talking about, all of the benefits that you're talking about, really don't exist. Airbnb protects not only us as the renters but protects the people that rent as well. Everything is already written in in the Airbnb app, and I don't know if you've had a chance to go over it, but I was amazed. We really don't see the benefits that are claimed concerning this and we object to it very much. To me, I don't understand what the \$375 fee is going to do for us and then \$300 a year after that. These benefits that you're talking about, all of the

impacts that you're talking about, in our particular case in the north county don't exist. You don't have no infrastructure up there at all. The County has no infrastructure.

CHAIR HAMILTON: Thank you very much, sir. We appreciate it. And we can get an answer later after public comment about what the fees are for, but we still really appreciate your comments.

MR. SCHELBERG: Okay. I've got quite a few pages here but my vision doesn't allow me and you guys have said that you want me to be brief.

CHAIR HAMILTON: Yes. We'd happy to accept your written comments as well. So if you want to send them in that would be appreciated.

MR. SCHELBERG: Fine. But I want you to know that I as an Airbnb person object to it very much. I'm not from here. I've been here for over 60 years in this state in over 50 years in the community where I'm at and it's just – I love it, and the local people don't take care of it as well as the people who come here to visit. The Tourism Department is making out like a bandit with all of the Airbnb people. And they prefer the Airbnbs to the motels and hotels, which would cause less impact on your city and those particular hotels that exist inside the county.

CHAIR HAMILTON: Thank you very much. Can we have the next person?

[Previously sworn, Destiny Allison testified as follows:]

DESTINY ALLISON: My name is Destiny Allison. Do you need an address?

CHAIR HAMILTON: Yes, an address and that you're under oath, Destiny. Thanks.

MS. ALLISON: Four Sunlit West, Santa Fe. And thanks for the opportunity to speak today. I think that we're not necessarily opposed to regulation. We have a short-term rental. We've had it for years. We're super-hosts. We have two bedrooms in our house that have a private entrance, and so we have obviously relevant concerns for us but also a lot of our members out in our area are retired people on fixed income. They are young people trying to – can't afford a roommate, can't find a roommate. But we're dealing with it in a time where inflation is going up, wages are stagnant. People can't afford to make a living. This is a great way for people to subsidize their incomes, and you guys have got this set up where, at least from my understanding, where it's a fixed fee, a fixed license fee regardless of the rental property that you own, and I think that that is deeply prohibitive and unfair to people who, like myself, who I'm renting a couple of bedrooms. I don't own multiple properties. I don't have separate things. I'm not hiring anybody to do the work for me. It's a small, little business at our home.

And on that end, it is a small business in my home and to my understanding, no other small, home-based business is required to notify their neighbors of their private doings, and I find that really, really concerning and a deep violation of my privacy. And they don't tell me what they're doing in their homes. I don't know what businesses the County has licensed them to do there. Why in the world would they need to know what I'm doing in my home. If you're putting regulations regarding parking and noise and all the rest of it, please don't make me open my whole private world to everybody living around me. That's just not fair.

But I think that if you managed to tier the marijuana industry very effectively for small users and small growers and all the rest of it, I don't see why you can't tier this to reflect the size of the property and the income that's being produced from that property so that people who can't afford the \$300 a year or the \$375 up front can stay in business without losing that really important part of their income. And that's all I've got to say.

CHAIR HAMILTON: Excellent. Thank you so much. I think there's a lot of agreement. Would the next person please come up. State your name, address and that you're under oath.

[Previously sworn, Richard Woodruff testified as follows:]

RICHARD WOODRUFF: Anyway, I'd like to introduce myself. My name is Richard Woodruff. I'm the owner of Adobe Casitas Vacation Rentals. We manage –

CHAIR HAMILTON: Please give your address please and that you're under oath.

MR. WOODRUFF: Yeah, I'm a qualifying broker. We manage 15 properties here in Santa Fe. Our office address is 201 Double Arrow Road in Santa Fe County. I just wanted to make a few remarks. I'm in support of regulation. It makes sense. It makes sure that our practices are all honored and guests have a good stay, but also the owners are responsible for their properties. But I have a few observations and I did submit written comments, so I'm sure you have most of them, but I will just highlight a few things.

One, I was surprised to see the occupancy limit being more strict than even the City of Santa Fe. The City of Santa Fe for their short-term rentals have an occupancy limit of two persons per bedroom. However, the County is more strict than that, requiring two persons for the first two bedrooms and only one person for each additional bedroom. That to me doesn't make sense.

A second point I want to mention is water usage. Now, we monitor the water uses to all our homes, although the majority of them are in Santa Fe City, and we find that actually we have less water usage from people staying in our vacation rentals than when we do when the owner is there. That's because the owner typically does a lot more with the home and in the home than a vacation rental person would do. They tend to travel, go out, explore, eat out, and they benefit our economy of Santa Fe and Santa Fe County. But they're not using most of the water.

Most of the water actually is used by swimming pools, hot tubs, irrigation systems, etc. But on average, just because your findings are assumptions, on average, our guests are using about 50 gallons per person per night.

The third thing I want to mention then I will let it go from that is that we're putting a boundary limit from the property line. Now, a number of the homes that we manage that are in the county are on three acres, five acres. One is on 20 acres. So from the property line is really not accomplishing what you would like to accomplish. I would think that it would be better to have the 500-foot limit from the center of the home where you can actually see neighbors. We would have to download a map to figure out where a neighbor is 20 acres away on the property line.

So that's just a subset of the comments that I've made. Again, I'm available to work with the committee, free, to pass on some what I would call professional advice

from being a property manager for ten years with over 7,000 guests over those periods of ten years, without a complaint. Thank you for your time.

CHAIR HAMILTON: Excellent. Thank you for your comments.

[Previously sworn, Ethan Stone testified as follows:]

ETHAN STONE: Good evening. My name is Ethan Stone. I live at 72 Camino Cielo Alto, and I'm under oath. I support a reasonable program to register short-term rentals in the county but I do not support the ordinance as it's written. We must ensure the focus is on investors and exempt our community members from the requirements of this ordinance. The proposed ordinance places an unnecessary burden on our community members who rent out a portion of their homes, and those that may rent out their home for a week or two while they're out of town. We absolutely need to make sure investor-operated short-term rentals are registered, accounted for, and do not interrupt the nature of our community or the environment, but we do not need to be exacerbating the affordability crisis in Santa Fe by saddling our working class families with unnecessary regulation.

We do not need the Commissioners to create insurmountable burdens for people like my friend and neighbor, a teacher nearing retirement who may finally be able to afford to purchase and renovate her house because she occasionally derives income from renting out the yurt on her property that's been there for many, many years.

We also don't need to create an unnecessary burden for someone in our community who loses their job and suddenly and quite urgently needs to put their room on Airbnb or another platform. The City of Santa Fe takes up to six months to authorize a rental. Can you assure me that the County is going to be able to authorize a rental for that person so that they can get income and pay their mortgage before the next due date? I don't think so.

We also don't need to impose unnecessary burdens on the retired, fixed-income middle class folk who just want to be able to buy a plane ticket to go see their families. In some cases, the only way that those retired folk might be able to afford that is by renting out their home, their primary residence for a week or two. Do you think they're going to be able to follow the process as it's written or know with sufficient time that they even need to follow a process in the first place?

With ballooning costs ensuring affordable housing sometimes means opening our homes to the sharing economy and ensuring that the highest and best use of our entire property is available to the homeowner at any moment. With this ordinance we risk driving out our neighbors who rely on rental income to be able to live here. We cannot afford this unintended consequence. I too operate a short-term rental at my home, together with my wife and baby. Prior to our arrival for more than 15 years the home was owned by out of staters who were never there. We were only able to afford to buy that property because we rent out an accessory unit. As the ordinance is written, it says that you can rent out a dwelling unit. Well, an accessory unit may not include a kitchen, so there's ambiguity there. If because of that ambiguity I can't get a permit then we'll have to sell our house and move and I don't think what the intention of the Commission is here.

I urge the Commissioners to consider an exemption of all requirements, except for a simple registration for owner-occupied properties, and for primary residences which are

rented for less than 30 days per year, and require that the County issue such registrations within three business days of an application. You should also completely exempt these hardworking homeowners from payment of a fee. If you need to, increase the rest of the fees for investors.

The bottom line is that homeowners take care of their homes. They know their neighbors, they know their communities. They do not tolerate excess noise. They do not tolerate trash, large numbers of people or the other ills that the proposed ordinance claims are common to short-term rentals. If the council cares about the livelihood, financial well being, continued affordability of housing of all types in Santa Fe the Commissioners will consider such an exemption. Thanks.

CHAIR HAMILTON: Thank you so much.

[Previously sworn, Randy Flores testified as follows:]

RANDY FLORES: Hello. Good evening. My name is Randy Flores. I understand I'm under oath. My address is 6-C Via de Estrellas. I've been in the county in the Caja del Rio corridor for over 20 years now. I'm a native from Pojoaque Valley. I've seen a lot of the development going up in that area. I too am not opposed to – I understand what the County's after and I'm not here to really fight that but I'm here partly be accident because I did dabble with Airbnb back in 2018. We had a studio space where my mom lived. When she passed it was available and we thought let's try this out. There may be others that are on the line or in this room that haven't really used it so when I got this letter in the mail with pictures from our ad I was like, oh, I forgot – I honestly hadn't used this in a while and I've pulled it down since.

But I think just taking – looking at just the ads and not looking at the back end, I think we got one 1099 in 2018 or 2019 for – I want to say it was under \$2,000. We rented it for maybe a total of 40 days or something in the entire year. I just think that it seems like there's going to be a lot of digging of data to make sure that you're chasing the small fish as well as the big developers or people that may have 20, 30 units, and I think maybe there needs to be some type of approach. I think someone mentioned a tiered approach or something that makes more sense.

Lastly, I also want to mention I am a road maintenance association president for a road there off of Caja del Rio. We service 76 lot owners. I understand a lot of the County pressures and plowing roads, keeping things safe. Our road is always in need of support. We actually just took it over and now we all pay for this road, the 76 lot owners, just because I know that County resources are thing. Just drive down the west side of 599 frontage road and look at – it goes into an arroyo and the roads turns to basically undrivable at times. And it is used. I'd love to see a traffic counter by the County on that road to see. Even the police go and fill up their cars there. I see them every day at the gas station. Those to me are areas that we should be focusing some of our resources on and not maybe chasing down someone that – a \$350 fee for someone that made \$1500 on Airbnb. I just think that we've got bigger fish to fry. I would hope the County recognizes that.

But I do understand the need to regulate at some level and make sure that people are safe when they're doing these type of endeavors with their homes. I do believe they're also not completing with the downtown hotels. I think there's two very different markets being served. I'm sure that's been brought up as well. Thank you.

CHAIR HAMILTON: Excellent. Thank you so much for your comments.  
[Previously sworn, Mr. Montoya testified as follows:]

MR. MONTOYA: [inaudible] Montoya, I live in A Callejon Lomita. All I just want to say is I do agree that we should have regulations but I feel like there's a bigger picture than this. People that have Airbnbs provide a safer place for people to come because of the drug epidemic that we have, that a lot of people don't like to hotels because they get their cars broken in or they don't feel safe. We provide that for them as well. You know what I mean? They can come to wherever they're staying and not feel like someone's going to break in and get their valuables or whatever.

What I'm trying to say is up in the day is we're just coming out of a pandemic. Things are very hard, inflation is crazy, and a lot of people are struggling with mental health and struggling to get jobs. And where my family comes, we built everything that we have from the ground up. I feel like it's not right for you guys to come and put all these regulations and want to take more from us when we're barely trying to make it and come back into this society again because we're barely opening everything up.

And a lot of people are struggling because of the way the pandemic was and we've been locked down and all that stuff and that's why the way you guys are trying to do is unfair to us. We pay for our roads. We pay for the gravel. We pay for all this stuff. We have a property out in La Cienega. We put all our stuff there. We have our own well. We pay for everything. So you guys are now coming in and trying – oh, you guys need to pay this, this, and that. So you guys are trying – like, I just don't understand it. I understand the fee, the annual fee, but for the rest of the stuff, I don't accept it, honestly.

And there's other gray areas because corporations are buying homes and renting it out, I see why you guys want to put regulations, but you've got to pick and choose what you guys want to do. Thank you. You have a good day.

COMMISSIONER HUGHES: Wait just a minute until our chair gets ready.

[Previously sworn, Toby Wright testified as follows:]

TOBY WRIGHT: My name is Toby Wright. My address is 169 Avenida Ponderosa in Glorieta, and I understand that I am under oath. I am against the ordinance as it written. I feel strongly as do many of my companions that an exception should be made for primary homeowners who rent out space in their home using the short-term rental platforms. If you can imagine a number of years ago before these platforms existed, if I wanted to rent a room in my home I would have to use the newspaper or something along the lines of Craig's List. However, Airbnb, Vrbo and these other platforms have come into play and have provided us with amazing resources for insurance, protection and also a barrier between us and the potential renter.

The full-time renters that would be living on any property that's currently being used as a short-term rental are going to be much more impactful for the environment, and so I really, truly believe that some of the stipulations that are written into the ordinance are creating a barrier to entry for individuals who are in the county. We have a private well. It's not metered. We were never required to meter it and in the ordinance it's written that we would need two years of well records in order to use our Airbnb. And we would only be able to interpret that as having to take it down off of the market in time to get the metering done.

Lastly, we strongly, strongly feel that this ordinance was written mostly likely merely to benefit people who live in denser areas. We're personally on 12 acres. Our neighbors know that we Airbnb and they don't care. As a matter of fact they love meeting the people that come into our neighborhood. In dense areas, we can really understand the problem that neighbors might have with the short-term rentals but most of the platforms have installed barriers and protections against things like house parties, people who don't follow the rules. We personally don't allow anybody in our home that hasn't been reviewed by previous hosts. So we're doing a screening process that is as stringent, except not as prohibitive as what the County is trying to do. This would create a terrible burden on myself and my husband. We are both retired and we rely on the Airbnb to provide us with the additional income that we need. After having been a teacher in Santa Fe Public Schools there's not a lot left over. Thank you.

CHAIR HAMILTON: Thank you. Before the next speaker goes, I'm not sure how to bring this up but we have a screening process for entering the public buildings and I've been led to understand that there are some people who checked that they are not vaccinated and don't care to wear a mask, and I feel like at least everybody present should know that and I would really like to encourage everybody who isn't vaccinated to please wear a mask while you're in our public building. Thank you. Will you introduce yourself?

[Previously sworn, Marissa Arroyo Duré testified as follows:]

MARISSA ARROYO DURE: My name is Marissa Arroyo Duré. My address is 7 Camino Noes in Madrid, New Mexico, and I understand that I am under oath. I want to begin by saying that I am not against short-term rentals. In fact I have benefited personally from having a short-term rental, but I do believe that they need to be regulated like the businesses that they are. If you look at Exhibit E in the ordinance you can see that Madrid has the second highest percentage of short-term rentals in the County of Santa Fe and this issue is ripping out community apart. It's really affecting our quality of life, and it's actually causing safety issues in our community, and we really need the County to regulate this to back up our existing covenants and restrictions, which actually prohibit commercial activity off of the main highway that runs through our town.

Because people currently don't have to get a business license to have a short-term rental we are unable to enforce the part of our covenant that prohibits commercial activity off of the highway. So what we're starting to see is that people are coming into our town, buying entire houses, and immediately turning them into Airbnbs. What that's doing is increasing rents for long-term rentals that are still in town. It's increasing prices to buy homes because realtors are now advertising homes for sale in our town for the profitability of being a short-term rental and it's making it so that valued members of our community cannot find a place to live. We have lost volunteer firefighters among other valued community members which means that we have houses that burn down almost every year in our town.

Some of the Airbnbs that are entire homes as short-term rentals have serious fire hazard around them and there's no owner there to maintain that and it's really causing a divide in our town. We're a small HOA. We don't have a lot of money. We don't have a lot of teeth, and even though in our covenants this type of activity is prohibited, we don't really have a way to enforce it besides asking for voluntary compliance. So we really

need the County to back us up to allow us to enforce what we already have going on in our community.

This is really increasing the economic divide in our community as we have people buying up two or three homes when there's folks that have lived in our community since they were children that can't afford to buy a home at all and now are not even able to even rent a home and stay in the community that they've been in for a long time. While we receive pretty marginal services from the County in Madrid. We privately maintain our roads. We have a separate water system. Regulation by the County is still going to benefit us and help us maintain the quality of life, character, and safety of our community. So I just want to thank everybody for the work on this ordinance. I want to support this ordinance, and while it may need some refinement I think that it really is the right path and that we're actually behind the rest of the country in regulating this type of activity. Thank you.

CHAIR HAMILTON: Thank you very much.

[Previously sworn, Michael Sugarman testified as follows:]

MICHAEL SUGARMAN: My name's Michael Sugarman. I live at 1080 Chicoma Vista, and I'm under oath. So we live on a three-acre property and the house is set back about 25 or 30 yards from the road which is privately owned and not maintained by the County. We have about – for every group of people who come in, we have a three-bedroom and each bedroom has a queen-sized bed, and I do not understand why two people can't sleep in a queen-sized bed in a bedroom. That just don't make any sense.

Also, we have our own well. It's over 600 feet deep. You could bottle this stuff and sell it as spring water, it's that clean. But if we have to put some kind of a monitor on it, that's going to cost a lot of money. Have you figured out what it's going to cost to put a monitor on a well? It will cost thousands of dollars, possibly.

Also, we average over the course of time, this year, from January through the end of September, we're averaging about 54 percent occupancy, and of the groups who come in, some of them have six people, five people, four people but the average is about 4.5, and 54 percent of 4.5 is about 3.5 people, which is about what you'd expect to see in a house. So we're not using this house more than someone else. And we have one car and the people who come to stay with us basically have one car.

Now I'd like to address something completely different, which is the occupancy taxes. When you sign up for Santa Fe they ask for your address. My address is 1080 Chicoma Vista, Santa Fe, New Mexico. So it's just Santa Fe. And over a period of time, I began to realize that Airbnb doesn't understand that there's a county and a city. And so I asked Mr. Crail some questions and the first question was is the County collecting occupancy taxes from Airbnb rentals in the county. And he says only voluntary payments from property hosts. Nothing from Airbnb. But Airbnb is charging all of our guests taxes. I don't have any idea where that money's going.

Over the period of a year, for just our property, you're talking about \$1,600 collected by Airbnb for taxes, and according to Mr. Crail, it's not going to the County and you don't know where it's going, and nobody here has called up Airbnb and said that we've got this thing called Granicus post compliant software that we can locate all of the county people who are Airbnb. And the Airbnb will start charging them those taxes and paying it to you. What we're talking about is a few hundred thousand dollars a year,



probably at the minimum, that the County should be collecting and Airbnb would be paying you if anybody bothered to call them up and correct this practice.

We're down to zero. I'll call it quits.

CHAIR HAMILTON: Thank you so much.

[Previously sworn, Kathleen Casey testified as follows:]

KATHLEEN CASEY: Hi, my name is Kathleen Casey and I live in Madrid and I know I'm under oath. And just speaking to what he just was talking about, I have this information from Airbnb, and I quote. Guests who book Airbnb listings that are located in New Mexico will pay the following taxes as part of their reservation: gross receipts tax, 5.125 percent to 8.675 percent, depending on where you are, and then also, the Santa Fe lodgers' tax which is for the City. So our guests are being charged a gross receipt tax and we should know where that is.

I'm an artist, resident and business owner in Madrid for 20 years. Airbnb significantly supplements our income. The income from Airbnb is 30 percent of our family's income and we have two children in college. It's very important income. We're both artists and have operated a gallery for 20+ years. We pay all our taxes in good faith for our business and we thought so for Airbnb as well. I'm all for regulation for short-term rentals, paying my fair share of taxes and abiding by reasonable rules.

I'm concerned because I'm unaware of the lodgers' tax that I should have been paying as per the proposed ordinance I've just read. I also read that I could be denied my business license to operate my Airbnb if I haven't paid this tax. Again, I pay all my taxes. I did not know of this lodgers' tax and I am handing you a copy of what I have read on Airbnb's website that seems to suggest that they pay all applicable taxes as it is very confusing for me and for many. Please read it.

I hope you wouldn't penalize us from being able to continue our business that our family depends on just because of not paying this beforehand. Allowing us to come into compliance by a payment plan would be the best route, and or starting to clear the rules up for many of us for this next year, but denying our ability to do business seems extremely punitive, as does the writing in this ordinance.

Also, I received an email and a print mailing about this ordinance from the County. Why hadn't I received an email and a mailing about my requirement to pay the lodging tax. Again, had I known, I would have paid. Please do not make it difficult for current business owners to operate their businesses. Our families depend on this income and are willing to comply. Please don't make it too hard for us to comply.

I know artists, retirees, nurses and teachers, who all benefit from having this much needed income, not investors. All the short-term rental owners that I know are community members creating economy including job creation in a rural area, which I which in the past has been very difficult for me and many others. I realize there are issues with long-term rental housing because of short-term rentals, but both the City of Santa Fe and Santa Fe County have needed affordable housing since I've lived here, 22 years. This short-term rental situation has only highlighted the issue; it is not the cause of it.

As your own staff's numbers state, which I just heard today, STRs are only two percent of housing in the county. Some of the taxes assessed on short-term rentals should be allocated to creating affordable housing. Those of us trying to afford our current housing shouldn't be punished for making it affordable for ourselves. To summarize,

please do not make it impossible for us to continue generating income for our families. Please be wary of blanket regulation on a very diverse land use population in the county. Give yourselves time to understand how too stringent regulation could negatively impact our families. It is causing much undue stress to many of us who are ready and willing to be regulated but do not want to be bankrupted in the process.

CHAIR HAMILTON: Thank you very much. We appreciate your comments.

[Previously sworn, Adam Johnson testified as follows:]

ADAM JOHNSON: Hi. Adam Johnson, 121 Arroyo Hondo Trail, Santa Fe, New Mexico, and I understand I'm under oath. First I want to applaud my neighbors here for coming and speaking on behalf of themselves and making convincing arguments in many regards. I also want to thank your staff for your presentation because I thought that that was illuminating. I was struck by the yearly charge for a short-term rental which does seem quite high but I am actually here in support of the ordinance. I want to echo the woman who spoke before me from Madrid a couple of people before me. The report article E shows that there are – there's a disproportionate number of communities that are impacted by short-term rentals and so I would recommend that you study this problem a little bit deeper and perhaps there is a way that this can be moderated in some way.

I see the short-term rental problem in Santa Fe as very troubling, especially in the city and I think that the voices here tonight have shown that it's a little bit different in the county, and these are worth considering. However, it's important to establish regulations for these kinds of businesses, which is what they are so that neighbors are not adversely affected by them. I do want to note that the majority of people speaking here today are short-term renters or people who rent out short-term properties and not their neighbors. The neighbors in these communities are also affected by short-term rentals. They cause unpredictable outcomes and I would strongly support the line in the ordinance that indicates that homeowners need to notify their neighbors that they have a short-term rental coming up.

I do support lower fees. It seems a little bit onerous, especially for primary home owners, and I think that it might be worth considering splitting the difference between the two, and I think that there needs to be options for neighbors to file complaints. We saw an issue with a different situation but where neighbors were bothered by a wedding venue out by Madrid and Cerrillos this summer and I think that these issues need to be nipped in the bud before they cause more trouble. So thank you.

CHAIR HAMILTON: Thank you very much.

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

CHRIS LESLIE CURTIS: Good evening. My name is Chris Leslie Curtis. I live at 142 Vaquero Road and I understand I'm under oath. Additionally, I am president of Santa Fe Short-Term Renters Alliance that was formed over two years ago in response to the additional restrictions implemented by the City of Santa Fe on short-term rental hosts. The Santa fe Short-Term Renters Alliance consists of independent owners, property managers and hosts that support the short-term rental industry through education, networking and collaboration.

My primary residence and adjacent guesthome are in the county but I also operate two licensed and permitted short-term rentals and two single-family long-term rental

homes in downtown Santa Fe. After reviewing the newly proposed County ordinance I'd like to focus briefly on Section 1, specifically Section 1.1. That states short-term rentals can negatively impact neighboring properties due to noise, traffic, trash and offsite parking associated with the STR. As an advocate for the short-term rental industry, I hear this same rhetoric again and again and it's usually started by a small, opinionated group of neighbors that do not want a short-term rental next door.

However, I would argue as an owner of both short-term rentals and long-term rentals, there is more daily noise, traffic, trash and parking issues associated with long-term tenants. I ask you, as we asked the City of Santa Fe, where is your proof of the negative impact? Where is the data that supports these findings, especially in the rural county environment?

Secondly, 1.3 states excessive occupancy in STRs poses the risk of unduly straining scarce water resources and negatively impacting the environment by overburdening septic systems. My objection is short-term rentals do not use more resources or create more waste than a normal single-family home that is occupied on a day to day basis. On average an STR is occupied much less than a normal single-family home and creates more waste than a short-term rental. Additionally, septic systems are pumped and maintained and restricting occupancy based on septic systems creates an undue economic hardship for the host.

8.44 in the ordinance requires a short-term rental to report water usage and if they need to to install a meter on their well. I do not have a meter on my 10 acres in the county, yet other single-family homes are not required to do so and this illustrates again, unwarranted bias toward short-term rentals. If you require short-term rental operators to install meters all residential homes should also have the same requirement.

One cannot overlook the impact of short-term rentals on our economy. Many of us rely on short-term rental income to pay our mortgages and put our kids through college. Short-term rentals contribute millions of dollars to the Santa Fe economy as illustrated by impact studies and data from the tourist industry. Thank you for your consideration.

CHAIR HAMILTON: Thank you so much.

[Previously sworn, Andrew McMath testified as follows:]

ANDREW MCMATH: Okay, so my name is Andrew McMath. I'm at 56 Arroyo Seco Circle, and I do understand that I'm under oath. To be honest, I don't like to comment, really speak up a whole lot, but I felt that this is something that's necessary and something that I don't really feel has been addressed a whole lot, and I know there's many people that are dependent on these short-term rentals as a means of supplemental income and as has been stated, many of them would be adversely affected if you impose these regulations.

Something that I'd just like to point out is that just part of what makes this country great is the freedom to have private property and that's what I'd like to just consider this evening as we're talking about this. Just as we go through history there's been many people that have stated things that give us a clear understanding of what private property is, and if I may just read a statement from a state Supreme Court justice here that I would like to read. This is state Supreme Court Justice Richard B. Sanders, and he made the statement: Property in a thing consists not merely in its own ownership

and possession but in the unrestricted right of use, enjoyment and disposal. Anything which destroys any of the elements of property to that extent destroys the property itself. The substantial value of property lies in its use. If the right to use be denied, the value of the property is annihilated and ownership is rendered a barren right.

In the court decision of Smith v. the State of Texas, 233 US 636 of 1914 it states life liberty and property are so related that the deprivation of one of these rights may lessen or extinguish the value of the other two. And there's many other statements as we look at history that have been made that the founding fathers they understood private property was so important and a big, big property is the right of the owner, the person that's made the sacrifice in order to actually acquire that property to be able to do what they would like to do with it without restriction.

And so if you look, that's part of what has made our nation successful and what has made so many people be able to rise up from nothing to where they just saved their pennies and do their best to be wise stewards of the money that they've earned and eventually be able to lift themselves up out of poverty and make something for themselves and their family. And so I'd just like to encourage you all. I know that I believe probably because you're concerned about the good of the community and protecting the rights of the citizens of the community and of this great country and I'd like to encourage you in that as you make this consideration just to remember that. We are blessed to live in this country and private property rights is one of the key things. And if we don't have private property we don't have anything. As one person stated that I heard, he said basically if we can't have and own property and do what we want to with that property then we are the property. And so I'd just like to encourage you to consider that and again, I appreciate what many of these have stated and the sacrifice that they made. I do believe that short-term rentals brings in and helps our economy out quite a bit and there's a lot of other things that we could consider in that regard, but this is just the thing I wanted to bring up this evening. So thank you for your time and I hope you'll consider that.

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

SHERILEE VOGT-SPEER: Hello, my name is Sherilee Vobt-Speer. I live at 100 Pine West in Santa Fe, 87508. I'm outside the city limits though, and I understand I'm under oath. We have a short-term rental which is a casita on our property. The casita was a separate home. It was the original home. It's up to code. There's no problems with that. To be frank, it has allowed by husband and I to retire. It's a supplemental income for us. And we would not have that casita as a long-term rental. So that would not solve anybody's problem of opening up another possibility because we need that for our family and our friends when they come to visit. We don't have the space in our house.

But we also need that income. And I think we made that decision based on the fact that Airbnb seems legitimate. There were all kind of built-in safeties and there was not a problem in the county before and now all of a sudden it appears to be an issue. We don't have a problem with our neighbors. We've never had any complaints. We have good neighbors. We have our county elected law enforcement official is our neighbor, along with a Santa Fe police officer. They have no problem. They've never been called on anything. We live there. We're very strict about the rules and I think the majority of

short-term rental people that live near their properties do the same thing. They want to live in peace and quiet.

As a matter of fact our neighborhood has benefited from it because we live on a road that's not maintained by the County. Prior to this, neighbors were asked to contribute. Last year we took our money from the rental and put in \$8,000 worth of repairs on our road. So they benefited. Environmental concerns, I understand or that was my interpretation, some of it. When we first moved in we had a long-term person in there. She used to do laundry for her boyfriend. Now there's no laundry for the guests. It's not occupied full time; she was there full time. There were two cars. There was more wear and tear on the road. Now there's one car when we have a guest, and environmentally I think it's a positive move.

I guess that's really what I wanted to say and I just think for retired folks, we need this extra income and without it we won't be able to spend as much and we won't be able to contribute as much in taxes to the state and the County.

CHAIR HAMILTON: Thank you very much.

[Previously sworn, Talia Pura testified as follows:]

TALIA PURA: Hi. My name is Talia Pura and I live at 3-A Blue Raven Road in the county of Santa Fe, out in the country, and I recognize that I am under oath. I have appreciated what I've been hearing from all of the other speakers and I fully do understand why some regulations is required and why it is seen as advantageous to places like Madrid and other more densely occupied areas. However, my husband and I are running our Airbnb inside our own home. In fact as I read the sheet that was sent to us, I thought, well, it doesn't even apply to us, the very first line says if this is not your primary residence. And it is. It's just our primary residence. We don't own anything else. It's not even a casita. It is a home that was built for a family of six or seven, and it is now occupied by me, my husband and our four-year-old grandson.

Therefore the amount of space that is left over we are renting and this is something that is extraordinarily important to us. The Airbnb rental money that we get represents more than 60 percent of our annual income. Without it I don't even know what we would do. We are here on green cards. We're not eligible for the services that citizens are eligible for. We don't have Social Security. The pensions that we're bringing in from another country, at one point were worth 48 cents on the dollar. We need this income. It's a vital part of our existence since we started raising my grandson three years ago. It's really, really vital and we couldn't do without it.

Now, things that were talked about, like the water meters, again, like other people we are on a property in the countryside. We're not affecting our neighbors in any way at all, and we have our own septic system and our own well, and we've never had a meter on it. I wouldn't even know where to begin to install one and we certainly couldn't give you any numbers for the last two years. And yes, the business with the bedrooms and everything, as I said, the house is set up for six people, so if you are only allowing two people, because it's part of our home are you then counting us as the two people that sleep in our bedroom? Are you counting my grandson as sleeping in his room? Before we start talking about the two bedrooms that are available for guests? Where does that happen? Where does that cutoff occur?

I would strongly, strongly request, beg you, to please make an exception for

people that are just dealing with their own homes. This isn't a big huge business for us. This is just what we have chosen to do in our own home so that we are able to maintain our own property. So that's where I would love to see a distinction made between those primary homeowners and somebody who's got multiple properties and doesn't live onsite. Thank you.

CHAIR HAMILTON: Thank you so much.

[Previously sworn, Kathleen Casey testified as follows:]

KATHLEEN CASEY: Hi. My name is Kathleen Casey. I live at 49 Goldmine Road in Cerrillos, and I know that I am under oath. My husband and I are retired. He's a 100 percent disabled veteran. We use our B&B for our supplemental income and I think it's beneficial for all of our surrounding towns around us – Madrid, Cerrillos, Santa Fe, Albuquerque – for the tourism. It is a unique space on our land and it really was a stressful situation for me when I was reading some of the ordinance about the water metering since I'm on a cistern. It's a sustainable property.

So there have been so many people who have already addressed some of the things of what I've said and what I wanted to say so I will not speak to that, but I please ask that you be fair with all of this diversity in these B&B properties. There's so much to look into, and to be fair, and to be just.

And the other – I have also become aware of the board representation on the LTAB. The board membership does not represent small B&Bs in primary residences. Basically, you might say the mom and pop options like myself. It represents the lodging industry and tourism. There has been no outreach to make me aware of lodging taxes. There is no small and short-term rental B&B representation on this board. This is very significant. So please protect and consider it, equal opportunities for all B&B owners.

And I would also ask for exemptions for retirees with primary residences, senior citizens from having to have a business license. Thank you very much.

CHAIR HAMILTON: Thank you very much.

[Previously sworn, William Steiner testified as follows:]

WILLIAM STEINER: I'm William Steiner, 8 Court Road in Santa Fe. I want to put a plug in for the hearing impaired. I've been sitting here through all the speakers. I really can't hear anything. I'm kind of hoping they're all in favor.

CHAIR HAMILTON: I really apologize for that. We actually do have –

MR. STEINER: When I asked, the people in the back didn't know anything about that.

CHAIR HAMILTON: I'm really sorry about that. We'll make sure we do better on that.

MR. STEINER: So I just have a couple comments. There's a lot of requests for information from us, two years of water bills, a lot of information about how many times we rent our house, etc., etc. It's a lot of data to compile. I'm hoping you guys are going to use it. I just request that if there's any data you don't need, please don't request it if you're not going to use it. I can provide it but I want to know it's being put to good use.

One thing I want to comment on is the septic tank limit. I have a septic tank. My reading of the ordinance says my three-bedroom house can only have three renters. Correct me if I'm wrong. Any owner who's ever had to replace a leach field knows: take

care of your septic tank. You don't want it to have a problem. So I would say let's have four people allowed even on the septic tanks and have a requirement that the septic tank be in good working order, that it's not making lots of odors, and the rest will take care of itself. Thank you very much.

CHAIR HAMILTON: Thank you so much.

[Previously sworn, Steve Ewers testified as follows:]

STEVE EWERS: Hi. My name is Steve Ewers, 4 Sunlit Drive West, out there in the county in Sunlit Hills, and I understand I am under oath. A couple of things I want to address. First of all, we have a big old house. We raised six kids in that house. Six teenagers at the same time. Can someone clarify this for me? We basically are renting two bedrooms in our house. We were able to create a private separate entrance that already existed, so we're in the house. We're on eight acres, 8 1/3. We have land, we have parking, we've got chickens, and we have guests. And our typical guest, I would say, is a couple and their two kids. So if we rent two bedrooms, how many people can we have? Is it three or is it four in those two bedrooms? How does the ordinance reads.

UNKNOWN SPEAKER: It's four.

MR. EWERS: It is four. Okay. Great.

CHAIR HAMILTON: We better make sure that's true, because it's an important point.

MR. EWERS: So we aren't running a big business. We are just using part of our house, okay? So this puts a burden on us. We don't use any County services. We don't have County trash pickup. We're on a private water system. And yet this is a lot to put on us.

The second thing is I'm really concerned, it doesn't affect us, you guys changing the rules on people who bought a property, paid a price for that property and had value based on the fact that this was legal. And then all of a sudden it may not be economically viable for them to be able to do that. So I would ask, first of all, a complete exemption for those of us who are just renting out part of our house. We didn't buy a business or anything like that. We're just renting part of our house. But for those who did go out and buy a house, grandfather them in. They were following the rules. If they weren't following the rules they should be closed down, but if they were following the rules don't change the value of their property.

And if you want to move forward and start to regulate this then say, okay, if you can't prove that you have been renting short term and you're going to buy a house, know that you're going to have to go through all these steps because it affects the value of that property then. They'll consider whether or not it makes sense, and that may slow down people snapping up the houses in Madrid. I feel for that community. The way New York City did it is you cannot do an Airbnb in New York City in certain parts unless you are actually in the house as an occupant. You can rent part of it but they don't allow, in some areas, separate rentals, because it was tearing too many things off the market.

So be careful what you're going to do to some of these people who bought property and now may not be able to hold that property because that property may not qualify. They may have to sell that house. So just be fair to everybody.

CHAIR HAMILTON: Thank you very much.

[Previously sworn, Emmet Soper testified as follows:]

EMMET SOPER: My name is Emmet Soper. I live at 21 Sabroso Road in Santa Fe County. And I want to comment and commend you on holding up so well. You're doing an awesome job. I did want to point out, because we use as our two platforms Airbnb and Vrbo. And this STR is a little confusing to what we're experiencing because we've had many people come for 30 and 45 days. So they're an LTR within an STR with regulations that seem to speak mostly to the short-term rentals, so I just wanted to point that out because there's nuance in this. Ordinances that tend to gloss over the nuance aren't a really great service and aren't helpful.

One other thing. We two years ago put an addition onto our house as a caregiver unit, because we're in that age group, but in the meantime we use it for kids to come visit and as we can we use our two platforms, Airbnb and Vrbo. And in building it, it met every single County code. The first thing we did was take our plans to the environmental group within the state to make sure that our septic system was appropriate for this. So it would seem to me if there was an opportunity to renew a license that the County could certainly go back and look at how we had conformed to every code that would be very helpful. Because when I look at the list of things that we have to comply with and prove every single year, it seems redundant on our time and on your time. Thank you very much.

CHAIR HAMILTON: Thank you very much.

[Previously sworn, Ricardo Sanchez testified as follows:]

RICARDO SANCHEZ: Ricardo Sanchez, 1985 Goodrich Plaza Drive, and I understand I'm under oath. Ms. Hamilton, if you were to rent my guest studio this weekend, you would check in some time after 3:00 on Friday and check out Sunday around 11:00. On Monday, Airbnb would deposit about \$250 in my Santa Fe bank account. I will pay, in addition to the gross receipts and the lodgers' tax I'll pay federal and state income tax on that money. My bookkeeper is sitting in the back. She will testify that come Tuesday, I'm going to spend a lot of that money in Santa Fe. That money is going to bounce around Santa Fe. I'm going to talk to my roofer, I'm going to talk to my plumber, my stucco guy. I'm going to eat at Felipe's and Lottaburger.

I think if you checked into a hotel down here you're going to spend a lot more money. The money will not be deposited in a Santa Fe bank. The money won't end up here in Santa Fe. I think if you're just looking at, well, here are the rules, I think you're being very short-sighted. I think you need to look at the money that these people inject into the Santa Fe economy. That's important. And I think again you're being real short-sighted if you want to say, well, it's all about the rules. We don't care about the money. Well, you do care about the money. Let's face it. You do.

The other thing I'd like to say is what about traffic. My guests are not adding problems on Cerrillos because they're checking in and out at odd hours. If it were a long-term rental, yeah, everyone's going to work at 8:00 and everyone's getting off at 5:00 and we're all jamming up the streets. That's not happening here. I think there's a whole lot of other issues that probably staff needs to look at that are important to the Santa Fe big picture, not just the little picture that we've got a problem with short-term rentals.

I would also like to say is that I'm not sure that we really have a problem with short-term rentals. I like you guys look at Next Door and I don't see anybody complaining about short-term rentals. I look at it all the time. I look at people



complaining about the homelessness. You name it. And it seems like that's where you guys should be focusing your attention in on the problems in Santa Fe, and the problems in Santa Fe are not short-term rental. Thank you.

CHAIR HAMILTON: Thank you so much.

[Previously sworn, Michelle Jordan testified as follows:]

MICHELLE JORDAN: Hello. I am Michelle Jordan. I live at 12 North Fork in the East Lone Butte neighborhood and I realize I'm under oath. I am retired and over the last nine years, divorced, so I had to start all over again. I had no clue as to how I was going to do my lifestyle. Anyway, Airbnb is my income. I'm on my own. This is hard. So I love Airbnb. I love the people that come through. I have had the best experiences. I feel so taken care of. I feel safe. My guests feel safe. I follow regulations. I bring a lot of income into the state, locally. I spend – oh, gosh. I go and take myself out to dinner in Santa Fe after I've had a booking. That can be \$75, \$100 to do that. I couldn't do that if I didn't do Airbnb.

The neighborhood that I live in is filled with ordinance violations. Neighbors have tried to turn in the violations and nothing gets done. I've lived there for nine years and I am one of the nicest homes in the neighborhood and love my community, but my neighbors, they're working class people. They put a lot of trash in their yards. They've got salvaged vehicles like crazy in their yards. We've got a lot of issues with ordinance problems and I'm seeing a bias for enforcing ordinances on us comply that the rest of the community is not. And the hotels can have six people in one room and we can only have two?

So there's a lot of unfairness in the way that this is being looked at, I think, to legislate. I do think that there needs to be different classes of people in the consideration of what's required for licensing. If you're an investor, yeah. Have investors pay more. Have them have more stringent requirements, because this is a portfolio. If you're an individual, if you're a retiree, I don't get any discounts on my property taxes but I pay a whole lot in property taxes. So I'm just going to invite that there's bias and please look at the playing field to make the decisions on how people are treating on short-term rentals.

CHAIR HAMILTON: Thank you very much.

[Previously sworn, Larry Kurtz testified as follows:]

LARRY KURTZ: My name is Larry Kurtz, 160 Redrock Road, Cerrillos. I understand I'm under oath. We do operate an Airbnb and have been for about five years and I just wanted to add my voice. I've counted about 80 people here at our peak and I suspect that's a tiny fraction of the overall short-term rentals in Santa Fe County. So I want to thank you all for considering remaking this ordinance perhaps to concentrate on density rather than some of us who live in the middle of nowhere, maintain our own roads, our own septic systems, and our own wells. And that's all I have to say. Thank you very much.

CHAIR HAMILTON: Thank you.

[Previously sworn, Christie Sugarman testified as follows:]

CHRISTIE SUGARMAN: My name is Christie Sugarman. I live at 1080 Chicoma Vista in Santa Fe. I realize I'm under oath. Airbnb has a rating system. You have to take care of your property. You can't let things slide like regular homeowners do. Most Airbnbs are in exceptional condition because people take very good care of them. I

think we should differentiate between homeowners who are renting out part of their home and commercial properties that are being rented. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much. So it seems we've gotten everybody who's here in person and I want to thank you all very much for your comments. I believe we do have additional people on Webex. Daniel, is that the case? Do we still have our people or did many people sign up and then show up.

OLIVIA ROMO (County Manager's Office): Madam Chair, indeed we do have some people online and our first speaker is Rebecca Sheff.

CHAIR HAMILTON: Thank you very much. Rebecca, if you could get sworn in and then give us your comments.

[Duly sworn, Rebecca Sheff testified as follows:]

REBECCA SHEFF [via Webex]: Hi, there. My name is Rebecca Sheff. My address is 72 Camino Cielo Alto, and I understand that I'm under oath. I'd like to urge the Commissioners to reconsider and redraft the proposed short-term rental ordinance so as to ensure it doesn't pose an undue or disproportionate burden on local members of our community. The people who live in Santa Fe County and have owner-occupied rentals rent out all of part of their residence on a short-term basis should not be penalized or overly burden for participating in the sharing economy.

Many of the provisions of the proposed ordinance would be extremely difficult for local homeowners to comply with as you've heard from so many here tonight. If the ordinance is meant to be aimed at outside investors coming into the county to conduct large-scale short-term rental operations the ordinance should be revised to be better tailored to meet that goal.

I'd like to raise a few specific concerns in particular other than the drafting issue about occupancy limits that others have already addressed. One concern I have is about notice. The proposed ordinance doesn't include grandfathering or a sufficient grace period or a probationary hearing for existing short-term rentals. People who have been acting in good faith to welcome guests into their homes and to comply with the rules should not be ordered to how adhere to a complex suite of regulatory requirements without at least a window of time for them to continue operating while gathering any required data and applying for the new required licenses.

Second is timeliness. There's no assurance in the proposed ordinance about the time periods within which applications for licenses or renewals will be processed.

Third, certainty. Applicants should know exactly what's required of them. In particular, the provision of the proposed ordinance about fire protection leaves too much discretion to the Fire Marshal to determine how fire code requirements will be imposed on short-term rentals. And finally, proportionality. If the proposed ordinance is intended to deal with nuisances, environmental impact or housing crises, the Commissioners should reassess the purpose and intent of the ordinance and make sure that the means fit the ends. That is to say to the extent existing regulations, codes and other enforcement measures can deal with these issues they should be put to that use.

Stereotypes about who participates in the short-term rental sharing economy should not drive the Commissioners' decision making. As you've heard from so many who have taken time out of their schedules to be here tonight and to share their testimonies, these are our neighbors. These are community members. And many of them

rely on passive income from short-term rentals just to keep their checkbooks balanced. They're not big outside investors coming in to gobble up the housing market. So I urge the Commission to ensure that local homeowners will not be unfairly burdened by any short-term rental ordinance. Thank you.

CHAIR HAMILTON: Thank you so much, Rebecca. Olivia, who's our next speaker?

COMMISSIONER HANSEN: Madam Chair, I would just like to share that when people in the audience clap we can no longer hear the person speaking.

CHAIR HAMILTON: Okay. Thank you. If we could just wait until the person is finished and then clap, that would be great. Olivia?

MS. ROMO: Our next speaker is Andrea Dobyns.

CHAIR HAMILTON: Thank you. If you could unmute yourself.

[Duly sworn, Andrea Dobyns testified as follows:]

ANDREA DOBYNS [via Webex]: Hi. My name is Andrea Dobyns. I am at 2278 Calle Cuesta and I understand that I am under oath. Good afternoon, Madam Chair and Commissioners. I'm Andrea Dobyns and I serve as the president of the Santa Fe Association of Realtors. The Association is the largest trade association in the area with over 900 members providing real estate services to the greater Santa Fe region, including Española, Los Alamos County and Rio Arriba County.

On behalf of the Association I am here today to share that we strongly support the County of Santa Fe's efforts to regulate short-term rentals by requiring safety measures, fire inspections and water conservation. We recognize that fire inspections will take considerable staffing and may delay the permitting process. To mitigate these costs and potential implementation delays, the County, similar to the City of Santa Fe, may conduct fire audits on a set number of properties to ensure compliance.

The Association recognizes the value of noise and quiet type controls but they may be redundant or contrary to existing nuisance laws. The Association believes that these efforts will improve the local economy by encouraging real estate investment, increase County revenues as more property owners seek permits, increase County revenues by growing GRT and lodgers' taxes, permit the County's enforcement staff to dedicate time to track down illegal short-term rental units and require these units to get a permit, thereby ensuring fire and other important safety inspections are met, increase real estate investment in Santa Fe by allowing property owners meeting the permit requirements to rent their property on a short-term basis with an estimated impact to the local economy of \$228 million in 2019, and improve the tourist experience by providing safe, ample, diverse, attractive and family-oriented short-term rental housing options for visiting Santa Fe.

Most importantly, the Santa Fe Association of Realtors greatly appreciates the removal of language in the original version of the ordinance pre-determining that short-term rentals are commercial properties. The removal of this finding will help to protect private property rights, ensure the retention of existing residential zoning, discourage spot zoning, ensure that property owners continue to pay residential tax rates on their properties, and ensure that property owners entitled to a three percent property tax cap will continue to maintain this valuable statewide benefit.

Lastly, some of our realtor members have raised concerns with the draft permit

application. The Association would welcome the opportunity to provide further feedback from our members as needed or warranted. Thank you so much for the opportunity to respond to the proposed ordinance.

CHAIR HAMILTON: Thank you very much, Andrea. Olivia, who's our next speaker?

MS. ROMO: Our next speaker this evening is Berkeley Merchant.

CHAIR HAMILTON: Thank you, Berkeley. Can you unmute and get sworn in please.

BERKELEY MERCHANT: Yes, I'm not going to comment tonight because my comments would be redundant.

CHAIR HAMILTON: Okay. Can you get sworn in and tell us briefly if you agree with most people or disagree.

MR. MERCHANT: Yes.

[Duly sworn, Berkeley Merchant testified as follows:]

MR. MERCHANT [via Webex]: My name is Berkeley Merchant. I live at 4 Via Vitae in Santa Fe County, specifically in the Tessera Development, and I understand that I am under oath.

CHAIR HAMILTON: Go ahead please and provide your comments.

MR. MERCHANT: I listened with great interest to all of the testimony that's been given and I strongly support the need for an ordinance that will allow the County to understand what's going on. I also recognize the right of private property owners, especially owner-occupied properties to be able to derive income which has been heard in many cases as critical to their ability to maintain their lifestyle. In general, I support many of the comments that have been given. I do, however, believe that the County has a responsibility to balance the rights of homeowners with the common good of the community and the neighbors living around them, thus I would hope that you would take all the comments that have been given tonight and look at redrafting the ordinance to balance out the needs across a very wide spectrum of owners and community. Thank you very much.

CHAIR HAMILTON: Excellent. Thank you very much, Berkeley. Olivia, can you introduce our next speaker.

MS. ROMO: Our next speaker is Pat Lillis.

[Duly sworn, Pat Lillis testified as follows:]

PAT LILLIS [via Webex]: My name is Pat Lillis. I live at 2119 Conejo Drive and I am under oath. Because of the short-term rental stories I've heard, combined with the detrimental impact short-term rentals have had on homeownership and affordable housing over the past few years, I started to do some research when the City of Santa Fe proposed changes to their ordinance about two years ago. The topic is complicated and not easy to understand, which 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. Since most guests find short-term rentals on the internet through various platforms such as Airbnb and Vrbo, I didn't see in the ordinance how the County would track each short-term rental. Most communities require that each short-term rental host post their license number. This is

important if you want to consult an enforcement specialist or to enforce in-house. If renters fail to post their license number it is one way to catch illegal listing. And enforcement mechanism is key to finding illegal listings and those not meeting standards.

It also appears that you do not have restrictions on who can be licensed. Short-term rental housing experts have noted that areas with housing challenges are left vulnerable to speculation without those restrictions. For example, without restriction, speculators can and will buy less expensive and smaller properties and run them as short-term rentals that will negatively impact housing. One example is when one person or company with wealth outbids the average income person looking to buy their only home, also known as their primary residence.

Another example is when a long-term renter is evicted to make way for a possibly more profitable short-term rental.

In the City of Santa Fe one person has 50 short-term rentals. 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 cities 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. A primary resident requirement may also allow the County to lower fees and reduce requirements and regulations as enforcement and tracking owner-occupied short-term rentals may be easier and require less oversight. Thank you very much.

CHAIR HAMILTON: Thank you very much, Pat. Olivia, can you introduce our next speaker.

MS. ROMO: We have Sabrina Pratt.

DAVID CARR: Actually this is David Carr. I haven't used Webex before and couldn't change the name.

[Duly sworn, David Carr testified as follows:]

MR. CARR [via Webex]: My name is David Carr. I live at 3411 Via Magdalene and I understand I am under oath. I am the chairman of the architectural control committee for the Cielo Lumbre Subdivision, and I have one major question as to whether or not this ordinance will apply to the Phase 3 annexation area. As you may know, building permits and certificates of occupancy for the homeowners in the Phase 3 area are require to get building permits through the City and in our subdivision we have at least one short-term rental that got approval from the City for their short-term rental. And we had another one that got conflicting information from the County.

So I think this is something that needs to be clarified and we'd like it clarified because we're also in the process of establishing our own short-term rental in our covenants. That's all I have to say. Thanks.

CHAIR HAMILTON: Excellent. Thank you very much for that. Olivia, can you introduce the next speaker?

MS. ROMO: Our next speaker is Elizabeth Emmens.

[Duly sworn, Elizabeth Emmens testified as follows:]

ELIZABETH EMMENS [via Webex]: My name is Elizabeth Emmens. I live at 43 La Pradera Road, outside the Santa Fe city limits and I understand I'm under oath. I am a long-time real estate investor, a small mom/pop situation. I have both short-

term rental property here in Santa Fe that is on my primary residence as well as long-term rentals in the City of Denver. I used to live there 20-something years ago. As soon as I received the notification from the County about this proposed ordinance I did a great deal of research with regards to other cities and counties that have a high amount of tourism and depend upon those tourism dollars, particularly in the western part of the United States. Those would include Denver, San Francisco, Los Angeles, Santa Monica, Joshua Tree, Salt Lake City, Las Vegas, Phoenix.

And what was notable to me was not one of those require the section that's in this proposed ordinance which is Section 4.2.b, permissible locations, where it requires a homeowner to present a building permit in order to get a short-term rental license. Nowhere in those other cities and counties do they require that. It seems to me that the common approach that it simply is impracticable and too hard for property owners to achieve. If you are the second, third, fourth, fifth, sixth, tenth property owner, the likelihood that you can obtain or find a building permit, depending on the age of your home is probably pretty low.

Particular to Santa Fe County, we are a very old county and we are still working toward having our documents fully in electronic format, and we all know that through time, things change. So that to me seems like a particularly restrictive requirement.

Something that was notable to me that was included with all of these other competing tourism communities, is that they do require with the license that a homeowner include \$500,000 worth of liability insurance. And that would be in addition to what they get through Airbnb and Vrbo. And one other consistent item that was across all of those other areas is they only permit short-term licenses to primary residence owners. That means anyone who is just an investor and not a homeowner has to actually get a separate license with separate criteria. I believe that that would solve a great deal of the problems that we have here in the Santa Fe, the City, but also address some of the concerns we've heard tonight with the County.

I will say that I find that this existing proposal is extremely restrictive. It does not support our existing needs within the county. We've heard about a lot of people needing that supplemental income, but it also does not support our future generations in this county. Santa Fe and New Mexico are poor communities and we do need as much revenue as we can possibly generate to support our needs currently and in the future.

I have also submitted my comments which are several other items I'd like the committee to consider but in the meantime I thank you for your time this evening. '

CHAIR HAMILTON: Thank you very much. And yes, if you've submitted stuff in writing we'll definitely consider that. Really appreciate it. Olivia, can you introduce our next speaker?

MS. ROMO: Commissioner Hamilton, the rest of the constituents who have signed up have logged off of Webex. However, you do have a couple call-in users who may need to unmute if they are willing to comment.

COMMISSIONER ROYBAL: Madam Chair, I believe Heather Nordquist is online as well.

CHAIR HAMILTON: I'll ask whoever's online to unmute. Thank you. So if there's anybody else on Webex or who has called in and wishes to speak.

HEATHER NORDQUIST: I'm here.

CHAIR HAMILTON: Go ahead. So one at a time, unmute yourself and you can get sworn in.

[Duly sworn, Heather Nordquist testified as follows:]

MS. NORDQUIST [via Webex]: My name is Heather Nordquist. I live at 40 County Road 84-B as in bravo. I'm in the Pojoaque Valley and I understand I'm under oath. I submitted some written comments to the Commission. I appreciate your consideration. I own a primary residence in El Rancho with a guesthouse which I've been operating as an Airbnb since 2019. I did some calculation. My average stay at the Airbnb is 37 nights, and so I am serving a very particular slice most of the time of the short-term rental, and I call that in air quotes because what happens is I'm on the 502 to Los Alamos. We get a number of guests who are coming to LANL and they're here looking for housing in what we know is a very tight market.

So my typical guest is 60 to 90 nights and they're house hunting. This is an ancillary structure on my property which means it's not available for sale anyhow, and I oppose mostly the water, septic, trash requirements are particularly onerous given that we don't receive any County services where I'm at. My well is metered through the Aamodt settlement and we take care of all of our other infrastructure. So I'm currently adding to the GRT for the State of New Mexico and for the County and I really don't get anything in return for that.

So I think that we do need an exemption for primary residents that are operating either a room or an ancillary structure as a short-term rental, and I'd also like to know how on earth any of this will be enforced. It seems not only onerous not only for the owners but for the County. If I do not tell you how many nights I rent to each guest and how many guests I have in a bedroom, and how much water they use and how much they impact the septic. This is an incredible load, both for those of us that operate something like this, and for the County. And I'm just grateful I had this property. I had it when my husband got cancer and then subsequently when he died last summer in 2021, and it really has been a lifeline for me, and I'm not a property investor. Thank you for your consideration.

CHAIR HAMILTON: Thank you very much, Heather. I also saw Scott Bennett come up.

[Duly sworn, Julie Bennett testified as follows:]

JULIE BENNETT [via Webex]: My name is Julie Bennett. I live at 5 Rancho Valle in Española and I understand I am under oath. Thank you so much for this opportunity to not only participate in this meeting but to participate from afar, those of us who live in the outside perimeters of the county or have gained much during this pandemic, who've been more participatory maybe that in times past. I'm also grateful for all the previous commenters, most of whom we agree with. We feel that the ordinance as written is very problematic. We would support a simple, reasonable, clear ordinance that it is not punitive or capricious, but as written, this document does not represent that intention in our minds.

I would like to say that Airbnb hosts are county ambassadors. We sing the praises of the county with every guest. We give directions and advice for purchases that can be made or places that can be visited. We feel that we have, and our guests have a positive economic benefit on the county. We live in La Puebla. We send our guests to farmers

who also live in La Puebla and have shares to sell. We send them to the Espanola farmers market, grocery stores, gas stations, restaurants, other local businesses. We also employ when we can afford it, groundskeepers and housekeepers from our communities. We are both currently retirees but as one of the previous hosts represented a stay-home caretaker of a child. She or we could be caretaking elders and staying in our home while generating income in this very difficult environment and place to earn income.

Multiple income streams has been our way of making our way through raising two children here in La Puebla and multiple income streams are becoming more and more important. And it's clear that short-term rentals on one's property is prime. I'd like to list some of the guests that we have had. Heather represented the LANL post-docs and interns that she has housed, as have we. We've also housed utility workers for the phone company. We've housed travel nurses. Filmmakers who are making documentary films about our area. We have met wonderful people and we've provided wonderful services to them in our community and these are places and ways that Santa Fe County has indeed made money.

I agree that Airbnb's allocation of the taxes they collect needs to be looked into. We have tried for a long time to find out exactly what municipality benefits from the taxes our guests are charged and we do not know. We have no documentation, but we believe that because the County was able to correlate our information with the Assessor's map then probably we are paying taxes through Airbnb to the proper entity and that is important to us.

I would just like to say that the negative impacts that people have talked about – trash, noise and other issues that guests may produce, our guests have to put up with the trash on our roads, noise, fireworks and dogs, burning garbage. These things are not enforced by the County on a regular or any basis that we're aware of and as Airbnb hosts we're not speculators. We improve and take great pride in our properties and in the county where we live. Thank you for seriously considering redrafting this ordinance as written.

CHAIR HAMILTON: Excellent. Thank you very, very much for your input. So is there anybody else on Webex or call-in that would like to speak to the short-term rental ordinance.

[Duly sworn, Omar Sala testified as follows:]

OMAR SALA [via Webex]: My name is Omar Sala. I live on 20 Calle Nopalito, and I understand I am under oath. I'm going to just add to what pretty much everybody has said who is a short-term rental. I'm going to pick up a few comments from what most of the people have said, particularly my favorite is from the lady that last spoke, that we should be considered as ambassadors to Santa Fe County. Consider us your neighborhood visitors' center to Santa Fe because the renters we get are typically here to enjoy our great state and visit our great state and contribute to the economy of Santa Fe or New Mexico for that matter.

I'd like to add that I think the County is going about this in a slightly miscalculated way and what I mean by that is if you're going to tack on more responsibilities to the already taxing responsibilities that Airbnb already puts on us to make sure that the visitors are safe, they enjoy their time here and we follow the rules, there's a lot of vetting, if you don't know that. There's a lot of vetting by Airbnb to make



sure that our guests come here and enjoy their time here. For anybody who has been doing this for a long time, they know that it's not an easy thing to make it in Airbnb but some of us are willing to go through it.

I think what the County should consider doing is Airbnb does tax our guests, makes them a lot of fees and taxes, such as gross receipts and lodgers' fees and all that. Why doesn't the County go after Airbnb and recuperate some of that cost, because they already paid for. People like me do pay state and federal taxes and I also pay GRT. The way you look at this is I'm already contributing to the County by paying my property taxes to keep my house and maintain. Again, let's make this clear. Zero services from Santa Fe County. I live on a private road. My neighbors maintain it. I don't get trash pickup. I haul my trash to the dump every two weeks or three weeks and I pay for it. I have a ten kilowatt solar system in my property. I generate electricity for the City or County of Santa Fe that I don't have a need. I have a well, so you ask me to put a meter on that well to show me how much water I'm using. I'm not going to do it because I don't have the means to do it.

The important thing you have to understand also is for us who have these short-term rentals, we don't want to rent full time, so that we can have access to the house when we need it. When our guests, family and friends come to visit they have access to it. I don't know about a lot of people but I happen to have an adobe home. My guest has an adobe home. I would like to preserve that as much as possible and I think if I go to a full-time renter I would not be able to preserve that [inaudible] And I also know that a full-time renter would add more responsibilities to my property and to my resources that a short-term renter would.

And what I finally would like to say about this is that I urge the County to reconsider this. You've already heard a lot of push-back from the short-term renters who are not interested in going the route you're picking [inaudible] and we follow the rules. I urge you to reconsider this.

CHAIR HAMILTON: We really appreciate your comments. Thank you very much. Is there anybody else online who wishes to speak to this matter.

[Duly sworn, Michele Abbaticchio testified as follows:]

MICHELE ABBATICCHIO [via Webex]: My name is Michelle Abbaticchio and I live at 712 Chicoma Vista. So first off, I understand the need for this type of regulation and the issues it tends to mitigate, but kind of echoing a lot of commenters here, I think it's a fairly unfair and poor solution to implement a one size fits all ordinance on something that you've seen here is very complex. It seems that the concerns stated in the ordinance are issues that are caused most often by non-owner occupied STR properties that are bought by an investor and not managed by an owner on site and I hope that in redrafting this ordinance it can be directed towards STR owners who do not live full time on their property as to not punish us those of us who are responsible and run this business as our living and our passion.

My husband and I live on our property in Santa Fe full time and we make our living. We are able to pay our mortgage and expenses sharing our property with visitors. Before we purchased the property several years ago it had been run as a vacation rental for 25 years by the prior same woman owner-occupant who created an eco-friendly oasis in Santa Fe.

Our property is extremely, extremely eco-friendly and it's just very obvious that if we were to rent out property to long-term renters it would be way more damaging to the environment than it is now. And it just seems quite unfair to create a blanket ordinance without having some option for a short-term rental property to be grandfathered in. In our case it has been run the same way and successfully for almost 25 years without any complaints of neighbors of the community.

Also, we came onto a property that was built 42 years ago and it just couldn't have possibly been designed in accordance with the future STR ordinance. We pay for our road to be maintained. We have a well. We have a septic system. We do all of this ourselves. We don't have a water meter. We share a well with our neighbors. We have no way to know how much water is going to our property.

I know there's a way to design an ordinance to keep the STRs that are detrimental to our community from operating so as those developed by an investor who doesn't live on site, but also allowing those who live in our primary residence and rent out part of our primary residence and have been operating sustainably for many years. We personally offer visitors to Santa Fe a place to stay to leave a very small environmental footprint, along with inspiration on how to live more sustainably in their daily lives. So please, please consider some form of exception to owner-occupied STRs or a grandfather clause to allow long-term, established STRs property with no history of neighbor or community complaints. Thank you.

CHAIR HAMILTON: Thank you very much, Michelle. Is there anybody else online who would like to speak to this issue?

[Duly sworn, James Ice testified as follows:]

JAMES ICE [via Webex]: James Ice, 84 Summit Drive West. I would argue that the ordinance proposed as is would do more harm than good. It would unduly punish and hurt property owners, injure tourism, and it stifles the homeownership sustainability and viability. It makes owning a home harder, as properties' prices have increased. I'm not against regulation. I think regulation that protects safety in neighborhoods is beneficial. But as everyone else has said a blanket regulation and limitation of occupancy as proposed in Section 8.2.1 and 8.2.2 in particular seems arbitrary and hurts property owners in the community.

That particular piece of the ordinance states that the occupancy limit of an STR served on a septic system shall be two people for the first two bedrooms and one person per bedroom thereafter. And to determine occupancy simply on the basis of if it has a septic system or not appears to be random. It does not appear to be based on historic real estate occupancy precedents and consideration.

In the history of just residential real estate law and commercial real estate law, zoning and code precedence, occupancy generally takes into account gross floor area, egress, lot size, etc. But as per code, you're not taking into account the size of the septic system, the load of the septic system, the age of the septic system or what it can even handle. You're not taking into account how often a septic system is pumped or services. You're also not taking into account the size of the gross floor area of the property or the size of the lot or the distance from the neighbors. It takes no consideration to the way you traditionally measure occupancy in real estate.

It doesn't solve safety issues, water issues, septic code issues, neighbor concerns,

anything. It just seems to be a random limitation that would prohibit people from using their houses the way those houses were designed. In theory, you could have an oversized septic system, pay to pump it monthly. You could have a huge 8,000 or 10,000 square foot house and live on 100 acres and still be grossly limited regardless of practicalities. It's stricter than the City's two per bedroom limitation, even though many of the houses sit on significant acreage and are far more isolated from neighbors.

Septic tank permits and current County regulations all already specify the total number of gallons based on the number of bedrooms as well as occupancy. The County code for a septic system is online. It specifies how many bedrooms per gallons per day it is meant to handle. I would assume almost every property owner here could transfer property in Santa Fe would have to have the septic system inspected and approved and licensed and permitted.

If it's permitted in the county it's already specified how many bedrooms and occupancy it can handle. But it just seems like an arbitrary way to measure. So I'm for regulation. There's been a lot of things brought up today, but that's the one key setting that is the most concerning to me. I own my house with my parents, my brother and my sister. It's a family home for us and as stated, us, all the owners with our kids and our entire family, we have a large house on a lot of acreage. We would not be able to all stay in it and rent it and be in it at the exact same time. And it's prohibited. The house was made, the septic system was sized properly. It's a brand new septic system. It gets serviced. But we would not all be able to even be in the same house based on your current regulations.

CHAIR HAMILTON: Excellent. Thank you very much, James. Is there anybody else online who would like to speak to this matter? Once again, is there anybody else on who wants to speak to short-term rental? Hearing none, I'm going to go ahead and close public comment on this matter. I think most people realize this is the first of two public hearings, so tonight is not a decision night. This was to gather a lot of input and consider potential changes and what not. Penny, do you have anything else to close us out with a summary of status or next steps or whatever?

MS. ELLIS-GREEN: Madam Chair, Commissioners, I just wanted to be able to provide a few answers to some of the questions that were raised.

CHAIR HAMILTON: Thank you. Sure.

MS. ELLIS-GREEN: So related to occupancy, we went back and forth as to whether or not we say two per bedroom or we have something different for the septic systems. The calculations based on the septic system is based on what the Environment Department assumes the occupancy of the house is. Yes, the septic system can be oversized. Yes, most Airbnbs probably will not operate every single day of the year. Could we go down to two per bedroom and simplify it? We would take your direction on that.

The water, again, this section would only kick in if you have existing water restrictions. So since 1981 in the county, when you've divided and platted land, the majority of those plats have water restriction covenants associated with them, and they will say you must put in a water meter now. So you could have something that said in 1983, but maybe you never did. The section was written so if you really never did put it in, even though you already have the requirement, we wouldn't say you can't run an

Airbnb for two years, we'd just say put it in now, and get your water meter readings. So that was the intent of that section.

And I would like to add that if you come in today to get a permit to add on to your house, to build something on your property, and you have a water restriction on your plat, we will ask for proof of a water meter. So it is no different for an Airbnb than it would be for obtaining a building permit.

The fee is based on inspection, review, contracts that we need with Host Compliance and online system that we're working on in order to streamline this and make it easier to regulate and make sure that we have enforcement. Really for us, the work is going to be the same whether it's owner-occupied or it's not owner-occupied. The one thing that may be different is that in general, we would assume that we're going to have fewer complaints – noise complaints, the 1:00 am calls that we receive, the ongoing complaints about what is happening on the property if it's owner-occupied because the owner is already there.

The regulations that we've got, like the fire regulations, a standard house should meet those regulations. Off street parking – so parking on your property, that's something that most houses should have to comply with. And really, that affects everyone. You should make sure that you have trash removal whether you live on the property or you don't live on the property. If you live on the property you've probably already got a plan as to how to do that.

The permit application that we're hoping to create would be a streamlined kind of answer the questions in order to show that you can meet these requirements. There was a question raised about enforcement and do we enforce other things as well as this? Yes, we do. We get calls and we act on every single call that we get for enforcement. But you have to have language in an ordinance in order to be able to enforce it. So if you took out a requirement of removing your trash and we had an Airbnb that wasn't removing that trash, then we wouldn't be able to enforce that you have to remove the trash.

The contact number of the owners for the neighbors, that's really proposed that if you do have a huge event happen on your Airbnb, which we have currently seen as large wedding events, even when the Airbnb is a smaller property and should only have an occupancy of four, six, eight people, then those calls at 2:00 in the morning can also go to the property owner and not just to my telephone number and the County phone numbers where we're not there. A neighbor can feel like they're being heard because they called a property owner.

There was a question about Phase 3 annexation and the projects that already go to the City. They would continue going to the City unless they came back under County jurisdiction. There was a question about that you need to provide a building permit. What that's aimed at doing is to say that in order to do any permit in the county you need to show that you've got a legal lot of record and the building that you're going to use is a legal structure. If you've got one house on your property, we know we've always allowed one home to be on a property. That really wouldn't become an issue. The issue would be come from people that over the years have converted garages where they weren't allowed to have a second dwelling unit, or a third of a fourth. And in those instances where there's been conversions that have not been permitted, that would be an issue.

The County code now allows people to have accessory dwelling units. So we've

seen a lot of people come in in the last four or five years since that kind of permit has been allowed where they have come in and actually taken – or got a permit on the structure that they did convert without an initial permit.

And again, what we're hoping to do is a more simplified application, kind of like we do with home occupations where we ask the question; you answer it. Can you initial here that you'll have onsite parking and how many spaces will you provide. You fill in the blank. And so it should be a much more streamlined way of doing the applications. But I think what we would do so we're not drafting on the fly on September 27<sup>th</sup> is to ask whether or not there's any direction from the Board as to whether or not you want us to look at changes, and any decision in that way. Otherwise we have the hearing on September 27<sup>th</sup> that has been noticed. There's no requirement to make a decision on there. It's been noticed to allow you to make a decision, but if the Board chose to postpone at that point and come back with additional language we can do that as well.

I don't know whether or not Legal has any other issues that they would like to raise. There were some tax issues as well.

CHAIR HAMILTON: Okay. This will make sense, but I want to ensure everybody who spoke that these inputs will be considered. And there are some other Commissioners who clearly want to make some comments. There were many issues that were brought up that I think are addressable and that could result in some very useful revisions to this ordinance. I personally don't see the point of having two public hearings if we don't take the opportunity to take the input from tonight and make at least some revisions. And that might require in my mind some discussion between Commissioners and staff at multiple levels – Legal, County Management and Land Use, which I really hope will be accommodated. Commissioner Hansen, Commissioner Hughes, both had their hands up. I don't know if anybody else, but Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Penny. Thank you, everybody who made comments. I had a number of conversations. I spoke with the Santa Fe Real Estate Association, Donna Reynolds, and they submitted comments. And I think some of their comments are very reasonable. I think the two years of taxes and making people feel like, oh, I didn't even know that I had to pay lodgers' tax. It does feel onerous to me, that somebody who didn't know they had to pay lodgers' tax and they didn't pay it and now you're going to like come after them. So I think there needs to be some kind of grandfathering in on this ordinance of people who have been doing this for a long time and have an excellent record on Airbnb. That's something that we might need to take into consideration.

Okay, they've been doing their job, they've been paying their taxes and now they're like freaked out because – oh, my god, I didn't know I had to pay lodgers' tax and nobody ever sent me a bill for it. And it wasn't part of my agreement with Airbnb and how did I know that. I think that we have to be a little more lenient or accommodating and make sure that people who are using this as a way to supplement their income, especially people who are doing it in their own home are not feeling like they're going to lose their income and lose their ability to continue to have an Airbnb.

So I think we need to look at that. The two years of paperwork and things, maybe we need to make that not so onerous on people who are owning their own home and have this excellent reputation on Airbnb.

I also think that maybe we need a tiered approach. I hear that a lot of these people are renting out a bedroom in their house or a studio and maybe they're renting it out for 50 nights a year. They're making enough money to supplement their income. They're not making a huge amount of money, as if they were somebody who owned 50 houses or even somebody who owned ten houses.

So I do think we need to differentiate about that, and actually it's Area 1 that the City is supposed to annex that they can't seem to get it together to do.

The building permit, I think that if they understood the requirement of what you're really going after and not that you have to come up with the building permit, but what they're assessed value is or what they have on their property – Gus has everything at the Assessor's Office. They can easily go to the Assessor's Office and get a copy of their plat and that's an easy thing to do. And then if somebody is – you feel like they haven't been able to fill everything out, you give them an extension and we continue to let them rent out their room so they don't feel like they're being punished. The last thing I want is anybody to feel punished.

I do want regulations. I do think that regulations are important. I think the County – we need to know who is doing what in the county and how it's being done, but I don't think that we need to be onerous, especially for people who own their own property and they're only renting out a room in their house or they're renting out their casita and it's right there and they're there. When we have the owner in proximity to what's being rented it's a different situation when we have out of town owners or even absentee landlords or however you want to call it.

So I think that a grace period would be a good thing to give people. They come in, they fill out the application and they are allowed to continue to operate and they work on fulfilling some of these rules. I'll stop there because I know Commissioner Hughes has a number of ideas also and I don't want to take up all the air. Thank you.

CHAIR HAMILTON: Commissioner Hughes.

COMMISSIONER HUGHES: Thank you. And I want to thank everybody who spoke tonight too. I think we got a lot of good input. I wanted to say a couple things. One is that in my district there's a lot of support for regulation. A lot of people really do see the need to regulate short-term rentals and so I'm glad we're moving forward with this process. There are some problems with unregulated short-term rentals. In terms of things I heard tonight that resonated with me, they're similar to what Commissioner Hansen said. I think that we should have a different structure for people who are the primary residents and renting out a room or a casita, as opposed to people who are renting out a whole house and maybe it's just a lower price for the primary residence and a higher price for the whole house rentals.

I think maybe the occupancy limit should be just two per bedroom. If that's what the City does I think that might just be easier for people to understand. I heard a need for us to perhaps better define how we treat an accessory dwelling unit that might not have a full kitchen. Is that treated like a bedroom? As part of the main house? Or is that some different category. I think that was confusing to at least one person.

The only other thing is I do agree that we should have some sort of a grace period or grandfathering in period for people to come into compliance so that we do get people to come into compliance. Thank you.

CHAIR HAMILTON: Thank you very much. Commissioner Roybal, did you have stuff?

COMMISSIONER ROYBAL: Yes, I did. I actually want to thank the constituents that were here tonight. It was a very long meeting for a lot of us and the Commission, we were here the whole time as well but we signed up to be here. The constituents, I have to really thank them for being here and sharing their concerns with us.

I do have a lot of concerns as well and I will be submitting them to Penny. In my district, we already had our wells adjudicated so I have some concerns with the fact that the State Engineer already put restrictions and made that water right a right now to the properties and so to put further restrictions – some of them have a half acre-foot of water or some of them have more depending on how old their wells are. I don't think we should put more restrictions when that's their water right that's been adjudicated to their property.

As far as septic tanks, I know that a lot of people, when they get their houses and them or they build an accessory dwelling, the State EID looks at the capacity of those and how many bedrooms, and that's one of the first questions they ask – how many bedrooms are there. And that's how they size the septic tank that's required and the leach fields that you need. With an Airbnb or any other short-term rentals, they're not there. When people are on vacation you don't spend the whole time in the hotel room. You don't spend the whole time in the Airbnb as well. You go out and tour the area that you're visiting. And so there is a lot less water use, septic tank use because you're going to be out and about. You're not going to be the whole time in this short-term rental.

And so I do have some concerns with that. I feel that a lot of people are using this as a supplemental income and a lot of times they invested in a home that had an accessory dwelling so they could do that and help offset the mortgage payment. Earlier tonight we had the Food Depot here talking about how sometimes people make decisions about how I have to put gas in my vehicle and I might not be able to get groceries to feed my family. We talked about those situations. We are in a time right now where inflation is high and there are families making these choices. What about the families that depend on this income from the Airbnb. These short-term rentals, if we start taxing them at a rate that's unaffordable and puts their family in that situation, it's just something that I can't see happen.

I think there were some comments on a tiered rate and I think that should be considered. There's going to be people or companies that own quite a few houses that they rent, short-term rentals, in the area and they're going to pay the same price for their business license as somebody that's renting out a room or two rooms or a small casita and I think that we really need to take that into consideration. I think we need to look at the regulations.

As far as throwing the trash, I understand that. We want to be able to regulate that they're doing that but in order to keep their status as a short-term rental and be compliant with the company they're working with they have to follow those rules as it is. So I think in my district we have convenience centers where we go and throw our own trash. So there's a lot of things that I think need to be considered and so I have a lot of different questions that I'll be asking and wanting answers and I think there has to be some

changes to this ordinance in my opinion. I'm going to stop there for this evening but I do have a lot of concerns, especially hearing from our constituents. If we have such a small percentage of Airbnbs in the county, we had forty or fifty people talk tonight and that's only the ones that actually came but I'm sure you can multiply that by ten as far as the people that are concerned with this ordinance. So I think we need to take all that into consideration.

But I want to thank staff because they worked really hard on putting this ordinance together. But we're here to serve the community and we need to keep that in mind and work with the community. So that's all I had for now, Madam Chair, and I appreciate the time.

CHAIR HAMILTON: Excellent. Thank you so much. I just want to add that I think my fellow Commissioners articulated a lot of what I got out of the comments tonight that I would really support us looking into. And so I'm willing to say how much I agree with what they presented. I think that if you just look at all the people who came who spoke who were primary owners who live in the house. We've had this discussion. They're not the problem. They tend to regulate themselves pretty well. And most of them really need the supplemental income. We want to support that.

Then we had the person speak from Madrid who explained what the problem is in a denser area where they have business coming in and buying up a lot of houses. I think that illustrates the kinds of tiers that we want to achieve one thing there and something else with especially the rural individual homeowners, and I think many of the comments the other Commissioners made capture some of the specifics related to that. So I think those would be really good things to look at.

But I not only appreciate everybody who came and made comments, but I think you and your department did an incredible job on this first draft. I know how much work was put into it. I think the fact that there might be some tweaks that would be beneficial to the constituents does not diminish – it's so hard to hit a mark in one shot, and this was a really good basis that enabled us to get some good and very focused comments that we can do some tweaks with. But you guys did an outstanding job and we really appreciate it.

MS. ELLIS-GREEN: Madam Chair, we will regroup with staff and the Legal Department as well. We'll come up with some suggestions and then I will reach out to each of the Commissioners to address their concerns, so we can bring something else back at the next meeting.

CHAIR HAMILTON: Fabulous. That sounds like a great plan. I really appreciate it and I think Attorney Jeff Young wants to say something.

MR. YOUNG: Madam Chair, I do appreciate the comments as well and we will work with Penny, Legal staff will work with Penny on any revisions. I believe that the intent of the short-term rental definition was really to exempt those primary residents, so that's something we should look at in how the drafting of that is.

CHAIR HAMILTON: That's interesting. I don't think anybody got that out of it. If that's a change we could find that out, that's great. Really appreciate it.

MR. YOUNG: And we will investigate the issues raised relative to the platforms such as Airbnb. I understand staff reached out last year to those providers and I don't believe Airbnb has responded to that, and we will investigate that as well.



CHAIR HAMILTON: Excellent. Thank you very much.

13. PUBLIC HEARINGS

- A. **Case # 21-5140 Esencia Subdivision Conceptual Plan. Esencia Holdings, LLC, Applicant, JenkinsGavin, Agent, Request Conceptual Plan Approval for a 710-Lot Residential Subdivision to be Completed in Five Phases on a Total of 277 Acres More or Less. The Property is Located within the Community College District, East of NM14, at the End of Camino Vista Grande and at the End of Vista del Monte (South of the Intersection of Avenida del Sur and A Van Nu Po), within Section 30, Township 16 North, Range 9 East (Commission District 5) [Exhibit 1: Material from Warren Thompson]**

CHAIR HAMILTON: And I think I will go directly to Vicki, interestingly, the same person who's listed is actually coming forward, so that's always a good sign. And if you could do the initial presentation then I will go through the remaining ground rules of how the process will go forward. So thank you, Vicki.

VICKI LUCERO (Building & Development Services): Thank you, Madam Chair, Commissioners. Esencia Holdings, LLC, applicant, JenkinsGavin, Agent, seeks Conceptual Plan approval for a 710-lot residential subdivision to be completed in five phases on a total of 277 acres, plus or minus. The property is located within the Community College District, East of New Mexico 14, at the end of Camino Vista Grande and at the end of Vista del Monte, within Section 30, Township 16 North, Range 9 East, Commission District 5.

The subject property was previously known as the Sonterra Development. In 2002, the BCC approved a master plan for a mixed-use development in a village zone consisting of 520 residential units and 29,117 square feet of commercial space on 245 acres of the subject property. Other than a request for a two-year extension of the master plan, there were never any additional approvals granted, and the master plan is now expired.

The subject property is located within the Santa Fe County Community College District. The Community College District Plan was adopted in 2000 in accordance with the 1999 County Growth Management Plan which identified the CCD as the County's primary growth area where adequate public facilities exist or are planned. A fundamental principle of the CCD plan is to establish an alternative to suburban sprawl through the creation of development patterns of compact interconnected villages where the most efficient use of infrastructure and public services can be achieved.

Following the adoption of the CCD Plan, the BCC approved the CCD Ordinance which provided for land use and zoning regulations for the Community College District. The CCD Ordinance includes minimum density requirements, land use zoning map, circulation map and requirements for public water and wastewater systems to ensure compact development patterns. The Community College District regulations were incorporated into the Sustainable Land Development Code. The Santa Fe Community College District has been the County's primary growth area for the last 20+ years.

The subject property has since been acquired by Esencia Holdings LLC.

SFC CLERK RECORDED 10/12/2022

Applicant is now requesting conceptual plan approval for a 710-lot/unit residential subdivision to be completed in five phases on a total of 277 acres, more or less. The Conceptual Plan contemplates a minimum of 608 single-family lots, to be developed in five phases. The minimum proposed overall net density is 4.5 dwellings/acre as shown, and the maximum proposed net density is 5.25 dwellings/acre or 710 units. The final lot/dwelling count will be established at the subdivision platting stage for each phase; however, the minimum maximum number of lots for each phase is as follows: Phase 1- 173 lots; Phase 2 - 79 lots; Phase 3- 180 lots; Phase 4- 118 lots; and Phase 5- 160 lots.

The Project is situated predominantly in a Village Zone, interspersed with an Arroyo Corridor and Fringe Zones. The applicant is proposing to redefine the Village Zone to a Village Neighborhood subdistrict through the conceptual plan application. A Village Zone subdistrict is appropriate for flatlands/piñon juniper land types, and shall be located within a village subdistrict. The minimum net density in the Village Neighborhood subdistrict is 3.5 dwelling units/acre, and density in the Fringe subdistrict is one dwelling unit/acre, which can be clustered such that there are no more than four dwelling units/acre. A Village Zone Neighborhood does not require a non-residential component.

On April 20, 2022, this request was presented to the SLDC Hearing Officer. The Hearing Officer's decision was to recommend approval of the request for a conceptual plan to allow a 710-lot residential subdivision subject to staff conditions with some amendments and additions. The Hearing Officer recommended denial of the variance request that would allow for only single-family residences rather than a mix of housing types as required by the SLDC.

On June 16, 2022, the request for Conceptual Plan approval and the variance to allow only single-family homes rather than the required mix of housing types, was presented to the Planning Commission. The decision of the Planning Commission was to deny the request for the variance and to recommend denial of the Conceptual Plan request. The Planning Commission's decision to deny the variance was based on the fact that multi-family housing would likely be more affordable. The Planning Commission's decision to recommend denial of the Conceptual Plan was based on concerns of where the water supply is coming from, as well as the required road connection with Vista del Monte and the amount of traffic that would be generated by the development.

Since the time that the decision and recommendation were made by the Planning Commission, the applicant has revised its request to incorporate a mix of housing types, and therefore, is no longer requesting a variance. The application that is before the BCC at this time is a request for Conceptual Plan approval for a 710-lot/unit residential subdivision to be completed in five phases on a total of 277 acres.

The applicant has addressed the Conceptual Plan approval criteria, per SLDC Section 8.10.3.5 as stated in the staff report, and staff has also responded to the criteria in the staff report.

The following studies, reports, and assessments were submitted with this application: an environmental impact report, an adequate public facilities and services assessment, a water service availability report, a traffic impact assessment, and a fiscal impact assessment.

The application was reviewed for the following applicable design standards as per

Chapter 7, Sustainable Design Standards of the SLDC: access, fire protection, landscaping and buffering, lighting, signs, road design standards, access and traffic, utilities, water supply, wastewater and water conservation, open space, protection of historic and archaeological resources, terrain management, flood prevention and flood control, solid waste, operation and maintenance of common improvements, and affordable housing.

Recommendations: On April 20, 2022, this request was presented to the Sustainable Land Development Hearing Officer. The Hearing Officer memorialized findings of fact and conclusions of law in a written order on this request. The Hearing Officer, based on the evidence presented, recommended approval of the conceptual plan request for a 710 lot residential subdivision subject to the conditions recommended by staff with modifications to conditions #3 and #19 as follows:

The Hearing Officer recommended that condition #3 should read: Connection to A Van Nu Po on east side of property shall be obtained at the time the owner dedicates property for access rather than during Phase 2.

And the Hearing Officer recommended that condition #19 read: Signage shall be allowed for each "Subdivision" (phase or portion) in the development. Staff does not support the conditions as amended by the Hearing Officer. It is staff's position that the applicant is required to provide for the continuation of existing or proposed roads as shown on official map, and therefore the connection to A Van Nu Po on the east side of the property shall be made in Phase 2. It is also staff's position that a variance would need to be requested in order to allow more than one sign for the development as the Esencia Development was submitted as a single residential subdivision.

Planning Commission Recommendation: On June 16, 2022, this request was presented to the Santa Fe County Planning Commission. The Planning Commission, based on the evidence presented, recommended denial of the request for conceptual plan for a 710-lot residential subdivision. Their decision was based upon concerns regarding the proposed density, where the water supply is coming from, as well as the required road connection with Vista del Monte and the amount of traffic that will be generated by the development. This decision is not in accordance with the adopted CCD Plan or CCD overlay within the SLDC which requires higher density, or with the Santa Fe County CIP which includes the connection of Vista del Monte to Avenida del Sur, therefore staff does not concur with the Planning Commission's recommendation

Staff Recommendation: Staff finds that all facts presented support the request for conceptual plan approval; review agency comments conditionally support the request for conceptual plan approval; and the application meets the submittal requirements and the design standards as set forth in the SLDC. Therefore, staff recommends approval of the conceptual plan request for a 710-lot/unit residential subdivision subject to the following conditions. Madam Chair, may I enter the conditions into the record?

CHAIR HAMILTON: Yes, please.

[The conditions are as follows:]

1. The Applicant will be responsible for building out Avenida del Sur beginning with the Roundabout at A Van Nu Po to the western boundary of the Esencia property as part of the Phase I improvements. The road must be built to CCD standards, as

- approved by Public Works and shall match the cross section intended for the connection to Vista del Monte/SR14.
2. The driving surface of Avenida del Sur/Vista del Monte from Esencia's western property boundary, west to the County maintained portion shall meet a width of 22' with a basecourse surface as part of the Phase I improvements.
  3. Connection to A Van Nu Po on east side of property must be made in Phase 2.
  4. The entire portion of Vista del Monte (the western boundary of the project to SR14) must be built to CCD standards for a Village Connector road matching the cross section intended for this project per Public Works, to be built out with Phase 3 improvements.
  5. The design and construction of Avenida del Sur, A Van Nu Po and Vista Del Monte connections shall be coordinated with Public works and may involve an agreement for the applicant and the County to work together to ensure the connections are made and easements are obtained.
  6. A Traffic Impact Analysis will be required for subsequent phases to ensure signal optimization is obtained and defined.
  7. The main access point into this subdivision from Avenida Del Sur shall be through a roundabout constructed in phase 1.
  8. The Affordable Housing Plan shall be updated with the application for Subdivision Plat for each phase, reflecting the final lot count and affordable unit distribution for that phase.
  9. An Affordable Housing Agreement must be submitted and approved by the BCC at the time of Final Plat approval for Phase 1. Affordable units in all phases shall be integrated throughout the development and not clustered into one area.
  10. The Applicant shall comply with all Santa Fe County and State Agency conditions of approval.
  11. A Water Service Agreement and a Sewer Connection Agreement must be approved by the BCC prior to Final Plat approval of Phase 1.
  12. Applicant shall address all redline comments from Staff.
  13. A final grading and drainage plan and report for each phase of the project and the project as a whole, shall be submitted with the preliminary plat application
  14. Roads shall not be gated.
  15. A Geotechnical Report will be required with the Preliminary Plat application covering each phase of the development.
  16. Water use will be restricted to 0.184 acre feet per year per lot, as stated in the proposed water budget. Water restrictive covenants shall be recorded with each Final Plat.
  17. All on site drainage structures/ponds shall require bi-annual inspections by a New Mexico Professional Engineer. A bi-annual report on the findings shall be submitted to Santa Fe County to insure adequate storage of storm water.
  18. The Applicant shall submit a revised and minimized lighting plan with each Phase which demonstrates compliance with Section 7.8 of the SLDC.
  19. A separate sign will not be allowed for each phase or portion of the subdivision. Only 1 sign is allowed per entrance to the Esencia Subdivision. A revised signage plan meeting SLDC requirements will be required with each phase of the

development.

20. An updated Traffic Impact Study shall be submitted for NMDOT review when the connection from the Esencia roundabout on Vista del Monte towards NM 14 is completed.

MS. LUCERO: Thank you. This report and the exhibits listed below are hereby submitted as part of the hearing record. Madam Chair, I did want to mention that we did receive a letter of opposition yesterday afternoon from the Santa Fe Gateway Alliance. We uploaded it on BoardDocs but I've also got hard copies here to hand out as well if any of the Commissioners didn't receive that.

Brian Snyder from the County Public Works Department is here to address roads that impact the development and after that I will stand for any questions.

CHAIR HAMILTON: Excellent. Thank you. And thank you everybody, for coming.

BRIAN SNYDER (Public Works): Good evening, Madam Chair and Commissioners. I just wanted to touch on some of the road network concerns that were raised during the Planning Commission process that Vicki discussed. As you're aware, Santa Fe County Public Works and Santa Fe County Growth Management and Planning are looking to improve the road network in the Community College District. Two projects that you're aware of because we've brought them forward to BCC I wanted to touch on this evening. The first being the northeast-southeast connector road project, which is currently in the final phase of construction bids and we get bids later this month for that project which will improve traffic in the Community College District.

In addition, recently the west extension of Avenida del Sur before you. We have a million dollars in design fees for that, or design money for that, and we have requested \$5.5 million on the upcoming bond election in November 2022 to complete the construction of that. At this time we're working on getting a design engineer under contract to start the design.

The Esencia Development is on the eastern end of the County's Avenida del Sur extension project and because of that we're kind of running in parallel in some ways from the design, as well as the design of the road network on Esencia. So with that in mind, Santa Fe County staff has started meeting with the Esencia Development property owner and developers on how our road network can tie in with theirs and partnering on infrastructure in that area, from a road standpoint. That would all be contingent on the findings of BCC and that would be incorporated in a development agreement for the road infrastructure in this area, which started looking at what the format of that might look like, but nothing has been formalized. With that I'll stand for any questions on roads, but we are moving forward with our roads project as the County Commission has approved.

CHAIR HAMILTON: Excellent. Thank you very much. So just to remind you of some of the ground rules here, we just had the staff presentation. Next will come the applicant's presentation and as you guys know under our rules, the applicant has the right to call witnesses in support of the application, and after that we'll have public comment, either for or against the appeal. As the Commissioners know, they can ask questions during any of the presentations. There are County rules for cross-examination. It allows for a party to cross-examine or question a witness or for witnesses called,

there's an opportunity for cross-examination. If the applicant wishes to cross-examine or ask questions of County staff or members of the public, the applicant must notify the Chair before the staff member or the public is excused. Failure to do so means the right to cross-examine is waived.

We're going to put – when we have public testimony we generally allow no more than five minutes. As you guys know, on the previous one we allowed three minutes. I'll make that call based on how many people we have to talk, but even up to five minutes we appreciate that everybody from the public focuses your time accordingly. As usual, I will request that people making public comment avoid redundant testimony, irrelevant information or anything that's harassing. If somebody has already testified to something, as I've asked before, I really appreciate if people just recognize that they're in agreement and keep their testimony and this whole process as efficient as possible. I will stop any unacceptable comments.

I'll get to the remaining information on who we have to comment from the public when we get to that forward period. So at this time, is the applicant here and wanting to make their presentation?

JENNIFER JENKINS: Thank you, Chair Hamilton. I'm prepared to be sworn.

[Duly sworn, Jennifer Jenkins testified as follows:]

MS. JENKINS: Good evening, Madam Chair, Commissioners. I'm Jennifer Jenkins with JenkinsGavin, and my address is 130 Grant Avenue, Suite 101. And I confirm that I am under oath. So thank you very much. I'm really pleased to be here this evening to present a further realization of the vision of the Community College District that we're bringing to you this evening. So we do have a presentation, so it looks like we're already sharing the screen, so I'm just going to go ahead and more through that.

So we're here this evening on behalf of Price Land Development, who is the applicant. As I mentioned, we are the owner's representative, JenkinsGavin, land planning services provided by SEC Planning, and engineering services provided locally by Bohannon Huston.

I just want to share a little bit about Price Land Development. The principal, Garrett Price, who is here with us this evening, has been building residential communities in northern New Mexico for the last 20 years. Garrett and I have actually known each other for the last 20 years. We met working on projects in the Tierra Contenta community in the City of Santa Fe and so we have a long history together and Garrett is investing significantly in Santa Fe County and in providing housing for this community. The Colibri Subdivision, which is also in the Community College District is under construction right now and that is bringing 232 quality homes to our community, as well as affordable housing that is much needed, and now we're here tonight to talk about the next endeavor as part of again realizing the vision for the Community College District with Esencia.

So talking a little bit about the Sustainable Growth Management Plan, that really set the state for the Sustainable Land Development Code that was adopted in 2016. There were some key elements of that. It's the County's comprehensive plan that really was there to guide development and create that framework for development and growth in Santa Fe County. It sets the overall growth management strategy, primarily to direct

growth to areas most efficiently served by adequate facilities and services.

And the key component of this was the creation of what we call sustainable development areas. Not telling you anything you don't already know. There are three sustainable development areas in Santa Fe County. Sustainable Development Area One is the primary growth area is where Santa Fe County has decided growth should happen. Most of Sustainable Development Area One is the Community College District.

And so this is the map, the sustainable development area map. SDA-1 is shown in orange. And so in the zoom in there you can see the Esencia project is right pretty much in the heart. So this orange is SDA-1 and you can see the Rancho Viejo community here and then in the white, that is Esencia right there. It's really more for just the gallery. And I can point using the mouse as well. So this is the Community College District plan, which shows all of the various subdistricts. This is the land use plan and you can see the Esencia parcel right there that is kind of to the southwest of the Rancho Viejo master plan.

And so the Community College District was established in 2000 and with some very clear intention and Vicki touched on this in her presentation as well. The key thing is curbing sprawl. Compact, village-style development. Maximizing infrastructure efficiency of public infrastructure investment, preserving open space. Every subdivision in the Community College District has to preserve 50 percent of the property as open space. So this is about clustering. With the SLDC, even in areas outside of the Community College District, the SLDC took a big cue from this in terms of mandating 30 percent open space countywide, even outside of the CCD, and encouraging the clustering of development. It was recognized that putting single-family homes on a 2.5-acre lot all over Santa Fe County is a very unsustainable way to grow. And that was recognized.

So now, the CCD has had a really incredibly positive influence on how growth happens in even the remainder of Santa Fe County through clustering and open space preservation.

And we are creating a village neighborhood subdistrict for Esencia, which is predominantly residential, requiring a mix of housing types which we are providing and it sets not a maximum permissible density, but a minimum density. A minimum. We comply with every single one of these. Esencia is the example of what the CCD set out to create.

And as you may have heard, we're having a bit of a housing crunch in Santa Fe County. We're having a housing crunch all over northern New Mexico, and these are just a few data points that I'm sure you are familiar with. Average sales price increased 30 percent while inventory decreased by 50 percent. Rent has increased. Wages have not kept pace with the increase of housing. If you would make a median income in Santa Fe County you cannot afford a median priced home. Population growth is coming from the outside and that trend is expected to continue. In order to meet even current demand over 2,500 new housing units are needed over the next five years annually.

So well thought out, code-compliant projects that meet the letter of the law as well as the intent of the County's primary planning document. This is what we need to do to make a dent in this.

So let's talk about Esencia. So this shows the property. It's 277 acres. So we are just southwest of the Rancho Viejo community. This is I-25. This is Highway 14 right

here. This is the existing roadway Vista del Monte, which we're going to talk about a little bit later. And then Avenida del Sur currently terminates at A Van Nu Po just north of the property boundary. And everything to the south is the state land that is also within the Community College District.

So zooming in a little bit, you can see the property as it relates to the Rancho Viejo community to the east, as well as there's an existing neighborhood that is to the west. So this just touches on a high level, what is the community about? As I mentioned, 277 acres. We are a village neighborhood with some fringe subdistricts. The maximum density that the conceptual plan would permit is 710 homes. At the end of the day we're probably going to end up around 600, is more than likely where we're going to be. We have 530 single-family homes and 180 multi-family dwellings, five phases, and 15 percent of the single-family homes we priced affordably. That's eighty families in Santa Fe County who are going to get access to affordable housing. Eighty families and 142 acres of open space preservation with parks and trails.

So this is our conceptual plan. It shows the primary roadway networks that are going to serve the community. It shows the open space, and it shows the proposed roadway connections to the existing roadway network. So our primary access is going to be via Avenida del Sur. As I mentioned, Avenida del Sur currently terminates here at its intersection with A Van Nu Po, and the County Avenida del Sur extension projects that Mr. Snyder was speaking about starts here and then it goes all the way out west and connects to Highway 14. And as Brian mentioned, because a portion of this roadway goes through the Esencia project and serves as access for Esencia, we are entering into a development agreement with Santa Fe County to pay our fair share, to contribute financially. So the timing is so perfect, because if this project wasn't moving forward Santa Fe County would not have the benefit of that additional financial contribution from Esencia. So the timing is really working out quite well. It's a win-win situation if there ever was one.

So it shows the various phases and it shows our park areas and our trails and our trailheads, and then again, we have existing neighborhood here and then we have the Rancho Viejo community to our east. So this is a conceptual lot layout that shows how the homes would be, the individual lots and then Phase 3 is where we're proposing the multi-family construction. And then you see the phase lines. A big element of this project is we're building a Santa Fe County public sewer line for a mile and a half that's going to serve this project and it's going to gravity flow all the way out to Highway 14, connecting to the Valle Vista lift station. So we are also working closely with Santa Fe County Utilities on the design of that new sewer line which is really going to complete a critical piece of the sewer infrastructure to serve Santa Fe County's primary growth area.

So this is just some concepts in terms of we have a total of over ten acres of park land that is going to be developed park. We're going to have a large seven-acre community park and then four smaller pocket parks, and almost four miles of public trails that are going to be connecting in to the existing trail system within the community.

So this is the alignment for the sewer line that I was just discussing. So coming off of our last little cul-de-sac here we are constructing the sewer line all the way out. It will cross Highway 14 and then connect into the existing Valle Vista lift station, and again, we are working closely with Santa Fe County on this critical piece of utility



infrastructure for the County's primary growth area, and the expense for this is being borne 100 percent by this project.

So this is the circulation map that was adopted as part of the Community College District Ordinance, and it shows not only trail network but it shows the proposed roadway network to serve this part of Santa Fe County. And so you can see this is the Esencia project right here that we kind of have zoomed in on, and you can see the Avenida del Sur extension here. Then you can see this kind of north-south spine road here, which we are constructing. And you also see, it shows a connection out to A Van Nu Po to our east. So this has really been the driver for how the roadway network serving Esencia is to evolve.

And also on the Santa Fe County's adopted transportation plan it also shows this extension of Avenida del Sur out to Highway 14. It shows this north-south roadway, which is reflected in the Esencia plan that eventually may connect out to the state lands to the south, and then it shows this east connection out to A Van Nu Po.

So we did conduct a traffic impact analysis as part of our conceptual plan application. This slide shows all of the intersections that were analyzed for this purpose, and the traffic study looked at the project over time, because this project is not going to happen overnight so it is being developed over time in five phases. And a really important thing to remember is this traffic study – we know what we know right now based upon what is the status of the existing road network, but things evolve and change over time. The situation is going to look very different out here when the southeast connector is complete. The situation is going to look different when Avenida del Sur is complete. So we have a condition of approval attached to this conceptual plan that we update our traffic study with every single phase. This is not a static document by any stretch of the imagination.

So when we come in with our subdivision plat application, which will come back to this body for our first phase we'll be submitting an update of the traffic study that looks at what's happening right now. What's happening in Rancho Viejo? What's happening in the surrounding area? What's the status of the southeast connector? We look at all of that. We reassess. We may have new information. If there's an intersection that we study that isn't going to function properly as a result of our first phase we have to mitigate that. It's standard practice, especially for larger-scale, longer-term projects.

All the intersections that we study have to operate at an acceptable level of service. All of them. And if they don't, then we have to determine what is the mitigation measure. Is it an extra turn lane? What is it that needs to happen in order to make sure that the intersections within the scope of the study function properly? And that is reassessed with every single phase.

So I think you're familiar with this terminology of levels of service, and it's how we determine how things function. Traffic studies look at intersections, because that's the choke point, if you will. That's where we experience delays on the roadway. So level of service is a function of what's the delay that is happening. And it's a grading system. So obviously, level of service A means there's very little delay; intersection functions really well. There are different standards for signalized intersections and unsignalized intersections.

Per the SLDC, the minimum acceptable level of service is a level of service D.

Nationwide, based upon the Institute of Transportation Engineers, level of service E is considered acceptable, however, Santa Fe County's requisite level of service is a level of service D.

So we conducted a traffic study and this is the information we looked at, and as I said, we looked at it on a phase by phase basis, and then we looked at the full build condition. And as I mentioned, this will be updated. So this is our snapshot today, but a conceptual plan approval doesn't give us permission to build anything. We have to come back with an actual engineered subdivision plat with a fresh traffic study to make sure everything is functioning properly. So this is our snapshot right now that gives us a sense of what to anticipate, but we're not going to believe that this is accurate for the next five to eight years. We're going to look at it fresh as we move forward.

So as Brian mentioned, Santa Fe County has a project and it is called the Avenida del Sur extension project. And the bond issue in 2020, Santa Fe County Public Works got a million dollars to pay for design and right-of-way acquisition. They're in the process of engaging the design engineer to go ahead and get the extension from the current terminus at A Van Nu Po to construct this all the way out to Highway 14. And in the bond issue coming up in November, there is, I believe, \$5.5 million going to be in that bond issue to construct the roadway.

So we have been working really closely with Public Works to look at how does our respective timing align. And we also are going to be dedicating right-of-way, because as you saw in the transportation plan and on the Community College District plan there was this north-south roadway contemplated, which we are absolutely complying with, and there was also the connection out to A Van Nu Po. So we don't actually have frontage on A Van Nu Po. So there is a gap here between our northeast corner and the actual roadway itself. We are happy to build that connection out to A Van Nu Po but we don't own the property next door. So we don't have the rights to build that road without an easement or right-of-way granted to Santa Fe County for construction of that road.

So that was the condition of approval that we requested a modification so that once that right-of-way is granted we'll build that road. We're happy to do it. We have no problem. But we just don't have the rights to do it right now. So the Hearing Officer agreed with us and said we can't force you to build something when you don't own the real estate. So we will continue to work closely with the neighboring property owner in order to procure that right-of-way. We've been working with them but we have not yet been able to achieve that, but we will continue to do that and so our hope is maybe by the time we come in with our plat application for our first phase maybe we can come in and say, hey, we got that handled. But until such time that really has to be the trigger. Once the right-of-way's in place we can build the road. So we do ask for your support on that modified condition as recommended by the Hearing Officer.

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: Who owns that piece of land?

MS. JENKINS: It's owned by the Rancho Viejo ownership group.

COMMISSIONER HANSEN: So Warren Thompson, who's sitting in the back of the room?

MS. JENKINS: Yes.

COMMISSIONER HANSEN: Okay. And is he open to the easement, or what's the status?

MS. JENKINS: So we had had some discussions on it last year, and we were unable to come to an agreement regarding the dedication of that, but we are continuing our dialogue with Rancho Viejo ownership to see if we can come to an agreement on that dedication. So the ship has not sailed and we will be continuing that dialogue, but as of today, we have not been successful in procuring that easement.

COMMISSIONER HANSEN: Thank you.

MS. JENKINS: So this just shows the million dollars that I referenced that was achieved through the 2020 bond issue for the design of the roadway, and then the actual funds to construct the roadway will be part of the bond issue coming up in a couple of months.

So as I said, we've been working closely with Santa Fe County to look at how does our timing align and it's kind of fantastic. It aligns really, really well. So what you see in the top in the orange, this is kind of the County's schedule. So as Brian mentioned, they are going to be kicking off the design phase, which is going to take about a year, and then they will go into the bidding process, and then they will go into construction in spring of 2024. And then looking for the roadway improvements to be complete in April of 2025.

On the bottom is our process relative to our first phase and the associated infrastructure. So we hope to kick off the engineering and application process for our first phase plant, kicking that off this fall, and then we go through the process to get that approved and then next summer we start building our infrastructure, the mile and a half of offsite sewer line to serve this part of the Community College District, all of our onsite roadways, and also writing a check to Santa Fe County for our share of the construction costs for Avenida del Sur. So we're not even looking at home construction starting probably until early 2025, late 2024, late 2025. Some of that will be weather dependent. If we're having a great winter we might have to push home construction off a little bit. So we don't even have our first residents moving into their homes until late summer of 2025. This is months after the road is already slated to be complete.

So as I said we've been working closely with them and we will continue to do so as we finalize the development agreement which will be part of that Phase 1 platting process, and so again, this is just – it's a happy circumstance that our schedules are aligning so well.

So with respect to Avenida del Sur, as I mentioned, the roadway itself terminates right at the intersection with A Van Nu Po. But there was a right-of-way dedication that Rancho Viejo dedicated to Santa Fe County via this plat and so there is the right-of-way that is present for that extension from the current terminus out to Highway 14. But there were conditions associated with this dedication, which we are very familiar with. So we're going to talk about the conditions a little bit. So the first two conditions really relate to ensuring that as a condition of Rancho Viejo granting this right-of-way in order to permit this roadway extension, which is a really important project and extension to serve the entire Community College District, that Rancho Viejo wanted to ensure that the roadway capacity within Rancho Viejo was retained.

So for a bunch of cars to get dumped into the Rancho Viejo community that could

impact the roadway capacity for them, that was not okay. So they have a condition, basically, the first condition relates to roadway capacity on Avenida del Sur and Richards Avenue, and the second condition relates to roadway capacity on Rancho Viejo Boulevard. So as I mentioned, we are very familiar with these conditions and so these intersections are part of our traffic study scope. So as we move forward with each phase we study these intersections. If there's an issue, we know we have a responsibility to work with Rancho Viejo, Santa Fe County Public Works – these are public – these are County roads, to devise mitigation measures. So we absolutely are compliant and will continue to comply with these conditions as the project moves forward.

And then condition #3 states that the connection shall be constructed to the same standards as Avenida del Sur and so Santa Fe County is designing the roadway and that roadway section will meet or exceed the existing standard of construction for Avenida del Sur.

So we are very aware of these. We know what our responsibilities and obligations are with respect to these conditions. As I mentioned with A Van Nu Po, we are happy to build that road, just need the right-of-way in order to do that, so we are asking for the Board's support for the amended condition #3 as recommended by the Hearing Officer.

And lastly, the Hearing Officer also recommended a revision to condition #19 regarding subdivision signage. This is a large project. It's not necessarily going to be just one homebuilder. We may have two homebuilders, or three homebuilders. We like that idea. It creates a lot of diversity in terms of the housing type and the architecture. We think that it creates a really dynamic community. And so the opportunity to brand each of these phases, if you will, uniquely, is really important. And this is not different from the way Rancho Viejo has developed over time. You can drive up and you see a sign for La Entrada. You see a sign for Windmill Ridge, or you see a sign for these little sub-communities. And so the Hearing Officer also agreed that it was appropriate to allow very tasteful entry monument signage for each kind of distinct subdivision within the community. So we ask for your support for that modified condition as well.

And with that, I really appreciate your attention. That was a lot of information. I'd be happy to stand for any questions. Thank you very much.

CHAIR HAMILTON: Thank you. So do Commissioners have questions? Commissioner Hughes, you want to –

COMMISSIONER HUGHES: Sure. Thank you. Thank you, Madam Chair. I have lots of questions and I won't ask most of them until we've had the public hearing because I want people who might be here from the public to be able to go on time. But I guess maybe just one question. Jennifer, you said something about it might not really be 710 homes? It might be 600? What is that about?

MS. JENKINS: Madam Chair and Commissioners, so with respect to the mix of housing types, as Vicki mentioned, our original application, our preference was – we preferred to do all single-family detached homes, and when we laid out the land plan we arrived at about 600 homes, which reasonably, based on the lot sizes we wanted to achieve, that was reasonable. But with respect to if we were required to introduce that mix of housing types, we're introducing a multi-family type component which is a very different animal. So that's why we put a different ceiling on it in order to allow just a little bit of flexibility, with respect to how that multi-family program evolves.

COMMISSIONER HUGHES: Does that mean that if you were down to 600 you would do away with the multi-family component?

MS. JENKINS: We cannot do away with the multi-family component. It is a code requirement and we have identified that Phase 3 will incorporate the multi-family housing. What the multi-family program looks like, that's going to be – a lot of that will be market driven because that's our third phase, so what is really the market need for the type of housing that would be. So it just instills a little flexibility with respect to that program. That's all it is.

COMMISSIONER HUGHES: Okay. Thank you. So just one follow up question and then I will really stop and let the public speak. So I noticed that Phase 3 did not have the layout of lots or where buildings would be or anything. That seems unusual to be since every other phase has a very specific road system and lots laid out and everything.

MS. JENKINS: The layout we see now is conceptual, obviously, because this is a conceptual plan but we had to understand what the site would accommodate and what was reasonable in terms of density and where the open spaces are, so we had to study that. Like I said, the Phase 3 is the multi-family phase, and so we are looking at various options but it's going to be really important to respond meaningfully to where we are with the market. We know there's been a lot of apartment development within the City of Santa Fe. Is that really meeting that apartment demand?

Multi-family can be a lot of different things. It can be row houses. It could be more traditional apartment communities. It could be detached casitas that have amenities with them. So it can be a lot of different things. And so that is why having a little bit of that flexibility in the maximum permissible density. So we are looking closely and we're talking to various builders and developers about what that might look like, but it's a little further down the road. And so when we come in with our application for that phase, obviously it will be all very well defined.

COMMISSIONER HUGHES: Okay. I just wanted to mention that obviously this is the growth area of the county and so we all know something is going to be built here. I do have other questions but I will reserve that for after the public hearing. Thank you.

CHAIR HAMILTON: Okay. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. So I'm just going to follow up a little bit on this Phase 3, multi-family. It concerns me that it's all lumped together. I don't like that. I think that in the fifties we built duplexes and I think that that is something that maybe we should be thinking about, that it should be mixed in in the other phases. Not just like you're going to put all the multi-family in one phase. That really makes my hair stand up on end, so to speak. It's like putting all the wealthy people in one corner and all the people who can only live in multi-family in one other corner. I think in my neighborhood, which you know quite well, Casa Alegre, a lot of the house had – on the corners, each of the corners had duplexes. So it kind of added to the flavor of the neighborhood that not everybody was living in a single-family unit. Now, people have casitas and all kinds of things but – so I think that that's something to think about.

I love that Brian thinks that we're going to be able to build this road or be

involved in it by 2025 or 2024. We've been trying to build the northeast-southeast connector since 2004. So I'm just being realistic. Building roads, as much as I love them, it is not a cookie-cutter thing. It doesn't just happen. Like, oh, well, I'm going to build a road in 2024. We've been struggling to build this road, the northeast-southeast connector for over 15 years now.

So I'm glad you think it all looks so happy and aligns so well and is such a fantastic visual, but I'm sorry I don't have the same view after having been around since 2006 trying to work on the northeast-southeast connector. And I'll wait with the rest of my questions until after public comment, but thank you. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. Okay, so that gives us the opportunity now to open public comment. I have no idea if we still have people on Webex but like before, I'm opening public comment and we're going to do public comment here live and then we'll go to the people, anybody who may be on Webex. Could I please ask everybody who's here from the public to comment who's present to stand up and all get sworn in together? Goodness. Just two of you here. Okay.

[Those wishing to speak were placed under oath.]

CHAIR HAMILTON: Please come forward. We'll do five minutes so if you can tailor your comments accordingly, and Daniel, can you put a five-minute timer on? Or Olivia, can you put a five minute timer up, whoever it is? Thank you. Appreciate it. Welcome.

[Duly sworn, Warren Thompson, testified as follows:]

WARREN THOMPSON: Warren Thompson, 50 West Saddleback Mesa, and I am sworn. I have a handout here if you'd like it. This is the conditional road dedication plan that Jennifer was referring to for the connection of Avenida del Sur out to Highway 14 and 599. And that's the first page. The second page is a blow-up of the conditions that were placed on this conditional dedication, and as Jennifer pointed out it had to do with capacity within Rancho Viejo and that the use of this condition didn't undermine our road capacity.

The traffic study which was undertaken by Esencia did not include our development so it understated. We've taken the step to order a traffic study that includes Esencia in our future development and it shows some barriers that occur. So we want to make sure that those are addressed and I've included the relevant pages of the traffic study at the back with Esencia and without Esencia. All of our development roads function well and once Esencia comes on line we start having some problems at several intersections, so I think if anything that gets done with this development needs to address those and how they're going to be mitigated.

And we've got another project coming on. A preliminary plat will be coming in here in the next month or so and we don't want this project to kill our project because of road capacity issues. So that's addressed in one and two. Condition #3 is stating that the extension of Avenida del Sur has to be to a minimum standard and that's the standard that Avenida del Sur is constructed to today. And this project is proposing a 22-foot gravel road to connect to Highway 14. And they say in Phase 3 they'll bring on the road, or the County will have it done by then. And that just doesn't meet this standard.

And so we agreed to give this conditional dedication to the County and we just expect the County to live up to the conditions that they agreed to when they signed onto

this. Quite frankly, we're in support of the Esencia project. We aren't afraid of the development. We'd like to see that done, but we want to see it done with the roads and I share Commissioner Hansen's concern that the amount of time it will take to get it and all of the traffic will be funneling through us if this is allowed to go forward before that connection is made. So we'd like to see the connection made with a real road at the start of this project. Thank you.

CHAIR HAMILTON: Do you mind if I ask a clarifying question? The traffic study included –

MR. THOMPSON: I understand. The traffic study that Esencia did took existing conditions and added their traffic to it. What conditions #1 and #2 state is that they have to consider Rancho Viejo's future plans and growth in those studies, and they failed to do that. So I've given a draft of the study that we had done. It's all but complete to Ivan and he's got that to review, and it brings up some issues in terms of intersections along Avenida del Sur and we need to know how we're going to address those issues.

CHAIR HAMILTON: Right. So that includes current conditions and Esencia and a future Rancho Viejo?

MR. THOMPSON: Yes, ma'am.

CHAIR HAMILTON: Thank you. That should have been obvious.

MR. THOMPSON: Anything else?

CHAIR HAMILTON: Any other questions at this point?

COMMISSIONER HANSEN: Madam Chair.

CHAIR HAMILTON: Maybe we should hear the other public comment and then we can ask questions to anybody? Is that acceptable?

COMMISSIONER HANSEN: That's fine.

CHAIR HAMILTON: Thank you very much.

[Duly sworn, Kurt Sommer testified as follows:]

KURT SOMMER: Good evening. My name is Kurt Sommer. 200 West Marcy Street, Santa Fe, New Mexico. I'm here on behalf of Rancho Viejo, Univest Rancho Viejo. Without backtracking on what Mr. Thompson said, I'm going to reiterate, we're not opposed to the project but what we're concerned about is that you have a conditional dedication plat that has really strict requirements on it and we don't believe this preliminary conceptual approval adheres to those conditions. And I'd point out, Mr. Thompson provided you all with the actual language but I want to stress some of this language, and that is that without glossing over it, it's important that we read it and look at it. It says that any and all owners of the properties which will utilize the connection and Avenida del Sur be required to do such improvements as are necessary to retain the capacity of Avenida del Sur and Richards Avenue up to College Drive in such manner that both roadways will have capacity to serve the anticipated – anticipated – and I stress the word anticipated development of the Rancho Viejo master plan area, which we believe included 1,000 residential units and the associated commercial development, after the new community districts are established.

What I want you to focus on is that Richards Avenue, we know is a failure already. We know the northeast-southeast connection isn't in yet. And yet we're going to approve a plan for roads that are yet to be constructed that will force more traffic on failed roads. This provision says that you're to anticipate that construction and that traffic

and this development doesn't adhere to this condition.

It further says in point 2, that Rancho Viejo Boulevard be maintained at the capacity described above and that additional users of Rancho Viejo Boulevard be required to do such improvements as are necessary to maintain the above described capacity. If the road is not connected all the way to State Road 14 we know that the construction traffic is going to drive right through Rancho Viejo, right through Richards Avenue and right down Rancho Viejo Boulevard and right through the middle of Rancho Viejo, and overburden the project, because nobody's going to want to use a gravel road until that road is paved.

So I'm asking you to consider that condition in your approval of this conditional conceptual plan.

Third, that the connection shall be constructed to the same standards as Avenida del Sur and paid for the parties whose developments will be served by the connection. What's important about this condition is it is development upon a bond proposal that is yet to pass. We don't know if the money is there. And we're going to approve this? It doesn't make sense to me. This condition won't be met.

And finally, if in fact, as was stated by Ms. Jenkins, that Avenida del Sur is going to be the primary access, I think these conditions need to be adhered to before final dedication by Univest-Rancho Viejo is given to the County to complete Avenida del Sur. And right now this is a conditional grant. It is not a grant. And so we're not opposed to this development. We want adherence to the conditions in order to connect to Avenida del Sur. Thank you.

CHAIR HAMILTON: Thank you very much. If I'm not mistaken, those were two of the three people who had signed up to speak. Is there anybody on Webex who wants to speak to this issue?

JANET MCVICKAR: Janet McVickar.

CHAIR HAMILTON: Okay. So Janet, can you get sworn in?

[Duly sworn, Janet McVickar testified as follows:]

MS. MCVICKAR [via Webex]: Janet McVickar. My address is 17 Vista Alondra and I understand that I am under oath. I do have a few questions. I understand this is a conceptual plan. What I did not hear anything about in this plan, and I would really like to see it as a citizen in proximity to this proposed development is I heard nothing about what your source of water is and how that water is going to be obtained. As we all know, this is becoming a critical factor and frankly I think it should be included in the plan. You do address the sewer system and all that, but the water supply, I just did not hear a single word. That's my first question.

And then I'd like to ask a question about the traffic as well. I'm not familiar with these types of development with regards to traffic planning, granted, but Ms. Jenkins said that with each phase they have agreed to update the traffic plan. In other words, reassess it at each phase. I think that's a great idea, but is that subject to approval? Is each of those reassessments subject to County and public approval? I didn't hear any mention of that.

And then finally, a significant number of us where I live just south of this development had been meeting with regards to the SLDC for our district overlay revision, and we were unable to complete that process because of the pandemic and we have yet to remeet. I know that things are pretty busy, but I'm expecting that we will remeet. But



what was mentioned was that this development agrees with this overlay, and that is the old overlay. It does not agree, probably, with the proposed one, which we have yet to complete, and I have big concerns about that because of many of the topics we've addressed.

Those are my three points that I would like to raise, and at some point I'd like to hear answers. Thank you.

CHAIR HAMILTON: Excellent. Thank you very much, Janet. There was somebody else who was on Webex who wanted to speak. Could you unmute yourself? Judy Ross, can you get sworn in please?

[Duly sworn, Judy Ross testified as follows:]

JUDY ROSS [via Webex]: My name is Judy Ross. I live at 31 South Arroyo Ridge Road in Santa Fe, and that is the Rancho Viejo Subdivision. And I am under oath.

CHAIR HAMILTON: Thank you. You can proceed.

MS. ROSS: There's three points I'd like to make. The last speaker in the courthouse I think was right on. His points were certainly well taken. I think the one that is most important is this timing thing, which is we know that if the roads are not constructed, and particularly if it's a gravel road on its own inception, then that means that all of the construction traffic is going to be on Rancho Viejo Boulevard and Avenida del Sur. We all know that Richards Road has significant issues and as a person who drives it daily I think that's going to be a real construction mess.

The second thing is that the timing is really critical. If the roads are not developed at the beginning of the subdivision the traffic into Rancho Viejo is going to be at a standstill. I don't know how many of you have driven on Rancho Viejo Boulevard but it and Richards are the two main thoroughfares from our house which is just off of Avenida del Sur. So when you drive down Rancho Viejo there's a couple of things that really make me nervous. One is that the road has no shoulders. So if there is a bicycle on the road it means that all traffic comes to a stop because there's no way for the bicyclist to safely navigate to the side of the road.

The other thing you notice is that there are lot of potholes in that so the thought that construction traffic on Rancho Viejo is one that would certainly cause major problems. We usually travel on Rancho Viejo Boulevard beginning on a section you can see on Jennifer's map where there's a bunch of houses. In fact Rancho Viejo Boulevard is lined with houses on both sides as you get close to Avenida del Sur. The speed limit there is 25. There's four stop signs and there's more construction work being done and it looks like they may add a fifth stop sign, and the speed limit is 25. So it's not uncommon as you're driving along that road to have three, four cars in front of you and it's stop sign, stop sign, stop sign, and then the next three cars go up to the next stop sign and you go up to the next stop sign.

So then you get to Avenida del Sur which is a very calm road, but it has only for about 50 yards is has a bicycle path, and then there's nothing. So once again, if somebody wants to ride their bicycle there is no place to do it. And I did not hear any discussion in this whole plan about trails. Is there going to be [inaudible] trails? Is there going to be upgrades to these roads so the trails can be accommodated? It's a really big deal because as you know, Santa Fe is kind of a destination resort for bicyclists, and if we don't plan

for them know it will be dangerous to both drivers and the bicyclists.

So again, I'd like to thank the last speaker in the courthouse because he was right on about timing and what's going to get built, and construction traffic, etc. So thank you for your time.

CHAIR HAMILTON: Excellent. Thank you very much, Judy. So is there anybody else on line that wishes to speak to this matter?

MR. FRESQUEZ: We have Patty, who's raising her hand on Webex.

CHAIR HAMILTON: Thank you, Daniel. If you could unmute and get sworn in, Patty.

[Duly sworn, Patty Burks testified as follows:]

PATTY BURKS [via Webex]: My name is Patty Burks. I live in Valle Lindo Subdivision. I'm at 14 Vista del Monte, and I believe I've been sworn in.

CHAIR HAMILTON: Great. Thank you. Please proceed.

MS. BURKS: Okay. The developer knows the development very well. However, I live in this area. There are neighbors that have not been notified properly. We seem to be talked about as far as our road connectivity and that kind of thing, but we live here so we can really shed some light on Vista del Monte and how they intend to create traffic to support this land-locked project. As it is right now it is landlocked.

I want to just start out by saying please consider tabling this application until agency reviews are more complete on the impacts of this development and for time to see how the owners of other subdivisions, Colibri, will impact the infrastructure and our local roads, water, and storm management. I find it really difficult to understand for two years now why the applicant has not addressed the two new intersections on Highway 14 that have actually taken right-of-way away from Highway 14 in order to provide access to his new subdivision. We lost the shoulder of the road. We are down to one lane going north at that intersection, one of those new intersections, and I don't understand why the State Highway Department has not included that in their impact analysis of the intersections.

They have two intersections and like I said, we've lost right-of-way for that to be part of how the new subdivision gets serviced. As far as – I don't understand why – I keep asking at these meetings why they're not included in the project's analysis, so that's pretty big.

The other thing is the early notification to the residents along Rancho Viejo Boulevard. I did not see one sign posted on that Entrada in Rancho Viejo before you get to Avenida del Sur. So the people that are going to be impacted the most on Rancho Viejo Boulevard by supporting this development have not even had a chance to be notified of these meetings.

This proposal does not adequately address, as it stands right now on a concept level of how the law enforcement, flood management, wildlife protection, conservation, night sky and scenic quality would be protected. We are living off of Highway 14 which has been designated a scenic byway. We're actually funneling this road with this development and to support the traffic that it's going to generate at 710 – say it's 600 homes. Six hundred dwellings with a multiplier effect of three, and you get all this traffic. You need to be able to service with water. You need to try to understand how the flood management is going to happen on this property once it gets cleared for development. We do not have any flood management in Valle Lindo and when we had the rains this

summer we saw roads washed out and residents being unable to get to their homes.

So it's pretty serious and if you don't live out here you don't see it. And so I would just like to see us spend a little more time to make an even better plan. Make something that will be compatible, that will have the vision the Community College District talked about in their plan. This is not something that's land use compatible with Valle Lindo. Valle Lindo is traditional. It's a ranch kind of estate type 2.5 acres per dwelling, and we're going to go to a small percentage of an acre for a dwelling. So I think we have to step back a little bit and have a much nicer, gradual transition to this high density development on 200 acres.

So with that I think I am finished. So thank you so much for your time.

CHAIR HAMILTON: Thank you very much, Patty. Is there anybody else on line who wishes to speak to this project?

MARK EWING: Hello. This is Mark Ewing.

[Duly sworn, Mark Ewing testified as follows:]

MR. EWING [via Webex]: My name is Mark Ewing. I live at 18 Camino Vista Grande in the Valle Lindo Subdivision and I understand I am under oath.

CHAIR HAMILTON: Thank you. Go ahead.

MR. EWING: What I provided for you Commissioners is a letter of opposition along with photos of flood waters and a petition signed by your constituents. And the most outstanding concerns are number one, the density. This is much too dense for the Community College District in my opinion. As we were talking about traffic conditions, etc. We have how many more subdivisions that are ready to come on line and I don't know what's going to become of the traffic on Richards Avenue.

The proposed project also on State 14, and listening to Patty, that intersection at Colibri is a very dangerous intersection. There are numerous businesses that exist in that area and in that curve and many lives have been lost there. And yet entrance to Colibri is right in the middle of that curve. And it also creates a bottleneck.

I will move on because my time is limited by the water supply I also feel is directly related to this density. I don't know where the water is coming from as others have stated and if anybody has paid attention to the news about what's going on in our country, Lake Meade dropping 40 feet in one year. The [inaudible] is drying up, which is the headwaters of our water supply. We just are not paying attention to what's going on with the water supply.

Surface water is supposed to be our main source of water, unlike groundwater. Groundwater is not supposed to be part of the sustainable plan and in regards to – those are my comments about water supply which are much more but I don't have the time.

But in regards to flooding, this proposed site for this development has a slight slope which approaches the Valle Lindo Subdivision. The photos that I provided, along with the petition and the letter illustrates exactly what happens when we have a massive rainstorm. I have seen cars float down all the way to Valle Lindo, all the way to State Road 14, passing through people's yards, homes, and I don't know how that can be controlled. I really don't. And it will be increased when you start paving and you have roofs for rainwater to run off when the soil becomes saturated. So that is a huge concern.

Now, economics, it increases our property taxes. Short term rentals which were addressed earlier, price points don't provide for local residents. Police, law enforcement,

school teachers are having to move to Albuquerque or Rio Rancho in order to find affordable housing. This town is being choked by development and I don't know what's going to become of the locals. The quality of our living is being affected as well.

These developments are not conforming to what our lifestyle is and what it has been for the past 40 years where I live and I have lived in Santa Fe for 76 years and my mother was even forced or choked out of Canyon Road because of the same situation that we're looking at now. I really feel that this is detrimental to the local people.

Traffic, I think is a big one. I don't know, like Patty said, you don't know what the traffic is like until you drive it. And it is horrendous at this point. And the addition of these new traffic lights and intersections only make things more dangerous and slows down the traffic to a point to where it takes you half an hour to 45 minutes to get into town. I can only imagine what all this traffic, which is coming in from all of these new subdivisions.

CHAIR HAMILTON: Mark, can we please wrap it up? We're out of time so if you could wrap up your comments I'd really appreciate it.

MR. EWING: Okay. I'll wrap it up by saying that I humbly ask the Commissioners for your careful consideration of my words and statements and your constituents represented in the submitted – to your offices and deny this proposal.

CHAIR HAMILTON: Thank you very much, Mark. So is there anybody else on line who wishes to speak to this matter? Daniel or Olivia, or whoever is still with us, is there anybody that you see that's on line?

MR. FRESQUEZ: Madam Chair, I do not see anybody indicating that they'd like to speak to this matter.

CHAIR HAMILTON: Okay. I'm going to go ahead and close public comment and regroup.

COMMISSIONER HUGHES: Madam Chair, I had further question if you're at this point.

CHAIR HAMILTON: I am and please start us off.

COMMISSIONER HUGHES: Okay. Thank you very much and I did want to hear the public comments because that affects – well, I had most of the same concerns. These are mostly for the developer. My first question has to do with the affordable housing agreement. When I read the affordable housing agreement it only covered the homeownership portion of the development and it did not cover the multi-family. So I wanted to know how you were planning to meet the affordable housing requirements for the multi-family units.

MS. JENKINS: Thank you for that question. So under the current affordable housing regulations for Santa Fe County, the affordable housing regulations only apply to for-sale housing. It's just the way the regulations – so there are no provisions for rental housing with respect to the affordable housing. I know that the County is working on a new affordable housing plan that may be coming up with some alternative provisions, but at the moment that is what the requirements pertain to is they only pertain to for-sale housing.

So at the time, when we're coming forward, if the regs have changed we absolutely will comply with the regulations that are in place at the time.

COMMISSIONER HUGHES: Thank you. And then my second question

has already been answered.

MS. LUCERO: Madam Chair.

CHAIR HAMILTON: Yes, Vicki.

MS. LUCERO: Madam Chair, if I could just clarify as far as the affordable housing regulations, they're actually based on the number of lots so they don't take into account the number of units. It's the number of lots that are being created by a subdivision.

COMMISSIONER HUGHES: Okay. Thank you. I guess the other thing that's a big issue is have you obtained water rights or how are you planning to get the water? I know I saw the ready and able letter from our Utilities but that just means we'll hook up the pipes. That doesn't mean there'll be water in the pipes. So where's the water coming from.

MS. JENKINS: So we are connecting to County water. I wanted to respond to Ms. McVickars' question. So we are connecting to the existing Santa Fe County water infrastructure within Rancho Viejo. So we do have a ready, willing and able to serve letter from Santa Fe County for water and sewer, which does entail a significant sewer improvement. And so we at this stage of things, prior to a conceptual plan approval we have not gone out to acquire water at this time. And so we are working with Santa Fe County on our line extension agreement in terms of what those terms would be. Sometimes with these things it's a combination of fee, because Santa Fe County likes fee so they can acquire water rights as well, and it might be a combination of actual water rights and a fee-based approach, but that line extension agreement will be approved by this body that will detail all of that when we come back for our first phase subdivision plat.

COMMISSIONER HUGHES: Okay. So the next question is for John Dupuis. Do we have enough water if they need to buy it all from us?

JOHN DUPUIS (Utilities Director): Good afternoon, Madam Chair and Commissioner Hughes. Your question about whether or not we would have enough they wanted to all buy it from us is really dependent upon the timing in which that purchase would occur and any development that is happening in between. We keep active assessment and currently we do have an excessive amount of additional or surplus water rights and at the moment we would definitely feel comfortable recommending a fee in lieu for the first phase if that were to happen in the very near future.

COMMISSIONER HUGHES: Okay. The first phase but not necessarily all the phases. So it sounds like you will have to acquire water rights for the development. The developer will probably have to acquire some as well. John's nodding his head for anybody listening on the phone.

CHAIR HAMILTON: In the affirmative.

COMMISSIONER HUGHES: In the affirmative, yes. So just one other question and this was a concern of at least one of the Planning Commissioners. How are you going to make sure the homeownership fees don't make the affordable homes unaffordable?

MS. JENKINS: We have been working with Joseph Montoya and his division on this very issue and we are dealing with that right now. Mr. Price is accustomed to dealing with that. The beauty of it is the maintenance is spread out over

a larger community. And so we're building this in phases, so as things grow we spread those expenses out over more and more homeowners so it doesn't become onerous. Do you want to speak to that directly on how you guys work that? So we don't expect there to be – I don't believe there's a limitation in the County regulations around the HOA fees. I'm honestly – I know there is in the City of Santa Fe and sometimes I conflate the two ordinances because there are some similarities but there are some differences. But with existing projects we have not run into that. We have not run into that issue. Again, it's spread out among enough homeowners so it doesn't become burdensome.

COMMISSIONER HUGHES: So I guess my last question is, it sounds like in order to get access to your property we need to finish Avenida del Sur, so is there any objection to putting an additional condition on this that we're not going to issue building permits until Avenida del Sur is finished? I know we have a very optimistic plan of how fast that's going to happen and I'm an optimistic so I'll go with that, but I also want to verify.

MS. JENKINS: I'm really glad you asked that. It's an important factor that I want to give a little more color and background on. Based upon our current traffic study, which is going to be updated as we go. I know I'm kind of beating that horse to death a little bit, is the – we were always going to build from A Van Nu Po to our west boundary. We were always going to build that connection. That was always in the initial plans. The connection from our west boundary out to Highway 14, based on the current study that wasn't warranted based upon the number of cars on the road, until our third phase.

So one of the key things about traffic studies –

CHAIR HAMILTON: Could you repeat that? What wasn't warranted until the third phase?

MS. JENKINS: The extension of Avenida del Sur from our west boundary out to Highway 14 wasn't warranted until Phase 3. Because as you add cars, you add cars, then you get to a point, it's like, okay. Now, in order for everything to function properly, now we need that connection. So that is why we have a condition of approval right now that says if Santa Fe County hasn't built the road and we are getting into Phase 3, we have to build the road. And we're updating our traffic study as we go. And so let's say we get into Phase 2, Santa Fe County hasn't been able to complete the roadway. We've built the portion that gets into our property up to our west boundary. And if it's warranted, and if the traffic study tells us, you know what? We need it right now. We'll build it. So we really want to let the traffic studies, which are subject to approval by the Public Works Department and this body as part of our subdivision applications, we need to let the data guide these decisions. This is data-driven analysis, taking into account all of the future development in Rancho Viejo, all of the existing cars on the road, and our traffic on the road.

So the SLDC is very clear about you have to do a traffic study. We're required to do it. We have to let it inform our transportation planning decisions. So that is all we're asking for. Based upon our communications and collaboration with Public Works, we're sitting here highly confident that this road is going to get constructed and going to be complete before we put one car on the road. And if it isn't, if something does not go according to plan, we have stop-gap. We have a fail-safe. And the fail-safe is the data.

Absolutely. So that's all we're asking for. Not for us to pretend and make up, well, maybe it's going to be needed here, or maybe it's needed there. Let the data decide.

COMMISSIONER HUGHES: So I guess my question is how do you access your development since the gentlemen from Rancho Viejo aren't willing to give you access from their side until the road's built, and you don't have access from the other side till the road's built, so I think you need the road built.

MS. JENKINS: Unfortunately, I don't have access – I don't know if Mr. Fresquez is still here but I don't have access to my imagery anymore. But let's just say if we are doing our Phase 1 infrastructure, and the County is not moving forward with the road, our plan is to build to a section – because the way that condition of approval reads, the connection to the existing Avenida del Sur must be built to the same standard. So the connection from where Avenida del Sur stops to our west boundary, that connection would be built to the same standard. And then it would terminate until such time as a traffic study said now we need to build this extension out to Highway 14. So it's really about – and that is why we had a condition of approval because it's based upon the data.

COMMISSIONER HUGHES: Well, it's nice to have a traffic study based upon the data but if the Rancho Viejo people don't believe the data you still don't have your access, so I'm a little concerned about that and I think we need another condition. We could either table this or deny it and send it back because I think it's really not – it's pretty rough. It's not really ready. Or I think we need that condition. The road really needs to be built before you start building the development.

MS. JENKINS: So what I would ask is that we have to be back in front of you for our first phase, for our first phase subdivision with an updated traffic study. We have to be back in front of this body. And that time we're going to know more than we know right now. We have before you – the conceptual plan alone doesn't give us permission to build a thing. None. What this conceptual plan says is we have a plan that is 100 percent compliant with the SLDC, with the SGMP, with the Community College District plan, in your designated primary growth area, providing housing where you say you want it. That's all this plan does. That is it.

COMMISSIONER HUGHES: Does the other [inaudible] have something to add to that?

MS. JENKINS: So I was just conferring with my colleague. My apologies. You had another question or were you just waiting for me?

COMMISSIONER HUGHES: I was waiting for you.

MS. JENKINS: Okay. My apologies. So with respect to the proposed condition of approval, we would be open to a condition of approval that says no certificates of occupancy. Because building a home doesn't put cars on the road. People living in the home puts cars on the road. So allowing infrastructure to move forward. Allowing home construction to move forward, but certificates of occupancy cannot be granted, meaning nobody can move in until Avenida del Sur, the extension is constructed to Highway 14.

COMMISSIONER HUGHES: Then that gives me this vision of the totally walkable community. You have built some houses and there's no way to get there except to walk, which I think would be great. I would love to live there, but I don't think you'd sell very many houses, and I do know that's not what you're suggesting.

MS. JENKINS: I can assure that with the multi-millions of dollars of investment that this group is making in this project and in Santa Fe County, there is not a chance they're going to let houses sit empty. That is just economics.

COMMISSIONER HUGHES: So I would say that building the houses also causes a lot of traffic.

MS. JENKINS: Building infrastructure, building anything is going to generate traffic.

COMMISSIONER HUGHES: Right. I used to live in Rancho Viejo and now I live in Eldorado which is not as well designed but has its own appeal. But yes, I know the traffic is already not very good there so I can certainly understand people's concerns about bulldozers and all sorts of construction equipment going through the neighborhood, even to build the infrastructure and the house.

So can I ask a question of Mr. Thompson? Mr. Thompson, what would make you feel comfortable giving them the access they need? Is it what I suggested, that they build the Avenida del Sur all the way out to Highway 14?

MR. THOMPSON: That's what I've always requested from them.

COMMISSIONER HUGHES: And does it have to be – could it be a gravel road or a paved road?

MR. THOMPSON: No, it needs to be a paved road.

COMMISSIONER HUGHES: Okay. Well, I will stop asking questions now but that's going to be my suggestion. But I'll let the other Commissioners ask their questions.

CHAIR HAMILTON: Excellent. Commissioner Hansen.

COMMISSIONER HANSEN: Thank you, Madam Chair. Thank you, Commissioner Hughes. So the dedication and affidavit that Mr. Sommer referred to – nice to see you Mr. Sommer. I know you don't like to appear in our chambers, so welcome. He said capacity and anticipated development. So this is an anticipated development that you are talking about. So I'm concerned about this gravel road, just as it seems that Mr. Thompson is and that Commissioner Hughes is. I think we need a paved road to Highway 14 because construction driving through all these other subdivisions, Rancho Viejo, is a problem. And it concerns me. The amount of time it's taken to do the northeast-southeast connector makes me sad that it's taken so long, but who can say what will happen and what the community will support, what they'll do, how much bonding we'll get – those are all unknowns.

I do have to agree with Commissioner Hughes that I think this project is rough. It's not really quite ready for prime time. I think there's a lot of good ideas here but there's a lot of answers to me that are not answered. And the constituents are concerned about Colibri. I don't know. If you may a condition to build the road, pave the road to Highway 14 in the beginning so that construction trucks and sewer trucks and all the people who are doing the infrastructure are using that road and not driving through Rancho Viejo.

I believe that that's what people – that Mr. Thompson is looking for and the residents of Rancho Viejo are looking for, from what I can tell. So thank you, Madam Chair. Let's see, did I have anything else?

CHAIR HAMILTON: I can come back to you or you can ask now.



COMMISSIONER HANSEN: So where are you in acquiring water because I do think that is another situation, like, yes, you're going to connect to us. Yes, we have enough for the first phase but I want to see water brought to the table. I want water rights. I don't like fee in lieu on anything. Personally, I don't like fee in lieu for affordable housing. I don't like it for water rights. I want developers to bring their own water, even though we have it. Okay. I'll stop for now. Thank you, Madam Chair.

CHAIR HAMILTON: Thank you. So I have some questions. I want to start out with this is the area that the County has designated as the focus of development and frankly, even Mr. Thompson and I really apologize – have suggested they're not against the development but the timing of it, and some of the traffic conditions. So one thing in addition to the concern that Commissioner Hughes brought up, if the traffic study, which I think is part of the condition of the dedication of the road needs to include all anticipated development but it doesn't include the new Rancho Viejo, so it's an underestimate. Is the updated study going to include – is that part of the purpose?

MS. JENKINS: Absolutely. That's part of it. And we actually have the same traffic engineer, and that's completely coincidental, but Bohannon Huston, our traffic engineer also happens to be Rancho Viejo's traffic engineer. So all of that data is absolutely there and available and so we are perfectly aware that with this first update for our first phase we will ensure that the future development in Rancho Viejo is incorporated, which will inform the status in terms of what needs to happen to accommodate the first phase of development.

CHAIR HAMILTON: Okay, so the other issue that makes a lot of sense to me is the timing issue and I don't know whether to try to put Mr. Snyder on the spot, but I can't think of who else to ask the question of. So we have the Avenida del Sur upgrade on our CIP because we recognize building infrastructure in SDA-1 is important. But if the timing is – how do we fix the timing issue? So if the roads aren't built what happens? Because the concern was expressed that if those roads are built it's going to be all these other roads that have problems – Richards and other roads in the area that are not up to the construction traffic and what not that are going to bear the brunt. Is there a way to fix the timing? Is there a condition that can help fix the timing?

MR. SNYDER: Madam Chair, I can't think of a condition off the top of my head. We've been working with the developer on and working with internal staff on what I've described earlier of us as part of our planning process and engineering process to start the design of that. Brett Clavio is here and maybe he can speak to levels of service as he looks at that area and maybe there are some opportunities there to look at the overall road network to provide some insights.

CHAIR HAMILTON: That would be good. I'd appreciate it.

BRETT CLAVIO (Traffic Planner): Madam Chairwoman and Commissioners, I think your question was to the effect that if the bond issue doesn't go through?

CHAIR HAMILTON: It's not even just the bond issue but Kurt Sommer, and I'm sorry I messed up your name earlier, expressed concerns about approving this before the roads were funded. You're correct.

MR. CLAVIO: Excellent point. Really excellent points that haven't really been nailed down at the staff level. There's a couple of questionable variables that are not

set like the bond. But the good news is that we have a developer agreement that's in the pipeline and the developer agreement has a lot of flexibility in terms of how it gets financed. So for example, if the bond doesn't pay off, there is another mechanism we could use where the developer could maybe front the money and the County pay the developer back through various mechanisms of finance.

So there's more than one way to build a road and finance that road, but I hear your guys' comments and I thank you for those. Anything else?

CHAIR HAMILTON: Well, no. I think Commissioner Hughes covered my other concern which was brought up about the level that the road was developed to, so he keeps saying it's being developed to the same standard, but that standard is a gravel road, which sort of surprises me. There seems to be a fairly wide agreement that a paved road is needed, so is there something to address in that regard? Something you could add?

MR. CLAVIO: Madam Chairwoman, the condition to build the road to the same standard is understood. That – actually, we're going to have a better standard with Avenida del Sur because we're going to include bike lanes and a side walking path on the Avenida del Sur extension.

CHAIR HAMILTON: So where did the issue about it only being a gravel road come from?

MR. CLAVIO: The gravel road I think was a concept that it would be paved when Phase 3 came about. Now it's a proposal at the beginning. That proposal has been modified so that now the gravel road needs to be paved before whether it's construction, whether it's recordation – that's up to you guys. But the road does need to be paved.

CHAIR HAMILTON: I understand. That clarifies it. Thank you very much.

COMMISSIONER HUGHES: Can I make a motion?

CHAIR HAMILTON: Sure. If you have a motion to make.

COMMISSIONER HUGHES: Before I make my motion I do want to say when I heard this was coming before us I was convinced we were going to vote it down because I didn't think we would go against the Planning Commission, but the addition of the multi-family housing changed my mind. I think this is worth pursuing, that you've come far enough along. But on the other hand I do want to put in the condition about the road, so my motion will be to approve the conceptual plan with all of the staff conditions and the additional condition that no construction will begin until Avenida del Sur is completed from A Van Nu Po to Route 14 as a paved road to County standards with bike lanes and walking paths.

MS. JENKINS: If I may, Commissioner, may I ask for some clarification?

CHAIR HAMILTON: Yes, please.

COMMISSIONER HUGHES: Yes.

MS. JENKINS: Thank you. So when you say construction, are you talking home construction?

COMMISSIONER HUGHES: All construction.

MS. JENKINS: So no infrastructure at all?

COMMISSIONER HUGHES: Right. I think that's what the residents are asking for is no heavy trucks on Rancho Viejo roads.

CHAIR HAMILTON: And before we move forward, Vicki, can you speak to any – do you have any concerns about that?

MS. JENKINS: I don't want to interrupt but I have something to speak to but I just want to wait.

MS. LUCERO: Madam Chair, Commissioners, we would recommend that they be allowed to do the infrastructure. It's more cost-effective for them to build out all the roads at the same time. We would recommend that we maybe condition it to state that they couldn't do vertical construction until the roads were improved to those standards.

CHAIR HAMILTON: Yes, Commissioner Hansen.

COMMISSIONER HANSEN: Madam Chair, Vicki and Commissioners, so it concerns me because they need access from Mr. Thompson and infrastructure is a heavy lift. It takes construction trucks and all of that. So is there some way we can say that those trucks will only travel from Highway 14 to the site on the gravel road, and then after than they have to build the paved road? Because I am concerned about all the trucks and obviously, Mr. Thompson, that is one of your concerns, I believe, is having these trucks drive through Rancho Viejo. I don't want to put any words in your mouth, Mr. Thompson.

CHAIR HAMILTON: That's good, but then also there's the possibility of making the – requiring the pavement of the extension of Avenida del Sur right away. That's up to you, Commissioner Hughes.

COMMISSIONER HUGHES: I'll modify my condition to be no vertical construction will begin until Avenida del Sur is completed from A Van Nu Po to Route 14 as a paved road to County standards, and no other construction will occur until the gravel road is in place to handle the construction trucks. Does that work for everybody? And Mr. Thompson, does that work for you, or the other gentleman from Rancho Viejo, Mr. Sommer?

MR. THOMPSON: Yes, I think that works. What I don't want to see is that Avenida del Sur is opened up until that infrastructure is complete.

CHAIR HAMILTON: I don't understand that.

MR. THOMPSON: That the Avenida del Sur into Rancho Viejo remain closed until their infrastructure is complete.

CHAIR HAMILTON: The infrastructure meaning other roads?

MR. THOMPSON: The other roads and they're going to do their waterlines, their sewer lines, their roads.

CHAIR HAMILTON: Okay. Not the vertical construction. Okay, thank you.

COMMISSIONER HUGHES: So in other words the gravel road would just be a construction road at first?

MR. THOMPSON: Whatever they want to do, it doesn't bother me, as long as it's not connected to us until it's complete.

COMMISSIONER HUGHES: And you have control over that, right? Because you don't grant them access until you're ready.

MR. THOMPSON: Yes. If I'm going to be difficult on that point, that's correct.

COMMISSIONER HUGHES: Okay. Do you need us to add anything to

this condition?

MR. SOMMER: Madam Chair, Commissioners, I have nothing further to add to what Mr. Thompson presented to you. Thank you.

COMMISSIONER HUGHES: Is the motion I made clear or do we need to refine it or state it again?

MS. JENKINS: It wouldn't hurt to say it again, if you're offering, Commissioner.

COMMISSIONER HUGHES: Okay. But I want staff to correct my language if it needs to be more precise, because I'm not a planner or a builder. I did study civil engineering, however. But that was a long time ago. So the motion is to approve the conceptual plan for Esencia with all of the staff recommendations, or the staff conditions, rather, with the additional condition that no vertical construction will begin until Avenida del Sur is completed from A Van Nu Po to Route 14 as a paved road to County standards with bike lanes and walking paths, and the additional condition that no construction of any kind will occur until a gravel road is completed to the site from Route 14.

MS. JENKINS: Do you mean from the end of the pavement? Because there was existing paving on Vista del Monte.

COMMISSIONER HUGHES: Sure. From the end of the pavement. Right. From the end of the paving at Vista del Monte to the site.

MS. JENKINS: Yes. And I think my team is nodding at me so thank you. But I also wanted to clarify on those two conditions of approval that the Hearing Officer recommended modification, one of which was the construction of our connection to A Van Nu Po at such time that there's right-of-way to do that, because you can't get blood from a stone, and then with respect to the subdivision signage, just to create a little more flexibility. So we would ask for those modified conditions as recommended by the Hearing Officer. Those are conditions #3 and #19.

CHAIR HAMILTON: You presented on those.

MS. JENKINS: That we presented. So if you could accept those conditions as well that would be fantastic.

COMMISSIONER HUGHES: Okay, I think Mr. Thompson has a concern about one of those.

MR. THOMPSON: Once Avenida del Sur is completed I have no objection to granting the access to A Van Nu Po.

COMMISSIONER HUGHES: I think there's two accesses onto A Van Nu Po. Is that right? That you're looking for?

MS. JENKINS: Well, the Avenida del Sur terminates at A Van Nu Po, so that's not an issue, but to our east boundary out to A Van Nu Po is what Mr. Thompson is referring to.

COMMISSIONER HUGHES: Right. So there's another connection to A Van Nu Po.

MS. JENKINS: That's it exactly. And that's the connection we're referring to.

COMMISSIONER HUGHES: Okay, well if there's no objection from Rancho Viejo I am fine with both of the Hearing Officer conditions. So let's include the Hearing Officer's recommendation. The signage, unless somebody objects, is a minor

thing to let you have.

CHAIR HAMILTON: Yes.

COMMISSIONER HANSEN: I'll second.

CHAIR HAMILTON: Fabulous. So I have a motion and a second. If there's no further discussion.

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

CHAIR HAMILTON: Thank you all for the late night and for the really beneficial interactions from all of you. Really appreciated it.

**14, CONCLUDING BUSINESS**

**A. Announcements**

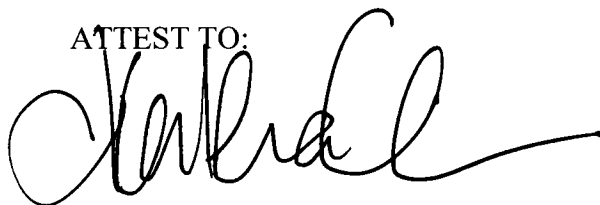
**B. Adjournment**

Commissioner Hansen moved to adjourn and Commissioner Hughes seconded. With no further business to come before this body, Chair Hamilton declared this meeting adjourned at 10:00 p.m.

Approved by:

  
Anna Hamilton, Chair  
Board of County Commissioners

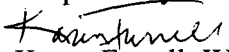
ATTEST TO:



KATHARINE E. CLARK  
SANTA FE COUNTY CLERK



Respectfully submitted:

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

SFC CLERK RECORDED 10/12/2022



**DEDICATION AND AFFIDAVIT**

SFC CLERK RECORDED 10/12/2022

KNOW ALL MEN THESE PRESENTS THAT THE UNDERSIGNED OWNER OF LOT 1, AS SHOWN ON THE LOT LINE ADJUSTMENT PLAT PREPARED FOR RANCHO VIEJO DE SANTA FE, INC. RECORDED IN BOOK 389, PAGES 010-011, HAS CAUSED THAT PORTION SHOWN AS "AVENIDA DEL SUR" HEREON TO BE CONDITIONALLY DEDICATED BY THIS PLAT TO THE COUNTY OF SANTA FE AS A PUBLIC ROAD, IN ACCORDANCE WITH THE SANTA FE PUBLIC ROAD PLAN AND SPECIFIC CONDITIONS IMPOSED BY THE BOARD OF COUNTY COMMISSIONERS FOR APPROVAL OF THE VILLAGE AT RANCHO VIEJO, UNITS 1 & 2, SUBJECT TO THE FOLLOWING THREE REQUIREMENTS:

1. THAT ANY AND ALL OWNERS OF PROPERTIES WHICH WILL UTILIZE THE CONNECTION AND AVENIDA DEL SUR BE REQUIRED TO DO SUCH IMPROVEMENTS AS ARE NECESSARY TO RETAIN THE CAPACITY OF AVENIDA DEL SUR AND RICHARDS AVENUE UP TO COLLEGE DRIVE IN SUCH A MANNER THAT BOTH ROADWAYS WILL HAVE THE CAPACITY TO SERVE THE ANTICIPATED DEVELOPMENT OF THE RANCHO VIEJO MASTER PLAN AREA, WHICH WE BELIEVE WILL INCLUDE 1000 RESIDENTIAL UNITS AND THE ASSOCIATED COMMERCIAL DEVELOPMENT, AFTER THE NEW COMMUNITY DISTRICTS ARE ESTABLISHED;

2. THAT RANCHO VIEJO BLVD. BE MAINTAINED AT THE CAPACITY DESCRIBED ABOVE AND THAT ANY ADDITIONAL USERS OF RANCHO VIEJO BLVD. BE REQUIRED TO DO SUCH IMPROVEMENTS AS ARE NECESSARY TO MAINTAIN THE ABOVE DESCRIBED CAPACITY; AND

3. THE CONNECTION SHALL BE CONSTRUCTED TO THE SAME STANDARDS AS AVENIDA DEL SUR AND PAID FOR BY THE PARTIES WHOSE DEVELOPMENTS WILL BE SERVED BY THE CONNECTION.

**0415026**

CONSTRUCTION OF THIS SECTION OF ROADWAY IS NOT REQUIRED FOR THE DEVELOPMENT OF RANCHO VIEJO DE SANTA FE, INC. WHEN THIS ROADWAY IS CONSTRUCTED, THE ENTITIES CONSTRUCTING THE ROAD WILL BE RESPONSIBLE FOR MAINTENANCE OF THE ROAD, UNTIL ACCEPTANCE OF THIS CONDITIONAL DEDICATION BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY.

***THIS PLAT LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY AND COUNTY OF SANTA FE, NEW MEXICO.***

OWNER(S)  
RANCHO VIEJO de SANTA FE, INC.

Summary of Conditions on Conditional Road Dedication:

1. Required to make improvements to maintain capacity Avenida Del sur and Richards Ave
  - Traffic study did not include Rancho Viejo future development.
    - With Esencia- NM 14 and Rancho Viejo Blvd in 2028 LOS D
    - With Esencia- Avenida Del Sur and Rancho Viejo Blvd in 2028 LOS F
    - With Esencia- Avenida Del Sur and Canada Del Rancho in 2028 LOS D
    - With Esencia- Avenida Del Sur Richards Ave in 2028 LOS F
2. Required to make improvements to maintain capacity on Rancho Viejo Blvd.
  - Traffic study did not include Rancho Viejo future development
    - With Esencia- NM 14 and Rancho Viejo Blvd in 2028 LOS D
    - With Esencia- Avenida Del Sur and Rancho Viejo Blvd in 2028 LOS F
3. Constructed to same standard as Avenida Del Sur – This would be a minimum standard.  
A 22-foot gravel road does not meet this standard.

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## 2. 2028 BUILD SCENARIO

The trips generated by the La Entrada development were assigned to the intersections using the trip percentages and associated volumes shown in Figure 4 through Figure 5. These trips were added to the No Build traffic projections for each scenario. The 2028 Build LOS results are shown in Table 7 and Table 8. The individual intersection output is included in Appendix E.

Full Buildout is expected to be completed by 2028 and assumes residents will access the site from the two entrances to the development; the access onto Rancho Viejo, and one access entrance extended from the existing intersection of Avenida del Sur and Canada del Rancho.

The analysis found that all signalized intersections operate at acceptable levels of service in the AM and PM peak hours, with no LOS worse than D. Unsignalized intersections experience serviceability breakdown, with Avenida del Sur & Rancho Viejo experiencing individual failing movements on the Eastbound, Northbound and Southbound approaches, at LOS F. Avenida del Sur & Canada del Rancho experience movement failure out of the development Eastbound with LOS E. The access on Rancho Viejo will experience a LOS E on the northbound movement under a two way stop-controlled intersection.

Signalizing the intersection of Avenida del Sur & Rancho Viejo based on the warrant established in the 2028 no build scenario will resolve the issue, resulting in no LOS worse than C. Alternatively, developing the intersection into a roundabout will also result in the overall intersection operating no worse than LOS A. Developing the access on Rancho Viejo as a roundabout will result in no movement operating worse than LOS A.

Table 7 and Table 8 shows the 2028 Build results. The HCS output is included in Appendix E. The results are shown graphically in Figure 7.

| Table 7   Build Signalized Intersection Capacity Analysis Results (2028) |              |       |     |              |       |     |
|--|--------------|-------|-----|--------------|-------|-----|
| Intersection   | 2028 AM Peak |       |     | 2028 PM Peak |       |     |
|  | Delay        | V/C   | LOS | Delay        | V/C   | LOS |
| NM 14 & NM 599   | 23.1         | 0.762 | C   | 24.4         | 0.785 | C   |
| NM 14 & Rancho Viejo   | 35.9         | 0.895 | D   | 15.2         | 0.847 | B   |
| NM 14 & Fire Place   | 14.6         | 0.914 | B   | 11.3         | 0.925 | B   |
| Ave del Sur & Rancho Viejo (Signalized)                                  | 19.3         | 0.812 | B   | 27.0         | 0.923 | C   |

| Table 8   Build Unsignalized Intersection Capacity Analysis Results<br>Phase 1 (2028) |              |        |     |              |        |     |
|---|--------------|--------|-----|--------------|--------|-----|
| Intersection/Movement   | 2028 AM Peak |        |     | 2028 PM Peak |        |     |
|   | Delay        | Queue* | LOS | Delay        | Queue* | LOS |
| Ave del Sur & Richards  | 34.7         | -      | D   | 14.8         | -      | B   |
| Eastbound Approach  | 18.8         | 125    | C   | 12.6         | 75     | B   |
| Westbound Approach  | 9.9          | 0      | A   | 8.4          | 0      | A   |
| Northbound Left   | 10.1         | 25     | B   | 9.3          | 25     | A   |
| Northbound Thru/Right   | 12.7         | 50     | B   | 9.6          | 25     | A   |
| Southbound Approach   | 51.4         | 475    | F   | 17.0         | 150    | C   |
| Ave del Sur & Richards <b>RAB</b><br><b>(County)</b>                                  | 7.1          | -      | A   | 5.7          | -      | A   |
| Eastbound Right   | 7.7          | 50     | A   | 5.3          | 50     | A   |
| Westbound Right   | 4.6          | 0      | A   | 3.7          | 0      | A   |
| Northbound Right  | 5.8          | 25     | A   | 4.2          | 25     | A   |
| Southbound Right  | 7.2          | 75     | A   | 6.3          | 50     | A   |
| Ave del Sur & Rancho Viejo  | 19.8         | -      | C   | 60.1         | -      | F   |
| Eastbound Left  | 13.6         | 50     | B   | 14.0         | 25     | B   |
| Eastbound Thru/Right  | 13.2         | 50     | B   | 52.3         | 325    | F   |
| Westbound Approach  | 12.5         | 25     | B   | 14.5         | 25     | B   |
| Northbound Left   | 12.7         | 25     | B   | 14.6         | 25     | B   |
| Northbound Thru/Right   | 16.2         | 75     | C   | 103.7        | 550    | F   |
| Southbound Left   | 10.2         | 0      | B   | 15.0         | 50     | C   |
| Southbound Thru   | 30.7         | 225    | D   | 71.0         | 425    | F   |
| Southbound Right  | 9.3          | 25     | A   | 12.5         | 25     | B   |
| Ave del Sur & Rancho Viejo <b>RAB</b>   | 6.6          | -      | A   | 9.7          | -      | A   |
| Eastbound Right   | 7.6          | 50     | A   | 12.3         | 100    | B   |
| Westbound Right   | 4.9          | 25     | A   | 5.0          | 25     | A   |
| Northbound Right  | 5.9          | 50     | A   | 9.4          | 75     | A   |
| Southbound Right  | 6.8          | 50     | A   | 8.5          | 75     | A   |
| Ave del Sur & A Van Nu Po <b>RAB</b>  | 9.5          | -      | A   | 6.4          | -      | A   |
| Westbound Right   | 6.3          | 25     | A   | 5.2          | 25     | A   |
| Northbound Right  | 12.2         | 125    | B   | 5.5          | 50     | A   |
| Southbound Right  | 7.4          | 75     | A   | 7.4          | 75     | A   |
| Ave del Sur & Canada del Rancho   | 38.7         | -      | E   | 27.5         | -      | D   |
| Eastbound Approach  | 38.7         | 75     | E   | 21.4         | 25     | C   |
| Westbound Approach  | 14.5         | 25     | B   | 27.5         | 50     | D   |
| Northbound Approach   | 8.2          | 0      | A   | 8.9          | 25     | A   |
| Southbound Approach   | 8.7          | 0      | A   | 7.7          | 25     | A   |
| Future Access & Rancho Viejo  | 23.7         | -      | C   | 42.7         | -      | E   |
| Westbound Left  | 8.3          | 0      | A   | 9.2          | 25     | A   |
| Northbound Left   | 26.5         | 50     | D   | 49.3         | 75     | E   |
| Northbound Right  | 11.0         | 25     | B   | 12.9         | 25     | B   |
| Future Access & Rancho Viejo <b>RAB</b>   | 6.7          | -      | A   | 8.9          | -      | A   |
| Eastbound Right   | 5.7          | 50     | A   | 8.6          | 100    | A   |
| Westbound Right   | 7.7          | 75     | A   | 9.5          | 100    | A   |
| Northbound Right  | 5.5          | 25     | A   | 6.1          | 25     | A   |
| * – HCM 95 <sup>th</sup> percentile queue rounded to next 25-foot increment           |              |        |     |              |        |     |

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