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SANTA FE COUNTY

BOARD OF COUNTY COMMISSIONERS

SPECIAL MEETING

June 21, 2011

Virginia Vigil, Chair – District 2
Liz Stefanics, Vice Chair – District 5
Robert Anaya – District 3 [telephonically]
Kathy Holian – District 4
Danny Mayfield – District 1

SANTA FE COUNTY

SPECIAL MEETING

BOARD OF COUNTY COMMISSIONERS

June 21, 2011

This special meeting of the Santa Fe Board of County Commissioners was called to order at approximately 3:10 p.m. by Chair Virginia Vigil, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Members Present:

Commissioner, Virginia Vigil, Chair
Commissioner Liz Stefanics Vice Chair
Commissioner Kathy Holian
Commissioner Robert Anaya [telephonically]
Commissioner Danny Mayfield

Members Excused:

[None]

Staff Present:

Steve Ross, County Attorney
Katherine Miller, County Manager
Jack Kolkmeier, Land Use Administrator
Dave Sperling, Fire Chief
Shelley Cobau, Building & Development Manager
Jose Larrañaga, Commercial Development Case Manager
Duncan Sill, Economic Development
Robert Griego, Planning Manager
Hvtce Miller, Constituent Liaison
Julia Valdez, Constituent Liaison

CHAIR VIGIL: This is the June 21, 2011 study session of the Santa Fe County Board of County Commissioners on a concept that has come forth by our Sustainable Land Development Code process. Again, this is strictly a study session. No decisions will be made. Direction may be given to staff, so we're going to go forward with that. Before we do we do have an emergency item on the agenda that I'd like to call forth staff. This is item IV.

III. APPROVAL OF THE AGENDA

CHAIR VIGIL: First of all, are there any changes to the agenda, Ms. Miller, except for the amendment to item IV, which is the discussion and possible action urging the State to declare a fire emergency?

KATHERINE MILLER (County Manager): I don't believe so, unless the Commissioners have individual items that you're bringing up.

CHAIR VIGIL: Can I have a motion on that?

COMMISSIONER HOLIAN: Madam Chair, I move for approval of the agenda as amended.

COMMISSIONER STEFANICS: I'll second.

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

IV. DISCUSSION AND POSSIBLE ACTION Urging the State to Declare a Fire Emergency

CHAIR VIGIL: We have Dave Sperling here. Dave, if you want to introduce your guests. Gentlemen, please come forth. They're going to give us an update and hopefully this will be viewed by residents in Santa Fe County. I think it's imperative that we have consistent communication on the fire emergency that we're experiencing and I think, gentlemen, you're the ones to give us that information. Please proceed.

DAVE SPERLING (Interim Fire Chief): Thank you, Madam Chair, members of the Commission. With me is Reynaldo Gonzales, the Fire Marshal for the City of Santa Fe. I thought I'd give you a quick update and overview of the fire situation and an update about what Santa Fe County Fire Department and Santa Fe County have done, and some of the actions that we anticipate over the Fourth of July. And then perhaps Fire Marshal Gonzales can do the same with some of the things the City has done.

So as far as an overview goes, for your information over 600,000 acres in the State of New Mexico have burned so far this year. There are a number of active fires of course, not only in Santa Fe County and on our perimeter but also around the state. And our records show that since April 1st Santa Fe County has had 170 fires with 448 acres burned. A couple of interesting notes. The energy release component, measured by the Forest Service stands at 97 to 99 percent. That means that our forests and wildlands are in extreme conditions for wildfire. And it's also interesting to note that the ignition potential is nearly 100 percent. Consequently, when we hear about sparks from hot brakes starting a wildfire or up in Raton, exhaust particles from an ATV starting a wildfire it indicates that it doesn't take much to get things really going right now. Everything is ready to burn.

Actions taken by the Santa Fe County Fire Department – of course we're prepared to respond and bring a lot of resources to the fire emergency scene as quickly as we possibly can. We do have this year a wildland hand crew which is here with the City. We have ten and they support ten forming a 20-person crew. They've worked together on a number of fires and have been a great resource for us this year. These 18 to 25-year olds have really stepped up to the plate and assisted us greatly. We're also keeping these wildland resources close to

home. Often we might send resources out on RMP deployment, which is resource mobilization plan, across the state to assist. This year we've requested to keep those resources close in the event that we have an outbreak here. Our wildland hand crew has been up at the Pacheco Fire. They also assisted with the fire in Dalton Canyon in the Pecos, but we consider those right on our doorstep.

Events and activities have been crucial. This year as you know, Commissioners, we're in our third round of our no-burn ordinance. We have passed a fireworks resolution banning to the full extent of the law all fireworks in Santa Fe County. That of course includes all aerial fireworks. It does not include what the industry considers to be safe and sane and those fireworks are those that basically stay on the ground. We can regulate their use to areas that are not flammable, so vacant lots, paved or concrete surfaces, that sort of thing.

We've also contacted our tribal governments in Santa Fe County and sent them a copy of both our no-burn ordinance and our fireworks resolution, asking them to consider participating with us. One thing I should note is that Governor Martinez does have a press conference tomorrow in Albuquerque. We have been invited to attend and I anticipate at that time she'll be talking about fireworks statewide and fire emergency issues. Beyond that, I'm not quite sure what she has in mind.

I think this year for both city and county and across the state education of the public and public information is absolutely critical. So we're really trying to do our best to make sure that we're getting word out about our burn restrictions as well as firework restrictions. We've done that through press releases. We've worked with Kristine as well as our own staff at the Fire Department to make sure that we're hitting the print media and electronic media, updating our website and as you know, the statewide media has been talking a lot about fire issues. I think the word is getting out there. Kristine and I have also been working together on an article for the local press prior to the Fourth of July to talk about fireworks in particular.

I also think that enforcement is absolutely critical this year. Our staff from the Fire Department will be out in force on the Fourth of July weekend patrolling county neighborhoods. That includes our command staff, our prevention division, our volunteers and our regional folks. We've also been in contact with law enforcement, asking them to assist us in citing both for illegal burning and illegal fireworks and they have agreed to do so. We've worked with dispatch to make sure that when we're dispatched as a fire department to an illegal firework or burn that law enforcement is dispatched at the same time. Our plan is to cite this year, not warn. I think people have been warned sufficiently. We'll be citing for illegal use of fireworks and illegal burning.

And also I'll be talking about, and I know some of you Commissioners have as well about asking people to find alternatives this year to celebrating the Fourth of July. I know that we celebrate most holidays throughout the year without fireworks. Fourth of July of course is the exception. I would like this year to be the exception to the exception, that people look for ways to not use fireworks but still enjoy a day off and a way to celebrate our nation's independence. That could mean picnic, water balloon fights, water hose fights, something that does not involve fire. I ask that particularly because I feel like people should not do anything that's going to put their homes, their families, their neighborhoods at risk this Fourth of July. So with that, Mr. Gonzales, if you want to –

CHAIR VIGIL: Thank you for being here, Mr. Gonzales.

REYNALDO GONZALES (City Fire Marshal): Thank you for inviting me. We're following through with the County. We have also put a ban on any aerials, only illegal fireworks that are from the pueblos have been banned. We do have the limited ground ones that are for sale. However, we are putting press releases out at this time encouraging people to attend the Fourth of July event at Santa Fe High School that is done by professionals and leave it to professionals.

We also have increased our enforcement. We do have currently four inspectors in our Prevention Bureau. They are going to be manned up with law enforcement and they are going to be going out on patrols a week before and two days after the Fourth of July to enforce the no fireworks. I think that's about it.

COMMISSIONER STEFANICS: Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Madam Chair, I wonder why is the city still doing the fireworks display on the Fourth of July.

MR. GONZALES: The reason we're doing those is because we're trying to encourage people to attend those as opposed to doing their own fireworks. They have restrictions. We are watering down the whole red zone area and foaming it to prevent any fires at that point, and it's a more controlled environment, as opposed to people doing them in their backyards.

COMMISSIONER STEFANICS: So Madam Chair, Chief, what is the percentage of risk from those fireworks?

MR. GONZALES: From those fireworks? We have had two brushfires in the past and they both have been in the red zone and contained and we were expecting them.

CHAIR VIGIL: Anything else?

COMMISSIONER HOLIAN: I have a question.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. On our agenda it says here that there's possible action urging the state to declare a fire emergency. If the state declared a fire emergency, what would that mean?

CHIEF SPERLING: Madam Chair, Commissioner, that's a good question. I'm not really sure what exactly the state may have the ability to do, legally or otherwise, and what that would entail for us. I'm hopeful that tomorrow during the governor's press conference we get some more direction in that regard. But at this point I really don't know. This is uncharted territory to my knowledge.

COMMISSIONER HOLIAN: Thank you, Chief. And do you have any idea whether the state has any authority with regard to the pueblos selling fireworks?

CHIEF SPERLING: Madam Chair, Commissioner, I don't believe they do. You could check with the County attorney also in that regard.

COMMISSIONER HOLIAN: I guess the answer is no. Thank you, Madam Chair.

CHAIR VIGIL: I think this is a huge issue so I'm glad to hear that you are speaking to the tribal governments because that cooperation is absolutely necessary. It becomes problematic, because if they're not conscious of that and the fires get started there as a result of fireworks sale or igniting any of those fireworks then we're required to respond to

those fires. So Santa Fe County has a really strong interest in keeping those lines of communication. I think the state as a whole does too. I neither know what the state will delineate in terms of the press conference that's going to be held tomorrow. I would urge the governor to be as strong as she possibly can with regard to the consequences of any igniting of fireworks with the Fourth of July coming forth and if there's a way that she could declare a statewide fire hazard that would incorporate those cautionary measures I certainly would support that and I hope that she does that.

I think what would be really good is for you to advise us once you return from the press exactly what it's going to be. It's my understanding that that is the focus of the press conference is. Is that correct?

CHIEF SPERLING: Madam Chair, that is correct. It will be held down in Albuquerque. I know that the Albuquerque Fire Chief will be talking about their fire restrictions in Albuquerque which are similar to ours and the steps they're going to be taking. And then hopefully we'll hear from the governor and what plan she has in mind.

CHAIR VIGIL: And it's frustrating for local government because I don't know if you Commissioners have been approached about the fire danger that we're in, but I certainly have by my constituents, and they've asked is the City going to put the fire display on and I have responded thank you for letting me know appropriately because I know that in the past that actually prevents a lot of fires that could happen from non-conscientious folks that are not able to know really the dangers of the fire hazard. I think as much as we can communicate that and as much as we can encourage that I think we should move forward with that. But my frustration is trying to explain to them why we don't have authority over the sale of fireworks, over the ban of fireworks, over declaring a countywide fire hazard, those kinds of things. Because the delineation of that authority rests with the state. I think the federal government, because we're dealing with sovereign nations also has some input here. So I think as much as we can communicate and work with our tribal governments, with our local residents, to let them know that it really is incumbent upon them to take responsibility for our own environment and for not promoting or creating any kind of danger to themselves or to our community. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you, Madam Chair and Chief. A quick question and maybe also, Steve, I know he stepped out, but you indicated that you are going to go out and start issuing citations. If there's an individual or else an entity that would start this fire, is there anyway that we could bill them for your time, for lost time? For manpower and send them a bill?

CHIEF SPERLING: Madam Chair, Commissioner Mayfield, that was included on our no-burn ordinance that if you're found responsible for igniting a fire that leads to loss of property that you may be held responsible to the full extent that the law allows. And that would be something that I hope we could pursue. I really think that again this year enforcement has to be taken seriously for us to have an impact as well as the education component that we talked about.

COMMISSIONER MAYFIELD: Thank you. And just for my clarification, if somebody does make a purchase of those fireworks that they can do on the garage slab that is not permissible within the county, correct? Or that is permissible?

CHIEF SPERLING: Madam Chair, Commissioner, the fireworks that remain

on the ground are permissible. So if you get the snakes and those sorts of things, with the exception of firecrackers, that you light off on a concrete or asphalt pad or on a dirt lot they are by state law permissible and we're not allowed to ban them. Anything that goes up in the air and shoots offsite for instance is banned this year.

COMMISSIONER MAYFIELD: And Madam Chair and Chief, the ban that we passed as this County Commission, that still allows those slab fireworks to be set off in unincorporated areas of the county?

CHIEF SPERLING: Commissioner, that's correct. Right. We banned everything we possibly could to the full extent of the state law.

COMMISSIONER MAYFIELD: Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. Chief, my understanding was that in the wildland areas everything is banned.

CHIEF SPERLING: Commissioner, that's correct and I probably should have touched on that as well. On areas that are designated as wildland every firework is banned – ground fireworks, aerial fireworks. So that assists us to some degree. Wildland is defined as county property that is used for recreational purposes.

COMMISSIONER HOLIAN: Thank you, Chief.

CHIEF SPERLING: There are limitations to that. Thank you.

CHAIR VIGIL: Chief, before you leave and we wrap this one up, would you identify – I'll get right with you, Commissioner Anaya. Before I forget this and I want the Chief to identify because this is a joint City and County effort for June 25th. Do you want to make an announcement about that that will help residents?

CHIEF SPERLING: Thank you, Commissioner. I failed to mention that and it's definitely worthwhile bringing up. On the 25th of this month, which is a Saturday from 8:00 to 4:30 we're sponsoring along with SWMA a wildfire protection cleanup day and we're encouraging all county and city residents, now that the City has joined our efforts, to clean up around their property, that's green waste and yard waste within approximately 30 feet of their residence. They can take that material to the BuRRT, which is the Buckman Road transfer station on Buckman Road on the 25th between 8:00 and 4:30 for free. So I encourage everybody in the city and county to take advantage of this effort by the County and City to make our neighborhoods a little safer and your property a little safer.

CHAIR VIGIL: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Yes, Madam Chair, thank you. I just want to briefly say that the County of Santa Fe through the active work of the firefighters throughout the district, paid and volunteer, and the actions that we've already taken have led by action and example, so I appreciate those efforts and appreciate the update and I hope that the state and others follow suit. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Thank you, Mr. Sperling. Thank you, Mr. Gonzales. We appreciate. And I know that the City is also going to be discussing this at their Public Works meeting this afternoon at 6:00. Right?

MR. GONZALES: That is correct.

CHAIR VIGIL: Thank you very much.

V. WORKSHOP on Sustainable Land Development Code (SLDC) Public Input Process

CHAIR VIGIL: I'm going to turn this over to Jack Kolkmeier.

JACK KOLKMEYER (Land Use Administrator): Thank you, Commissioner and good afternoon, Commissioners and thanks for joining us this afternoon. We appreciate your assistance on this project. I am Jack Kolkmeier, the Land Use Administrator and Director of the Growth Management Department. I'm going to turn the first portion of our presentation to you over to David Gold.

V. A. SLDP Public Input Process Update and Summary

DAVID GOLD (SLCD Facilitator): Commissioners, I appreciate the opportunity to talk with all of you about this. First of all I want to thank all of you who have come to the meetings and have all been very supportive afterwards and I'm very grateful for that. Jack and Robert are amazing to work with and it's been very great. We've had tremendous support from the entire County staff including the IT Department, the County Manager's Office. Although I've been the public face of it there is definitely a team effort here and the team behind me has been tremendous. What I'm going to do first, the way we're going to do this is I'm going to talk about what has taken place so far, and some of it I'm going to reserve for the end, after Jack has done talking about the specific home-based businesses I'm going to talk about what the future kind of looks like. There are some corrections we're going to make in the process, some of which are a result of comments we've received up to this point, so I'm going to save that for the end when I'll address that.

First of all, we've done a lot in a very short time. We developed the details of really a brand new strategy for dealing with public input and implemented it. We've held a variety of meetings. We've brought up a public input database so that any comment that anyone gives us can now be tracked through the life of the process. People can log in and put in their own comments or when they send us emails as a result of any meetings then they're able to change the comments. We have all of the meeting notes recorded. They're in what's called a wikipage. Anybody can go and say, I didn't say that; I said this.

We also have had a number of remote meetings and we've had two-way communications which has functioned a lot of the time, not all, but a good amount. We developed a bunch of materials for home-based businesses so we could describe the issues with them. These are in your packet. We've held four public meetings and two study sessions and also had some interaction with web broadcasting. All of us contacted different people, but at least 30 different individuals, organizations, people that had been involved in the past, people that hadn't. It covered a full spectrum of business, political parties, environmental organizations, just a large number.

This all happened in really a relatively short amount of time. This is the end of essentially about eight weeks we've been at this. One thing that is good is that we've discovered the concept of a decision point works. What we did was prior to this process there was the code, the draft code and also the existing code, but the ideas that came out of this process have really brought a reasonability into the home-based business process that didn't

exist before. Jack will be talking about the specifics of this but overall there are things, like the idea of having a no-impact business – like currently, people are paying \$435 if they're sitting at their computer, and that includes all the inspection fees and so forth. What has come out of this is the idea of creating a category of if somebody is really not impacting anyone why make them pay all that? Why make it so difficult.

So a lot of these ideas promote economic development and promote really reasonability in the code. They have found general acceptance in the audience that we brought them in front of it as well as in front of the staff. At this point we have concepts and after this meeting they'll be used to generate more details. So the next thing is, and Jack will be talking about this more, but we plan to take these concepts, assuming that you agree, and turn them into a more detailed proposal which will be taken back to public meetings and at least one focus group, and then once the draft code is generated there will be more opportunity for public input. And this is all prior to the final hearings.

At the end of this I'll show you a schedule and you'll get a sense maybe of more how that looks. Unless there's any questions right now I'll just turn it over to Jack and he can get more into the details.

CHAIR VIGIL: Questions? Jack.

V. B. Home Business CDP Presentation

MR. KOLKMEYER: Thank you, Commissioners, and thank you David. And David really gets a huge thanks for his diligence. This has really been – we didn't quite know exactly where we were going when we started of course but as we've moved along we've really refined this in a way that we wouldn't have been able to do by ourselves and it really took somebody with David's mostly diligence and intelligence to kind of move us along here. But also a huge thanks to Robert Griego and the Planning Division. And it's just been a phenomenal planning staff. They have been hugely supportive of this effort as well. We have a number of our staff members with us this afternoon if we need to answer specific questions.

I'm going to start with a couple of questions we have considered and answered throughout the process and I'm going to conclude with a graphic that Robert just gave you. It's slightly different from the one that's in your handout and we have it up there on the screen for the audience also to take a look at, because we're really now refined this to what we think is a pretty interesting concept.

First of all though, because the question has come up a number of times. Why did we start the CDP process with the subject of home-based business? Why didn't we just jump into zoning or density or water or a number of those things that are really considered to be huge problems? Well, there's two reasons. First of all, we recognize that economic times have changed drastically over the last couple of years and we understand that more and more county residents really need to create their own jobs for themselves. This was also acknowledged in the Growth Management Plan under Section 3.1.2 in Keys to Sustainability that states: Support and encourage local and small businesses that create employment opportunities in the county.

So we've been on to this for a while but particularly over the last couple of years we really see the need to move in some other kind of direction allowing more people in Santa Fe

County to create their own jobs. So we view home-based businesses really as an important and integral part of our overall economic development program. Secondly, we recognize that our current rules and regulations, including fees for home-based businesses are severely limiting and in essence will only allow one option, and that's home occupations. That's the only option that we have right now. And it has restrictions to it, and as David already pointed out the fees go up to \$435.

So there are some recent community plans recognizing and providing options for home-based businesses which is a slightly different category but they don't apply countywide. So we need a system that applies to and accommodates the incredible diversity found throughout the entire county, but not a cookie-cutter approach – one that recognizes county differences. So the importance of this is also clearly laid out again in the Growth Management Plan in Section 1.5.2, a really important part of the plan that's not only talked about a lot but is really critical; it's the section on settings and systems. In fact this may be one of the most important premises of the entire Growth Management Plan. We need to recognize that there are numerous settings, geographic, environmental, cultural, throughout the county, and each may require a different approach to systems needed to support that particular location.

That's also why we have a community planning program, because that allows communities that have created community plans to really look at the differences specifically to their own community and provide a different direction for those communities to go into. In fact we could probably argue that our communities, traditional communities are really our most important settings throughout the county.

Economic sustainability, we feel, begins at the local level, especially right now. If we can't take control of our own economy then we really can't talk about zoning or anything else. If we don't have jobs, so that's where we really need to start.

So what's the fundamental question we've been attempting to answer with the first CDP about home-based businesses? This is really critical because this sets a tone for all of our meetings. And the question is what non-residential or commercial activities should I be allowed to do in my home? And the bottom line here is it's a home. It's a residence. Not a business initially, and it's zoned that way. So what should be allowed and how should that be regulated, processed and monitored? Those are really basic questions. And the particular points of view that we've encountered on this subject have ranged from one side being the County has no right to regulate anything that we do on our property and should literally and figuratively stay out of our business. And we heard that over and over and over again. As private property owners we should have the right to do whatever we want to do on our property. That's one point of view that's been expressed to us.

The other end of the spectrum is the question what you do on your property could have a negative effect on me, your neighbor, and I have my rights also and the County should protect me as well. Therefore, there should be strict regulations about what you do on your property.

Now, this – and the reason we started with this one and we're going to get to zoning a little bit later on, but this does start to interweave itself into zoning issues. In Santa Fe County your property, as you know is either residential or agricultural to start with unless you've rezoned it to something else, including commercial. And without going into any great detail

the issue with the right to establish zoning goes all the way back to 1926 to a very famous case, *Ambler Realty versus City of Euclid, Ohio*, that amended the due process clause of the 14th Amendment that recognizes the legality of zoning.

So zoning accomplishes certain things about saying you can do commercial in certain places. You can do residential. You can do agriculture or whatever it is. But it's important to point out that allowing permits, that is supplementary or special use permits, does not constitute zoning. And so we have to be real clear on this and real careful with the subject because there's a really easy way to understand this; zoning travels with the land. If you rezone your property to commercial and you sell your property, it's commercial. Home occupation permits don't travel with the land. Somebody would have to come back in and get another permit. So the primary question becomes should we allow commercial uses in residential settings?

Our answer, your staff's answer, based on what we said earlier about the need to understand this and what we've heard from your constituents is yes, we want to permit more home-based business options with less regulation and less cost, but what is the best and fairest way to do this? Finally, we need to come to a collective understanding about what's a business, and that came up over and over again in our discussions. Someone may do something as a hobby – collect cars, raise chickens and sell the eggs, but we don't consider hobbies in that sense to be home-based businesses. And again, there might be a fine line between some of these so the conclusion that we've come to again in listening to all the discussion on this is a business has a business license and pays gross receipts taxes. So that's kind of a starting point. That's our fundamental definition.

So in this regard it could be fairly small or it could be very large, the home-based business that is. So what do we want from this session with you this afternoon? We want two things from you. First of all we would like for you to comment on the proposed concept that we're going to explain to you in just a second, and this concept is derived largely from the public, and we want to, again, with your consideration this afternoon, take this forward to be put into code language and into a more code-like format. And I'll discuss that in just a moment. Secondly, we're going to ask you to do something else to help us out with this. After this session today we want to do one more focus group to take back whatever it is we all arrive at today to finalize the approved concept, send it back to the public for review, and then on to the code drafting team.

Now to do this what we would like, we'd like to ask each one of you to suggest to us two residents from your district who you feel are the most knowledgeable and helpful in this particular discussion to sit on this focus group with us. I know we constantly get comments where nobody from the north came or nobody from the south or this and that. So we're asking you to help us out. We're not sure exactly when we'll do the focus group but we really would like for you to go into the potential in your community. Help us out. Give us the best people that you can that can help us out with this and then we would like to appoint two more so that we'd have 12 people at the focus group and we'll discuss that in just a second.

Now, I want to move into the guts of the meeting and that is this chart that I gave you right here and that's up behind you on the board so the people in attendance can see that. And I'm just going to go over this kind of briefly, but I'm going to explain what it all is and how it works and then I'm going to open it up to questions and then David and Robert and any other

staff members that we might need can all work together on this.

The basic premise is pretty simple. It has three parts. We were considering what non-residential uses should you be allowed to do in a residence. And we think that those categories are permitted, conditional, prohibited. So that basically means some things can be discerned to be – sure, if you're an artist, if you work on the internet, you're a consultant, why should we bother with lots of inspections and all kinds of rigmarole for you if you meet certain kinds of criteria that you're not bothering anybody and there's literally no impact, and there's two categories under permitted. You should be able to come in, fill out an application, get a permit and maybe not even be charged anything.

I spent a long time on the phone this morning with the Planning Director of Clackamas County, Oregon outside of Portland and that's for example what they do. They make it real easy to come in, be able to do business very simply. But also under permitted, there are some things that might impact that decision. For example, if you wanted to do, let's say childcare, for example. And then all of a sudden – that's really something you could do in your home. You could do it without much notice from your neighbors, particularly if they stayed inside, but it would have a low impact. So in that instance it would be slightly different.

Conditional uses – I'll go down the vertical side in just a second. I want to go across the horizontal top part first.

COMMISSIONER STEFANICS: Excuse me one second.

CHAIR VIGIL: Question?

COMMISSIONER STEFANICS: Madam Chair, yes. Did you all check on state law first on home businesses? Because the example you gave –

MR. KOLKMEYER: Childcare you mean.

COMMISSIONER STEFANICS: There are very, very specific laws. So now I'm wondering, since you said that, if we've gone further to see if they have something sweeping in the state about home businesses that we should check on.

MR. KOLKMEYER: Okay, we haven't checked. That's really a good point and maybe I shouldn't have used childcare as an example but I think your point is extremely well taken. Let me say music lessons. But we'll look into state law on that and we'll check with the people that help us out with that. But again, the point here is that something should be able to be permitted pretty easily to do. The conditional category means there's some issue there – cars, traffic, delivery, hours of operation, that need some level of scrutiny. And prohibited means it really isn't something that you should do in a residence; you should go find a location to do that as a business, or perhaps reconsider the size or something that might make it something with some adjustment could be a conditional use.

Now if you get down to the vertical category, and again you notice there really aren't any numbers or anything. We had huge debates on whether something was a 5 or a 7 or a 13 or a 9 or whatever, and it got kind of ridiculous, because it diverted us from getting the structure correct, and we got into numbers right away. So we haven't filled in some of the numbers there and that's the reason we would want to do the focus group again to help shape some of those numbers. The business type would be the kind of use, for example, Commissioner Stefanics, when I said childcare, we'd figure out what kind of uses were in each of those categories. For example, again, if you just worked on the computer and you do

an internet business then that's pretty clearly no impact.

Now, the approval process, again, all this hasn't been entirely worked out because of other aspects of the code, but for permitted, no impact and low impact, it basically should be administrative. That means that somebody could come in, fill out the application, and then staff should be able to approve that pretty quickly. If there are no impacts then right away. If they're low impact we would have to look at that performance standard and see what the issue was and work it out, but we believe that it should be worked out by the land use administrative staff.

Somebody in one of the sessions made the comment, what if you end up with an idiot Land Use Administrator? I don't know if they were talking about me specifically or not, but it is an administrative, bureaucratic way that that would have to be done. Moving over to conditional, then we still have standards it has to be judged against but it may take a little bit more scrutiny, especially from some other level of investigation. For example, as you know, we've already talked about we've looked at Chapters 1 through 5 of the code before that we want to consider using hearing officers. So this would be a good role for a hearing officer. Again, in Clackamas, Oregon, they use a hearing officer very, very effectively. And they said they've had no complaints at all from using the hearing officer and it makes it really easy to move forward.

Also again in Clackamas, they have community planning organizations just like we do as well and there may be some way we need to integrate community organizations in this, and if it's prohibited of course it's prohibited.

Fees. Again, the idea is to go from less fees or none at all on the left to something that's going to take a little bit, that maybe costs you more to do. The no-impact and low-impact should have very low fees. And again, the suggestion has come several times, maybe it's something you could just go do and there'd be no fee at all. Just get your application moved forward. Over to if you want to do something, you have a landscape business or construction business, a painting business, you may need to have inspections for that. Particularly again if it's related to something that may have to do with fire, for example.

The next category is enforcement. One of the things that we don't do with home occupations right now is you come in and you get a home occupation and there's no limit to it. We think that there should be some limitation. Say, for example, you come in and you get a no-impact home business license, then maybe you get that for three years. If it's conditional then maybe that's a shorter period, one to two years, so that if there's any complaints or if you've expanded your business from what you said you were going to do, we'd have a way to look into that and then move that person to the next level.

And then there needs to be some kind of checks and balances technique here and we think that that's also related to the enforcement thing as well that may be just a renewal of a license allows us to take a look at if you've expanded your business and you close down your business, do you need assistance or help to find another location or to make sure that if you're a conditional use that we can get you through the process a little bit more quickly.

So that's the basic structure, that we'd be adding tiers that didn't exist before, that will allow us to do things easier, quicker, and less costly to both the County and to the individual coming forward to having regulations that go through a much clearer and well defined process than we have right now.

Now, given that there's more numbers in this, and the devil is always in the details and everybody wants to fight about the numbers, you'll notice under conditional and prohibited there are dashed lines that go down. We need to figure out how you transit from one category to another, and that's where the numbers would probably become critical. But let's say for no-impact the number is, whatever it is, is a 3. And you come in and you want a 4. It could be employees, for example, let's say. We still think that should be pretty easy because you're right there on the cusp and it's so that with just a consultation with the Land Use Administrator it would probably be pretty easy to say, yes, okay, that's permitted. You've only got one more, but if you screen that additional car for that additional employee you would be permitted and go forward.

So we'll figure those out. We want to take with the focus group that we do with your help, with your constituents to come help us, that's one of the things we want to do is work out the specifics for the numbers for those kinds of things. Do that with the focus group, and then we would be able to take that forward to the code drafting team and they'll put it into a code format. So that's the concept that again we're presenting today that's actually come from the public, and I would just like to ask David or Robert if I've missed anything or if there's anything I need to add.

MR. GOLD: One thing that you might want to add is the idea that we recognize that there would have to be something in the conditional category, some ability to deal with location, because in certain cases – or density, something like that.

MR. KOLKMEYER: And the location, more than likely – I looked at some 30 communities throughout the United States to look at this and probably half of those were urban areas and the other half were rural. And what I found was home-based businesses and business licenses for residential uses in urban areas were extremely strict. You did it this way or you didn't do it. And as it got to be more rural one of the things that came into the picture was the size of the lot. That's probably going to help us determine a lot about where it is. If you've got a large lot, if you've got 160 acres you're not going to be in an urban area more than likely. So by having then – that would go into the conditional category. You could probably do a lot of things on that sized lot, if you're in the southern part of the county, for example. Part of that conditional category might be that we need to add some conditions when that person comes in with the large lot. In other words if you want to do a construction business that's run out of your home – you have your bobcat and you have your storage and you're out on a 160-acre lot that might be fine. But if you subdivide the lot down to 10 acres then all of a sudden would have a different effect than it would if you were 160 acres. So those are the kinds of things that we need. But I think that by having the performance standards – David, we've talked about this before – that's probably going to help us resolve some of that. Robert, did you want to make any comments?

ROBERT GRIEGO (Planning Director): Madam Chair, Commissioners, yes, I did. Thank you, Jack. I just wanted to add the point where after the process, as the process is moving forward and the home business concept gets refined it will go back out to the public to review. So as soon as we come up with something we'll send it out to the public and have it up on our website so people can see what the outcome of that was before they'll see it in the code and people can make comments about that throughout the process as well.

MR. KOLKMEYER: Thank you, Robert. Madam Chair, that concludes our

presentation up to this point. We're happy to answer any questions and look forward to a good discussion with you on this.

V. C. Board Discussion

CHAIR VIGIL: I do have discussion; I do have a question. Let me just identify for the Board that we are on item V. C. Board Discussion, and then we do have a public input process – next steps. The two items that staff has requested is specific direction and one more focus group with two residents from each district representing. So with that I'll turn it over to Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you, Madam Chair. I hope that we will wait to make any decisions or recommendations on the concept, etc. until we hear the public comments. But I'd like ask, in the CDP that was given to us, on page 4 and 5, are those currently in place, those standards? Or are those things that were discussed to put in place? I'm a little confused.

MR. GRIEGO: Madam Chair, Commissioner Stefanics, what is currently in place is on page 2 of that same report that you were looking at. What we did on pages 4 and 5 are identifying different alternatives for discussion with the public. What we wanted to do is present some alternatives for the public to review.

COMMISSIONER STEFANICS: So based upon that, Madam Chair, it would seem to me that if we proceed with the idea of a no-impact home business, which I think is a great idea, that there not be exterior signage, etc. because that individual is saying I'm going to work privately. And if in fact they step outside of that then they are not so private. So I just think that – because I'm not sure of where you're thinking on some of these conditions, I do think it's a really good idea.

I do know that Commissioner Holian and I had the opportunity to visit with the Small Business Center over at the Santa Fe Community College and in the past I've had the opportunity to visit with the incubator, and I think that there are many entities in our community struggling during this economic time. And the more we can assist without taking the County backwards would be very helpful. I have had individuals say to me, boy, I paid my money and I'm not sure when I pay it again. I think that our process isn't real tight either, in terms of whether it's the responsibility of the home business to do this or whether it's our responsibility to do some annual billing.

The other items about the inspections, I could see that some low, no-impact businesses aren't even coming in for business licenses because they don't want visitors coming in to see what they have in terms of ingress-egress to their homes, fire suppression, etc., etc. So if we truly are talking about a single entity trying to make a livelihood I would be in agreement conceptually that there be the least amount of restrictions on that. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. First of all I'd like to say thank you to David for organizing the process. I sat in on at least one of the meetings, plus the kickoff meeting and I was really impressed with how much the public is being brought into this. And I also want to thank Jack and Robert and your staff for posing the

questions, compiling the data, presenting it to us in a way that we can understand it. Also I want to thank the public as well for participating in all of these meetings and giving us good suggestions and so on and so forth. I like this structure. You wanted feedback from us and I definitely like the structure you have come up with with the no-impact, low-impact and then conditional home business. Of course as you say the devil is in the details, putting together what each of those categories means.

+ I also wanted to say that I really like the idea of a focus group. I think that focus groups work very well. It certainly did on the conjunctive well issue as a matter of fact and they came up with a much better solution, I think, than if just one person had been working on it in isolation.

I do have a question that may be a little too much detail at this point but I do want to ask it. Would a small B & B be considered a conditional home business? Or would it be – I know now it's treated just like any other kind of a development. Can we make a category for B & B's so it's a little bit less onerous for those to be established?

MR. KOLKMEYER: If I may, Madam Chair. Commissioner Holian, that's a really good question because we had one person in the process say for me to come into the County to try to get a bed & breakfast permit would be like me coming in and asking for a permit to Walmart, that there's really no difference. And when the person brought this up, they're technically correct, because again, we don't have the categories to allow it to fall into so you have to do fire inspection, got to do all this stuff which would be the same things we'd ask Walmart to do, which unfortunately we're not. But that's ridiculous in our opinion. It shouldn't happen.

Now, where that goes, anything that you bring up, any example that you bring up, part of the exercise here is where would it go? Where would it fit? And so a bed & breakfast is probably not going to be no-impact because you've got some sign up of some kind indicating that you're there, but our guess is that it's either low impact, depending on how big it is. Right now we allow up to 50 percent of a home to be used for home occupation. So maybe we lower the no-impact to 25 percent, for example, and then have 50 percent be the low-impact, and it would depend on how many rooms you want to provide in the house because then that goes to traffic and the number of people that are there and whether you have service companies come in to do something for you. So it's probably going to be low-impact or conditional home business.

Now, that's still a lot easier than asking them to be a commercial use. So I think again we can start to resolve some of those problems with that example.

COMMISSIONER HOLIAN: Thank you, Jack. Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Mayfield? Commissioner Anaya, do you have any comments, questions? Are you there? We might double check and see if we've lost him. We've lost him. I have a question. I did actually listen to some of the video, I viewed some of the video for some of these processes and some of the questions that were brought forth were questions that I would had. I was particularly interested when somebody brought up the opportunity to promote agriculture within the county, and of course I think the County has stepped up to the plate with that by creating agricultural zones and things of that nature. But just a comment that I have really goes to that kind of an issue and also probably to the B & B. One of the impacts that the County always has to be cognizant about is water and how water

would affect a home-based business, whether it be a B & B. There would be peak uses, peak times, those kinds of things. How much is this location allocated in terms of water? Will water impact how they actually get placed under no-impact, low-impact or conditional or anything of that nature, because I foresee that for example, if we do encourage more farming that perhaps what we currently as a policy allocate, .25, might not be sufficient. Have you all had the opportunity to discuss that?

MR. KOLKMEYER: Madam Chair, yes, we have. There have been a number of people at our meetings and our focus groups that have brought this up. And on the one hand it really depends on what was meant by agricultural. Because again – and how it relates to business in your home again. Let me go to the end quickly. We don't think agricultural uses should be looked at as home-based businesses. They should have some other kind of category. So we'd like to do a focus group specifically on agriculture to get to the bottom of this. So for example, in our code right now we don't require anybody to do anything for yard sales or if you grow – if you have a little truck farm on your property and you grow vegetables, we don't care if you put a stand up front and sell that.

So we'll a little bit curious as to – when people keep bringing this up – what they mean. Because your land might already be zoned agriculture and then we have no concern or interest in that. So we haven't been able to really get really clear responses on how is agriculture a home-based business. If you want to sell farm implements in Stanley, for example, then that's probably something that is a home-based business that we could look at allowing. But we need some more clarity on that point, because you're right about water. It is one of the performance standards we need to look at so we're clear about what that means. Some of the other performance standards would be number of employees, gross floor area, storage, parking, traffic, deliveries, pickup, mechanized equipment, dust, odor, noise, vibration, signage and water. But again, we're not quite sure we grasp what is being meant by agriculture as a home-based business. So part of our need to look at that would be for a specific focus group to do that.

Did you have some examples, Madam Chair, that might help us with that, Madam Chair?

CHAIR VIGIL: Well, not in particular but because this is a process I want to make sure that as we identify how we categorize this that water become a really critical component of it and it not be overlooked. And I'm sure that's been sort of hovering over it. The next question I have is many communities in the county have gone through community planning processes and they've identified what they want their communities to look like. And this particularly identifies what is permissible and what is not permissible in their own communities. I know without this kind of organization what the community is sort of relying on is their own perception of what might impact and may not impact. And I think some of these community plans have really sort of identified, well, this isn't really going to necessarily impact, but you don't know that because what you think may not be an impact may grow to be an impact. Those kinds of things.

So I like the ability to review and relook at these with regard to the impact. And I think that, for example, and I see William Mee here from Agua Fria Traditional Historic Community and Robert was involved with their community planning process and they struggled with what would be permissible and what wouldn't because what happened to that

community is a lot of impermissible activity that came up. And there was nobody there to protect the community with regard to some of those impermissible activities. So them creating their community plan really empowered them in a way to be able to make some decision with regard to how they want their community to look. How is this going to relate to those community plans?

MR. KOLKMEYER: Thank you, Madam Chair. I'll turn that over to Robert to answer that question. Robert, are you there?

MR. GRIEGO: Madam Chair, Commissioners, in regard to the community planning, as you stated, many of the community plans have home businesses as a part of their plan and they looked at the issue specifically. Some of the communities looked at it to try to determine which ones were the most appropriate. The way that we see this process as continuing as communities develop their plans to review and identify what uses are most favorable or tailored for their communities in going through a community process to identify those uses.

CHAIR VIGIL: Okay. Very good. Commissioner Stefanics.

COMMISSIONER STEFANICS: Only if you're finished.

CHAIR VIGIL: I am.

COMMISSIONER STEFANICS: Thank you, Madam Chair. Well, I actually have two questions and one is around the community plans. We've heard before from our County Attorney that the community plans carry priority in terms of looking at the standards that the County sets. But in some cases community plans might – how can I say this nicely – be antiquated and not have been reviewed recently or updated to move up to speed with the economy, with what's happening in their neighborhoods, etc. So I want to express that concern.

For example, if – and I'm going to make this up – if I lived in an area that had a community plan that said there couldn't be more than two art studios on any one street, and I move in and want to have an art studio and I'd be the third person, am I out of luck? There are some things like that that seem not quite right. If I live in a community that would allow the collection of antiques and weathered to rust I might create a junkyard that my neighbors would go really berserk about. But that's what I'm asking. I think that we as the County should be looking at whether or not some of our community plans – and I know you don't have a lot of time to do that, because you have limited staff, but I would want to make sure that not only are we creating something fair here but that the community plans that are in place aren't holding people back. That's the first question.

MR. GRIEGO: Well, Madam Chair, Commissioner Stefanics, in regard to the community plans, there is a – one of the policies in the Growth Management Plan for us as staff is to go work with the communities to update their plans, and we'll be giving you a community planning update at the end of the month or next Tuesday's Board meeting. I think there is a need to review them. Some of them are a little bit antiquated. We're trying to streamline the process to make it as clear as we can with those communities and there are some things the community plans are able to do and there's some things the community plans aren't able to do.

And as we go back and look at the community plans we need to revise them to reflect what the community plans have an ability to do and we think that the future land use,

including the identification of commercial uses in the communities is something that the communities are really able to look at because they look at things from their perspective and they can identify and determine what uses might be most appropriate for their communities.

COMMISSIONER STEFANICS: Well, on that point, Madam Chair, I know that some of our community plans were developed by really committed, dedicated residents who are no longer around or even deceased. And so the original intent might not be what the new group would want but the new group maybe doesn't have the same committed volunteers who are ready to work on something with that intent. I have some neighborhoods in mind when I think about that. So I just – I see it as a conundrum as we move ahead.

MR. KOLKMEYER: Madam Chair, if I may also respond, I think a really good example – well, there's two kind of good examples about that right now. One is Madrid. Madrid has really, really changed over the last 25 years. And they did a plan, and that eight or nine years ago. And it's really antiquated, given the fact that so many people actually want to do home-based businesses and we've gotten caught in many difficult situations there because with a home occupation you're technically not supposed to do retail, for example. So we kind of right now find ways to sort of fudge around that, but it's become difficult for us because the answer should really lie in their community plan, as you're suggesting. We could probably go back and update that plan and resolve a whole bunch of problems, especially related to how we set up these constructs now, particularly with the conditional category.

Because if you wanted to do really eight artists studios in a row on a street it really shouldn't make any difference if they don't impact anybody. So that's kind of an example we get into in like La Cienega and in Madrid in particular where you have lots of artists in some of those communities and if they want to do an art studio then that really should be okay. But coming to certain conclusions or certain ways that we want to do that, again, it ought not to come from us, it ought to come from the community. We're having a big to-do in Madrid because we wanted the Mine Shaft outdoor activity to close at 7:00, stop at 7:00, for example, but the ballpark wants to come in and do activities to 9:00 or 10:00. So it's like who should really make that decision? The Land Use Administrator or the community?

So I think it's a really, really good point and perhaps with the combination of what we've devised for this and really now homing back into our community plans is really going to be extremely helpful for a lot of people. That's kind of our hope again. It's a really good point, Commissioner. Thank you.

COMMISSIONER ANAYA: Madam Chair, on that point, if I could.

CHAIR VIGIL: Glad you're back, Commissioner Anaya. You have the floor.

COMMISSIONER ANAYA: I apologize, Madam Chair. I lost you there for a minute, but on that point, I just want to make a couple of comments in case I lose you guys again. But I wanted to say that I think the process is proving that we're providing more and more opportunity for input and discussion and feedback and these issues that you've recently been talking about relative to how do we make the home occupation work better and the process work better are going to continue to flush themselves out. So I think – my perspective on Mr. Kolkmeier's last comment and we've had a few conversations about it, the more latitude we can provide to our communities the better I think we are in the overall long haul of the code and our plan. So I very much appreciate where we've taken it thus far and I think that as we progress through the more complicated issues we've got a process in place that

allows for the engagement of the public which I think has been the goal of the Commission from the onset.

CHAIR VIGIL: Thank you, Commissioner Anaya. Commissioner Stefanics.

COMMISSIONER STEFANICS: Yes. Thank you, Madam Chair. The other thing I thought about is people on shared wells do need to have some say about the business that comes in, because if you use the example of a bed & breakfast, and I'm dealing with this situation right now that's not even a business. I think it's a home garden. There are four homes on a shared well, and the entity who has the home garden, which might be a home agricultural business. I have no idea. Uses all the water all night, so that people in the other houses can't even take showers in the morning because their alarm goes off that their water limit has been exceeded. So I think that as people come in I think it's worth the question: What's your water source? Are you on a shared well? Something like that, and take it further. Thank you, Madam Chair.

CHAIR VIGIL: Thank you. This is a public process. Commissioner Mayfield.

COMMISSIONER MAYFIELD: I'm going to wait till public comment.

CHAIR VIGIL: Okay. This is a public process, and so I would just ask is there anyone out there that would like to address the Commission? Please indicate by raising your hand. Okay, Carol, let me see, William. Who else? Anyone else? Carol, you and William, please stand next to the podium. You need to identify yourself just so that you're on the record, Carol. Just state your name and your address and you can –

CAROL ALLEN: Carol Allen, 308 Los Arboles. Okay. There was a chart just before that chart that's not in the packet.

MR. GRIEGO: Madam Chair, Commissioners, yes. We have this graphic. After this we sort of have a graphic of which activities are going to go regarding timelines, and that maybe the one you're talking about.

MS. ALLEN: Yes, that's the one.

CHAIR VIGIL: Carol, we can make that available to you by copy.

MS. ALLEN: Thank you.

CHAIR VIGIL: Sure. William.

WILLIAM MEE: William Mee, 2070 Camino Samuel Montoya. I'm president of the Agua Fria Village Association and a member of the United Communities. I think where we're going with this is pretty good. I like what the staff has outlined. I was a little worried that this meeting in front of the Commission was maybe a little premature but I think that it is the way it's laid out as a planning session is really good and has really opened up some dialogue. And I think that the idea of having a smaller task force kind of look at some ideas – I would urge that other neighborhood association presidents be involved in the process because a lot of times we get calls about so-and-so has this new business down the street and it was okay when it was just the one backhoe and there wasn't much of an impact and now that there's three backhoes and they're starting up at 6:30 in the morning and idling for half an hour it's becoming a problem.

And so I think that neighborhood associations face that all throughout the county and there might be some role-playing that might be kind of interesting to go through with specific types of problems. I appreciate Commissioner Stefanics' comments about the shared wells. There's all these little specific cases that we kind of have to bounce this code against and

make sure it fits. So I just congratulate the staff on the process and thank the Commission for having this meeting.

CHAIR VIGIL: Thank you, William. Please step forward. Is there anyone else that would like to address the Commission? Please state your name and address for the record.

STEVE HORSHAUER: I'm Steve Horshauer, 286 Arroyo Salado. Madam Chair and Commissioners, I just wanted to take a minute first to thank you and also staff for distinguishing between agriculture and other types of home-based businesses. I think it's a real important distinction and I just wanted to take a minute of your time to make a further possible clarification, which is the distinction between primary agricultural products and value-added products. Value-added products and value-added food production can be home based, but primary agricultural products is where we're really talking about something which is a horse or a cow or a sheep of a different color, if you will.

So, for an example, someone who's making jam doesn't have to grow the berries. Someone who's making cheese doesn't have to produce the milk. A home-based business, home occupancy business could be adding value to a primary agricultural product and still fit very well within the decision criteria here. On the other hand, oftentimes farms, more and more farms who produce the primary agricultural products are then involved in value adding as well. So we want to be really clear as we look at that demarcation between primary agricultural production and value-added production to be sure that we put value-added production as something that is eligible for home-based business occupancy under certain conditions. I just wanted to take a minute to be sure we didn't lose that distinction as we separate agriculture and treat it separately, which I think really is an important move and really is the right thing to do, so that we can establish – continue to support the resurgence of agricultural production in the county.

CHAIR VIGIL: Thank you, Steve, for your testimony. I'm not sure you were here earlier but staff did make a recommendation through this study session that they may have one entire session dedicated to agriculture and I hope that when you do you advise Steve about it.

MR. HORSHAUER: Madam Chair and Commissioners, I noted that we will see agriculture as a separate CDP. I just didn't want home-based value-added food production to get lumped entirely into agriculture. That was the whole reason.

CHAIR VIGIL: I understand that. Thank you for that distinction. Anyone else? Seeing none, I think we – unless there's any other comment from any of the Commissioners. Commissioner Holian.

COMMISSIONER HOLIAN: Nothing.

COMMISSIONER STEFANICS: Are we going to make recommendations?

CHAIR VIGIL: Yes. There's a direction that staff is asking for here and as they specifically requested they do want direction with regard to where we're at so far in the process, and I think basically they're asking the question are we headed towards the right direction, and if we are should be continue in this way? And what would be the next step? And you've also requested that we create a focus group. Could we get a little bit more information as to that focus group? Do you want us to make recommendations by a certain timeframe?

MR. KOLKMEYER: Madam Chair, I don't think we were expecting you to do it today. In fact maybe now what we'll do, and I'll ask David to help me out with this is maybe what we need to do is really home in on the question that we want to do for the focus group and then maybe for some of the other focus groups we can talk about that a little bit later. So it will be real clear and helpful who to ask. So we'll work on that and get that back to you like next week, and then as soon as you could help us out with that, because probably, I'm actually going to be on vacation for a week, finally, so probably in a couple of weeks we would need to do that focus group. Does that sound like a good way to do that, Madam Chair?

COMMISSIONER STEFANICS: On that point, Madam Chair. I think that we really would want to know the parameters, because if we all came up with ten people who only sat at their computer, that might not be representative of the types of businesses that you want to consider. The other thing that always gets asked of us is what amount of time are you seeking in the commitment? Are we talking about a series of meetings? One meeting? Etc. So I just think those are a couple of questions. Thank you, Madam Chair.

CHAIR VIGIL: Okay.

MR. GOLD: We're considering a very limited term, like maybe one or two meetings. Not a long term type of thing. It may even evolve as other parts of the code come out that we reutilize the same group. The initial thing we're asking for is a very short-term type of thing.

CHAIR VIGIL: Okay. Any other comments or a sense of direction?
Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Jack, just going back to some of the examples you posed as far as maybe somebody having a continual garage sale, somebody having chickens and selling eggs to their neighbor, are those things that the focus group is also going to look at as to where they would fall as to not even be an impact?

MR. KOLKMEYER: Madam Chair, Commissioner, yes. Because like for example, yard sales – is that what you said? Continuing yard sales? That's an interesting one because we don't permit or regulate yard sales at all. But if somebody all of a sudden started doing one twice a week then it really is some different kind of category. So if they want to have outdoor sales, right now I think the way we'd have to view something like that would be almost like a flea market. So we need to really take that apart and really understand kind of what that's about, because flea markets or yard sales can create traffic issues on small streets and different things. So that's a good example and I think that would be one of the things that we'd look at in more detail, try to figure out where they fit in this construct.

COMMISSIONER MAYFIELD: Madam Chair, so are you all looking at providing definitions for say home-based occupations and what will be acceptable and what would fall under criteria. We could come up with thousands of scenarios of what folks are doing out of their homes.

MR. KOLKMEYER: Madam Chair, Commissioner Mayfield, we probably have heard about half of that already suggested. I think what we'll do for the focus group. For the home-based business focus group, we'll try to flush this out a little bit more so we can give it to the group and say, did we get this right or are we wrong? Where do we need to look at it? So we would come back with some more definition to this construct, yes. And then we

would have a really open-ended debate and discussion about where do things fall? Do they fall in one category or another or would they be prohibited perhaps?

COMMISSIONER MAYFIELD: And Madam Chair and Jack, I know we talked about community plans that are in place, but say that there are some neighborhood covenants. Do those supercede this code? Would they not?

MR. KOLKMEYER: I believe that in this case they would take precedence. Is that correct, Steve? For home-based businesses? Well, if the covenants said no commercial, for example, how would we interpret that?

MR. ROSS: Well, the covenants, Madam Chair, Jack, the covenants are independently enforceable obligations against property owners. So we don't enforce them but if somebody comes in for a business license and there's a covenant against it, we don't have any grounds not to grant them the business license because it meets the applicable zoning and all the other rules that might be set up. But they could put themselves in a position of facing a lawsuit by a homeowners association or neighbors, alleging that the use of the property is improper under the covenants. When we're aware of them, we've had a number of notable instances in the past few years where we've become aware of covenants and we have to warn people off, but –

MR. KOLKMEYER: Madam Chair, if I may ask Steve another question, when I looked at both Fairfax County, Virginia's home occupation ordinance and Clackamas, Oregon, both of them said that if it's prohibited in the covenants they would not issue a home occupation. Now, is that dependent upon their own individual state regulations do you think? Or how do you suspect they might be interpreting that?

MR. ROSS: Well, we could do that, but we don't currently have that in the code.

MR. KOLKMEYER: Okay. Thank you, Madam Chair. Does that answer your question, Commissioner? Thanks.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR VIGIL: Commissioner Stefanics.

COMMISSIONER STEFANICS: Thank you. I was just suggesting, when I look at this I actually do like the range of different businesses, and if this was going to go forward to discussion to the focus group and if the other Commissioners liked it, I also would be interested in perhaps breaking down the types of fees for each level, because that has been of concern in terms of some of the advisors in the audience who have been trying to help small businesses feeling like the County is really setting up roadblocks for them. And there might be some groups that represent a large group rather than some of our residents, like the Small Business Center at the College or the incubator of the Chamber, or whoever else you think of. But you might think about groups too that would sit in on a focus group.

CHAIR VIGIL: Okay. Do you have any directional comments?

COMMISSIONER HOLIAN: Thank you, Madam Chair. I think I sort of made my comments earlier in that I do like the way that these categories – this looks like a good structure and I think it's an excellent idea to have a focus group. So I'm in agreement with your recommendation.

MR. KOLKMEYER: Thank you.

CHAIR VIGIL: I think I am too. I actually appreciate this. Every code that I've

ever looked at as an attorney that I've either had to defend or prosecute for has a matrix. And we've never had a matrix at the County. This matrix will be so beneficial to future Board of County Commissioners. I actually think, and I'm going to make this statement and I'm going to put it out there because I think it really holds true to the process, this really takes a lot of the politics out of decision-making when it comes to these kinds of decisions. Because we have – and I have been with the Commission long enough to where, a Commissioner has been approached with a request to waive or not and when we're caught in that situation and we don't have any guidance, our first instinct is to try to help our constituents.

Now, that creates administrative responsibility and burden and inconsistency in the way constituents are treated. This I think gives us more of an opportunity to provide for consistency and to have a structural framework to start making these choices. So I encourage you to continue. I do think there's a lot of detail as everyone has recommended with regard to this. I agree that fees need to be incorporated into this and I also would take that a step further and say when you identify fees be able to respond to citizens with regard to what are those fees paying for and what benefit does a resident actually get for a \$35 fee or a \$250 fee? Those kinds of things. Because they don't really understand the administrative burden that these kinds of things place on us, how much staff time is taken, what exactly they are getting for a business license, those kinds of fees. So I think as much as we can clarify this process we're on a good direction.

With regard to the focus group, [inaudible] I think it's a great idea to incorporate people in each one of our districts that we think would really have some input in this process. I also agree that perhaps small business, like the Small Business at the College or the incubator that Commissioner Stefanics has mentioned would have some significant input in this because they're dealing with these issues in terms of promoting small business, and we really want to hook them into this because this is an economic initiative in many ways. I think the focus groups might be able to tangle with the idea of what other CDPs do we need to move forward with? I know that there's been some identification but that might be able to be a good discussion by them. And I also think that the focus group – well, first of all I think your intent of the focus group is to nail this down a little more. So perhaps my recommendation is for future discussions. I'm not real sure.

So I think there's a lot of potential for the focus group and when you identified the possibility of a focus group, what was your intent? What direction do you think the focus group would create a benefit for?

MR. GOLD: Madam Chair, we actually envisioned in the longer term having more than one focus group, having focus groups that are focused on the different issues. And the idea of having a focus group even focused on the process is an interesting one and I've considered that because I'll discuss some of the issues that have come up with the process. But we are envisioning multiple focus groups that are related to the different CDP topics.

CHAIR VIGIL: I would just like, when we do identify focus groups, that they be focused on specificity and direction, because it's really – having been involved with oil and gas as an ordinance, having been involved with the sustainable development plan, it is very difficulty. And Jack, I think you referenced it earlier in your opening comments when you do get testimony that says stay out of our business or please help us out here. Those are polarized views that we need to balance. So with that, I think we need to continually stay

focused, keep it simple, keep it straight and get the questions answered. And hopefully you can move forward with the policy statements that we're making. Carol, did you have a comment?

MS. ALLEN: I have a couple of questions. One, how are you going to let the people know that there's a focus group? Are you going to run ads? Are you going to get on the radio? How are you going to do that?

CHAIR VIGIL: Did staff have a recommendation with that? I know we've been posting everything on the web.

MR. GOLD: Yes. At this point what we envision is advertising through our email list, and then also if there are certain types of people we felt it would be appropriate to help then we would contact them individually. It's also that our vision of the focus group, we had the idea that the focus group would meet and then subsequently or in that process the public would also have the ability to speak at the end of the meeting. So we're not trying to shut out the public but what we're trying to do is make it so that the people – in all these issues it take a lot of background to even understand the basics of what you're talking about, so if we can get people that have that background to have a discussion then we believe the public comments will be more relevant to the discussions.

CHAIR VIGIL: I would also suggest that if anyone is interested in being a participant in the focus group that they contact their representative, the Commissioner from their district.

MR. GOLD: Also, you all have email lists so that would be another way to do that.

MS. ALLEN: Is it possible to run an ad in the paper? I don't think a lot of people know – a lot of people don't know what's going on.

MR. GOLD: Actually, we do have an ad every week, and that's a good idea. We could actually put this in the ad.

MS. ALLEN: [inaudible] up a little? When I talk to people they just honestly, they have home-based businesses but they don't know anything about what's going on.

CHAIR VIGIL: Maybe you could become an advocate for us and help spread the word. Because if you are getting that message I think the greatest message you can provide for them is to let them know –

MS. ALLEN: I am. Whatever you can – it's life changing, whether that be good or bad, it's life changing and people need to be informed in order to be –

CHAIR VIGIL: You had a second questions? Do you want to ask it real quick?

MS. ALLEN: It's the same question, about the –

COMMISSIONER HOLIAN: It was actually on Carol's point and I just want to make a suggestion that perhaps we contact the news media, our local news media, and make them aware that this is going on and they may want to write a feature article on it. Because small businesses really do impact everybody in the county, as well as our economy, which everybody is interested in these days.

MS. ALLEN: I could see some things that you're talking about that I think are interesting, and they have some good points, but again, you don't have anywhere near the amount of people involved in this process that affects so many people.

MR. GOLD: Madam Chair, I was going to address some of the issues about getting in touch with people.

CHAIR VIGIL: Please do.

VI. SLDC Public Input Process – Next Steps

MR. GOLD: There's a whole bunch of things I was going to talk about, like the next step for the overall process. So I was planning to do that when we finished.

CHAIR VIGIL: Okay, we are sort of – let's listen to that. It may get more answers for your Carol. Go ahead.

MR. GOLD: Are we good with the recommendations? Okay. So there's a number of things, when we started this process one of the things that we had amongst ourselves it as very clear that whatever was going to happen it would be different than we thought it was at the beginning. And it is. So one of the things we realized is the need for these focus groups. We planned to – also, additionally what we did was – I had this vision of going out to these public meetings and I didn't want to bias the process at all with any feelings I had about anything. And when we got to the first public meeting, which was in the south where people have concerns about government regulation, one of the people in the audience was calling out, well, what do you think? I want to know what you think. And I thought that was strangely ironic.

But I realized that there's a problem and it's basically, what we're doing in this process, it's almost I feel like people have been in a pen or something like that for a certain amount of time, or for their lives, and now we're opening the door to the pen. And people just look outside and they don't know what to do. And so we realize that we have to provide a map, basically, or something so that people can go outside. Because otherwise they're just going to stand there and look at the door and not be able to deal with it.

So that's one of the biggest lessons I feel we've learned is that it's not – people can still be free to come up with choices but if we don't give them something to work on at the beginning then it's just dissipated; nothing happens. So we started that and the document that you have now is an outgrowth of that, that first one, 1.3 or whatever it is. We did that, we developed it after the first meeting and we improved upon it over the next two, and then we subsequently improved upon it. But basically, that's the idea of having – what our plan is with all these CDP projects is to have a document that we would generate first, focus group look at the document and decide whether we're asking the right questions, what other questions need to be there, what other background information needs to be there, and then take that to the public and have the public meetings based on that, and then I think we'll get more comprehensive input I'll say and focused input.

And then also at the end of it we're very likely to have another focus group at the end and we'll have to see. Like I say, this is a new process and the idea of dealing with a concept like this, we've had questions like what is a concept even. How deep, how much detail should be part of the concept and how much detail should not and these are questions we're going to have to answer. At this point it was clear that we were in no way close to ready for details and so we didn't include them. Maybe subsequently we do. We'll just have to see how

it works.

There's other elements. One of the big questions I have – a bullet point here, get the word out more. And I know Carol is helping do that and others are too. We really need to and it's tough. Like I say, I've personally contacted a lot of people and I've said to them, this is incredibly important. Like what happens now is very likely going to be the law for the next 20 or 30 years. It covers all areas of your life. Everything. Water, economics, just the whole list. And so I really painted an intense picture. People were like, wow, yeah, I've really got to do this. Yeah. But it didn't happen.

We tried in our press releases, we tried emphasizing that and we had a great article in one of the papers and she really went into good detail and got the point across that this really matters. That there's a lot of areas. Instead of just announcing a meeting, saying there's a blah-blah-blah meeting, like we tried to really say, this is important, and listing all the things why it's important. So I haven't given up or anything like that but I've noted that we still need to do more and some of the – we're always open to suggestions. Some other things, there are other types of organizations that we contemplated. I've tried to things like I've called people that are involved more in their communities, religious communities, things like that but unfortunately – and I noticed this because I've been on the other side of this for a lot of years and what ends up happening is there are probably going to be 30 or 40 people max. Maybe even less, like 20 or 30 people, that really are the ones that see this through, that are the ones that end up representing their communities. And there may be other people who'll go to the meetings and they'll have things to say but the ones, the people that really like get into it – because it's hard. It's very time consuming.

Another thing is that we're also trying to have it not be so time consuming, because like the last one, there were a zillion meetings. I don't even know the number, like 200.

COMMISSIONER STEFANICS: Madam Chair, I want to go back and comment on the previous. How many people have business licenses here in the county?

MR. KOLKMEYER: We went back and did a check from 2007 and we had 335. Is that right?

COMMISSIONER STEFANICS: Okay. So my question is, have all 335 of those individuals been put on a list, an email list for this purpose?

MR. KOLKMEYER: No. And that's a good idea.

COMMISSIONER STEFANICS: That's our captive group, right there. If we change any of the rules on those 335 people they're going to go ballistic.

MR. KOLKMEYER: Yes.

COMMISSIONER STEFANICS: So let them know that we're working on it.

MR. KOLKMEYER: That's an excellent idea. Thank you.

COMMISSIONER STEFANICS: Thank you, Madam Chair.

MR. GOLD: The tricky thing is if we can get the people that are operating in the black, because there's a lot of people that just simply aren't – haven't applied for licenses, because it's expensive. So all we can do is – we recognize that there's a problem here, that we need to reach more people and we're always open to new ideas. Another thing I have is I've tried to contact organizations, even my own homeowners association. They've been real slack about distributing these meetings, and I've said to them, come on, you guys have got to do this. So like I say, we recognize the problem. What I plan to do is as the next round begins

is go around to all these people again and say hey, man, you've got to really be on this one. It's really important. And go for it again.

We're also going to get in touch with the tribes. I've talked with Hvtce about going out and meeting tribal leaders and explaining to them. We've talked about contacting the cities again. I went to the political parties and asked them to distribute it and I didn't even get one from my own political party. Anyway, that's an ongoing issue.

We need better venues for our meetings. The places we chose, there was a lot of noise from air conditioning in certain cases so we've just got to be more sensitive to where we meet. There's still the question of how many of the same exact meeting we should have and that's not clear because basically, we have like four of the exact same meeting in each place and maybe that's just kind of overkill. Or maybe not. We have to decide that.

I want to promote a philosophy. One of the things we didn't promote in this one but I'm going to start promoting in the others is that it's a philosophy that I've always used in view of these things. It's not just enough to describe the problem; I'm going to ask people to come up with solutions. And I hope that ends up changing some of the discussion because it's easy for people to say I don't like this; I don't like this. But it's more interesting if people say I don't like this and you should do this. Then it becomes fun. And we've had some really good meetings where people did do that. A lot of the meetings we've had were very positive. Someone actually wrote me an email and said I've never walked away from a meeting feeling happy, a public meeting, until I went to this one. Thank you very much. And it was a person that really, I respect a lot too. So I think a lot of good things have happened but we definitely – there's things we have to learn.

Another thing is we have to be able to get – we need to get the information to people sooner than we have. In certain cases it's been late or it just hasn't given them enough time to absorb it. So these are things we recognize.

The next CDPs we're looking at are design standards, green building codes, open space and trails. And that's the next one. Depending on the timing then we'll start looking at some of the other things, which are like the agriculture CDP, it's not clear whether that will be like it's own CDP or if there'll be – it may have influence in different areas. Like for example, what Steve just brought up the idea of what aspects of agriculture or home-based business or is there another home-based business code that can be – or another code that will be utilized. It may be that it goes into the zoning or affects many areas. But there's other issues like zoning density, water, all the procedures, family transfers, all kinds of juicy fun ones. They're just ripe fruit waiting to be plucked so, that's all I have. Thank you.

CHAIR VIGIL: Okay. Any other questions, comments? Does staff have any specific questions that are unanswered based on this study session for you?

MR. KOLKMEYER: Madam Chair, no. Thank you very much. This is really helpful and your comment were really insightful and helpful and we're glad that you like the construct because that really did come from the people who attended the meetings and I think we've learned a lot now through this so we'll work even more diligently to be more focused and we'll get back in touch with you about the focus groups, when we want to set that up and we'll at that time try to give you the questions that we would focus in on. The next one will be home-based businesses still until we get the detail on this and then we'll move forward with the others.

CHAIR VIGIL: Okay. Do we have a timeline on that?

MR. GOLD: We sort of have a timeline but whether we'll be able to meet it or not depends on how quickly we can get the group set up. That was actually the slide that Carol asked for.

MR. KOLKMEYER: I don't think we need to go into that now but we'll look into that and get some detail back to you. But thank you very much. This has been really validating for us and we appreciate that.

CHAIR VIGIL: Okay. Thank you very much. And I think that we're done on this item. Kudos to you for working through this. It isn't easy. Keep up the good work and we look for a product every time we have to meet with you, so I'm happy with the one we've seen so far. Thank you very much.

This is another item. I consulted with the attorney because today it came to my attention from staff that the agenda that we're going to be dealing with Tuesday is going to be a little bit overcrowded and that staff won't be prepared to do some of those, some of the items that have been requested, so I consulted with the attorney with regard to that and looked at some of the rules and regulations and it's seeming that the rules and regulations require that all agenda items, unless I think they're emergencies, be brought forth within the timeframe that is set for getting the packet together. And I understand from some of the staff who have been alerted to some of the items that have been brought forth, they don't feel that they have enough time to do that, so I'm wondering if we could create sort of an honor code to honor those timelines with regard to that. And I know I can be as guilty as anyone else here because I brought forth this item but it was an emergency item on the fire. And I think that's how we've operated in the past, so to pack the agenda seemingly is creating difficulties. So I wanted some feedback from the Commission with regard to that and maybe a statement of honor that we comply with the deadlines for agenda items.

COMMISSIONER HOLIAN: Madam Chair, I think you bring up a really good point. I myself try really hard to stay within the limits of the time frame as the deadlines and so on unless it would be a real true emergency item. And I feel that certainly it's more respectful of staff to do that, but also it's respectful of our fellow Commissioners because I know that I'm a very – it's important for me to be read things to be able to absorb them and so if I'm handed something that's at the meeting and I haven't been able to read it in advance sometimes I just feel like, wow, wait a minute. I have to digest this before I can really make a comment on it that I think is intelligent.

So again, if it's an emergency item, of course, but I really feel that it's important for us to be respectful of everybody. So I'm in agreement with. Thank you.

COMMISSIONER STEFANICS: Well, Madam Chair, I think that there's emergency and there's timeliness. I'm thinking of things that I've done that are not emergencies. When Cathy Berkley was leaving on a Friday that wasn't an emergency but if we had done a proclamation two weeks later she would have been gone. So I think that there are times for other things but I'm happy to consider the rules and go ahead with that.

CHAIR VIGIL: I think that there's a distinction here. When you bring forth proclamation or anything of the nature that is a celebratory or recognition type thing, I think that doesn't require, unless you're a constituency services person, is placed in the position of having to draft something at the last minute and we try not to do that. But I think when you're

dealing with those kinds of issues I don't think that creates a problem. I think it creates a problem when you're requiring staff within the administrative – within our administration to be prepared to come forth with a presentation that they may not have time for. I think celebratory and recognition things don't create the problem that has been brought to my attention.

COMMISSIONER MAYFIELD: Madam Chair, I requested two items to be on the agenda. I don't know if it pertains to any of the issues that I brought up but I'll just speak to them. About close to a month ago I asked the Attorney's Office to prepare for us a briefing as the new State Code of Conduct is going to be applied to us all at local governments that go into effect July 1st that have serious ramifications on employees that are different than what the County currently has. I believe now it would be a fourth degree felony if some of the employees or if an employee does something wrong in the governmental Code of Conduct. So I asked for that to be put on the agenda. I asked for that to be brought – I think about three weeks, a month ago. There were some time constraints with staff that they couldn't meet that. They had obligations to be out of town. I respected that. So then I asked that I would still like this to be done before July 1st. That law goes into effect July 1st. I think there was ample time for that to be done. I think that they can do a comparison with what you all have already or what we already have approved as far our ethics ordinance, as far as our procurement code. I do have some concerns – I shouldn't say concerns, but I do believe that there are a little more stringent requirements in the state law that has been invoked to go into effect July 1st. I just want to make sure that our staff is fully aware of those new laws. And I think it's incumbent on us to let our staff there is a new law that affects every single one of us within County government July 1st.

The second issue I brought up is it came to my attention on the 16th I believe. I was out of town. Everybody knows I was out of town. That they have been turning away people at a transfer station in Jacona. So I asked that staff, I spoke to the Manager about this. I also emailed Patricio Guerrerortiz about an issue of them turning away individuals at a transfer station. I know we've had some discussion. There was also an issue with Commissioner Anaya that he brought up as far as title and general summary being published on a different matter, but one of my worries is that as far as the discussion that we've had indicating that folks went out there and bought a permit and that permit was to be able to exercised for a full calendar year to be used and now they're being turned away at the gate without any ample notice and they're just saying – people from the Pojoaque area have been said if you want to get rid of this green waste go to Eldorado to get rid of it. That's what I've heard; I don't know if there's validity to that or not but that's what I've heard from constituents.

So that's one my worries. I do think that that's an emergency just for the fact these new permits go into effect July 1st, so I have asked that that come onto the agenda for discussion with us. As a matter of fact I think I asked Juan and Steve in getting that that we do publish title and general summary on that, so that's could come to a vote to the Commission, if they would want to extend that permit process or if they wouldn't. So those are two issues that I asked. I also would just like to state that respectfully of all my colleagues that I have seen time and time again that agenda has been amended if it is for a simple proclamation, if it's for recognition of somebody. I've been like, man, this is just – I just received this. There's a whole new resolution that we're going to be asked to vote on that I'm

just seeing it on an amended agenda.

So I see that continually happening. Now, if it is any of the two items I brought up I was found guilty as charged on bringing those two items forth. I still would respectfully ask that they be put on the agenda and I do believe as far again going back to the Code of Conduct that that was asked for a long time by me to be put on the agenda. For whatever reason it fell off, but I do believe it needs to be timely done before July 1st.

CHAIR VIGIL: I think the focus that I bring the issue up with is if it is an item that needs to be placed on the agenda, that it be placed on the agenda within the timeline that provides the opportunity for us to read it, as Commissioner Holian said, and staff to be able to respond. And I think we could all agree to that. Could we not?

COMMISSIONER MAYFIELD: Madam Chair, I just ask this: how much time would staff need if we ask for an agenda item? Do we need a month? Do we need two months? Do they need a week?

MS. MILLER: Madam Chair and Commissioner, first of all, this isn't specific to anybody. We've been having problems. More and more stuff is getting added within – after the deadlines, and we publish a whole schedule of deadlines for captions and then for materials. And I know you've been struggling with getting materials in. I actually felt like this morning I should send a notice out to the staff that the Commission meeting is canceled because I don't have any backup material. The person who puts the packets together that it's the worst that it's ever been, trying to put the packets together.

So from my perspective trying to make sure you get accurate information, correct information and all your packets put together in time to review, really needing to have somewhat of a definitive cutoff for the agenda and then for the actual packet, stuff that needs to go in the packet. Every time that a Commissioner does request it we do try to get those items on and in response to some or your requests, Commissioner Mayfield, some of it we ask is it time-sensitive? Does it have to be this meeting or can it be on another meeting? Because we're getting it not just from one Commissioner but we might be getting requests from several Commissioners plus staff needing – oh, I forgot this. We have a time-sensitive issue as well. And it's just very hard to get the packet together.

So I have been reminding staff they need to get their stuff in and we have deadlines. So we do have an actual schedule that was put out because this has been – this is a problem that's kind of cyclical. It goes every year or two it gets really bad and then we put an agenda out of when the captions are due, when we publish our first draft, when the packet material is due, when we do another draft of the agenda and then when we do the absolute final agenda for amendment. So there's a whole schedule. We've given it to all the Commissioners and their liaisons [inaudible] and we go over every Monday morning we also have a staff meeting to go over the agenda and we go over two meetings worth of agendas at a time just to try to make this a better process. Because it's hard for everybody.

So this is partly coming from a staff level, partly from a Commission level, but we're just struggling in getting the packets completed and to you on time and getting accurate information and thorough information for presentations as well. But there are deadlines and it's usually – I think that the materials are due the week before. But they usually need legal review and things like that. And so that's one of the other reasons to make sure that they get the proper reviews before they get into your packet for actual action items.

CHAIR VIGIL: Katherine, usually when we want items placed on the agenda, what is usually the deadline before the BCC meeting? Is it – the caption has about a two-week –

MS. MILLER: The caption is two weeks and then the materials I think is about a week.

CHAIR VIGIL: Okay.

MS. MILLER: It's true that we amend them but if you were to look at next Tuesday's agenda, if I were to hand you a copy of where we are today with getting that all together it's pretty bad, in getting the materials in on time and getting any adjustments to it. So we'd like to make sure you have your packets as soon as possible so we put this schedule out that actually says every meeting date that we have and then when the deadlines are so you don't even have to know the dates. You can actually look at this and look at the – because we do the legal ad posting and when it's public hearings they're different than – and then the posting in the paper and when all the agenda captions are due, when the packet materials are due to the Manager for review and Legal, and Finance, and then the final packet materials.

So we get pretty specific because this has been – it's always been a difficult process to manage with all the different departments and all the different issues that are constantly coming up. So anything the Commission can do to help us get that under control would be appreciated as well.

COMMISSIONER MAYFIELD: Madam Chair and Katherine, I don't know if I've ever seen that so if it could be forwarded to me. I'll ask Mr. Rios if he's seen that. I will do my darnedest to comply with any timeline you all have, but there are circumstances that just come up such as that issue of folks being turned away at the Jacona transfer station, not being able to utilize the permits that they paid for. And then also my big worry again is the State Code of Conduct Law that goes into effect July 1st that I don't believe any of our County employees have received notice of that.

MS. MILLER: And Madam Chair, Commissioner Mayfield, that was actually added last night and I sent a clarification. We asked would it be okay on the 12th and you said no, I really would like it on the 1st. We did add it last night, but I think there was a lack of emails not getting sent in time so that you were aware of that. And then I also sent you an email back on the solid waste issue because I wasn't sure if you were specific to Jacona or the overall thing because with an ordinance it will be almost two months before that goes into effect and I don't know if you've seen any email since this afternoon but the question I had was were you trying to deal with the issue at Jacona or the broader countywide one, because if it's the countywide one we do have the issue with changing ordinance; by the time you get authorization to publish title and general summary, the publish title and general summary, then have your public hearing and if it gets adopted, you're talking almost a two-month process before it comes into effect, which would make the issue on the extension of the permits not come into effect until August, and my concern was if you were specific to Jacona we would miss the opportunity to deal with your specific concern.

COMMISSIONER MAYFIELD: but that's what I wanted to get at. It wasn't to extend the permits indefinitely. But after I corresponded with Patricio Guerrerortiz he indicated that they're having problems down in Stanley, so I think, okay. I didn't know folks are being turned away in Stanley, but I do know they're being turned away in Pojoaque. So

now I'm thinking, while they're being turned away at Stanley also maybe that's something that we all have to discuss here. But specifically, yes, I would like to address the Jacona transfer station issue. If that means that administratively because I did hear Mr. Guerrerortiz say that he has made exceptions administratively in the past, if that's something the Commission could consider I don't know if it's going to approve it or not, I'm just asking for some deliberation on that at this next meeting, the consideration. That's fine with me, and then if we have to do title and general summary that's fine too and I'm learning that process on title and general summary that I'm not familiar with.

MS. MILLER: Okay, so perhaps we can get with you and find out what – if it was just a discussion item on the administrative side I thought that's one type of agenda item. If it's a change to ordinance that's a different type of agenda item. But those are the things that get a little complicated when we're trying to deal with a timing issue when we're trying to deal with a timing issue and I wanted to make sure that those issues are brought forward so everyone understands what we're facing administratively when we make changes.

CHAIR VIGIL: I'm sorry you didn't have those timeframes.

COMMISSIONER MAYFIELD: Madam Chair, they may have been forwarded to me; I just do not recall seeing them. So I'll stand – if they have been sent to me I apologize.

CHAIR VIGIL: And also just a comment on the issue of solid waste and solid waste permits, I think every time we talk about it there's some enlightening information and some rules that are being worked through or some exceptions that are being made, it's a really controversial subject. And I know that your advocacy for the citizens that you represent is there for it but it always is something that there doesn't seem to be a real definitive answer for. I'm even wondering if we should have a particular study session on it. Because I don't know that we're all – I think we all come from different perspectives with regard to solid waste and solid waste permits. I think Commissioner Holian will be the first one to say when she first came on board she really wanted to create an advocacy for doing the right thing with regard to solid waste permits and it backfired I think to some extent. It backfired on her.

So that's when we created that Solid Waste Advisory Board that studied it. I don't know which way to move forward on this because frankly it's sort of frustrating.

COMMISSIONER STEFANICS: Well, Madam Chair, at my townhall meeting last night we got reamed, the County got reamed for how little recycling we do. It's not just because we're a small community, there is another community just up the hill that does a lot more recycling than we do and our statistics are horrible. So we have talked about this but we're not doing anything about it. I think there's a lot to do with the solid waste.

CHAIR VIGIL: I agree. Maybe – we've given staff a lot of direction in terms of how can we make this in the best interest of the residents and I think we've even talked about creating a model program for recycling and solid waste pickup, because all county residents go through private haulers. That creates a problem in and of itself. From my perspective, the fact that there aren't that much recycling going on in the county is because they can dump it for less, or there isn't a program in place for it. And unless that program's in place, and most communities will tell you when they have a recycling program in place that's when the education starts, and they're still trying to educate the City of Santa Fe, doing a huge outreach in terms of creating more recycling. They want to do many, many more tons of

recycling.

So what are the answers and how can we make them happen within our own restrictions? That's why I'm suggesting we all need to probably just roll our sleeves up on this one and say this is my problem and my district. This is what they're telling me about recyclables. I have a resident community that wants – that's in the proposed annexation area that wants to already use services of the city and enter into an agreement with them. And they're ready to move forward on it because the recycler hauler and solid waste pickup that they use has the ability to raise their fees any time they want, so their fees are constantly increasing. They don't want that anymore. They can't afford it as residents in that community. So the problems are very unique, they're very different. How do we create an overall resolution is what I'm thinking and oftentimes we think it's by changing the cost of the cost of the permit or creating a swipe. I just don't know. Every time we do something there's an impact to it and I think we have to discuss that.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR VIGIL: Yes.

COMMISSIONER HOLIAN: Real briefly. I just think we shouldn't piecemeal this. We need to look at it in an overall sense. That's my opinion.

CHAIR VIGIL: I agree also. And maybe sit down and as I said roll up our sleeves.

COMMISSIONER MAYFIELD: I agree, Madam Chair and Commissioner. My only dilemma right now is that folks are being turned away at the transfer station, asking to truck their trash an extra 30 miles, 40 miles. Excuse me. I shouldn't say trash – green waste. And that's just – I was bombarded with details on those. I've forwarded them to the County Manager and to the Attorney.

COMMISSIONER STEFANICS: That happens at mine. Madam Chair, my transfer station does not accept green waste and that is one of the – there is only the wood chipper at certain ones and so I think that that's part of the contract thing to revamp. Hopefully it is, to revamp the transfer station. But right now green waste can't come to my transfer station as well. We are having that free day next Saturday. But I had so much green waste we had to hire a dump truck to come get. And that cost me a couple hundred to get it there. But at least hopefully the fire won't hit. But yes, Madam Chair, Commissioner, not all the transfer stations are equipped yet and I'd love to have it too.

COMMISSIONER MAYFIELD: And Commissioner, again, I hear you and I am going to say it, Jacona has always accepted it. Residents never received any notice. They filled up their trucks, they went out there, they've been turned away. I don't believe, and I'm still waiting to see if any public notification went out on this. I think they've been turning them away for arguably – I'm going to say arguably – for at least a week if not two weeks and those are the concerns that are coming to me right now in that specific area. And again, the folks are just upset. They're saying, look, we lowered it, we trucked it, we put the gas out and then we just got turned away at the gate. They're saying that's unreasonable.

COMMISSIONER STEFANICS: And, Madam Chair, our transfer station passes do not work at BuRRT. They charge us.

COMMISSIONER MAYFIELD: I didn't know that.

COMMISSIONER STEFANICS: Did we all know that? Well, that's an extra

expense that some residents in the county get to have free places to take their green waste and others don't.

CHAIR VIGIL: You mean on June the 25th?

COMMISSIONER STEFANICS: No. I'm talking about throughout the entire year. BuRRT does not take our County passes for people who take their green waste up there or anything else.

CHAIR VIGIL: Well, when I've gone to BuRRT they've never charged me.

COMMISSIONER STEFANICS: I had one of the residents in my townhall last night who talked about going up there, how he was weighed as he went in, weighed as he went out, and he had to pay. And they would not accept his pass. And it's a member who participates in our United Communities group all the time. And I have no reason to doubt him.

MS. MILLER: Madam Chair, it is correct that BuRRT does not take green waste or accept our punch cards for green waste. And city residents have to pay to dump their green waste too. Green waste right now has become a big problem. Many people are actually cleaning up after threats of fires and they're really going around and trimming trees and cleaning up. And we don't have in any of our transfer stations really the ability to handle it. We're actually having to pay to truck it off. So it's being brought in essentially for free and then we're paying to haul it off because people don't come and get it even if we chip it up. So it's a major expense that we're really I think, when you talk about the Solid Waste Ordinance and the permits and stuff we're kind of not dealing with that either and it's so bad at Eldorado I think we're – we just need to get it out of there so it's not a fire hazard.

CHAIR VIGIL: See what I mean? The questions and issues are endless and they're wide and varied, so I'm a proponent for creating an opportunity for all of us to just sit down and just bring all these issues forward

COMMISSIONER MAYFIELD: Madam Chair, real quick. On the first point that we brought up regarding fire safety for the state of New Mexico. I don't know if you all would entertain sending a letter to the governor just asking protection of public health safety and welfare, that Santa Fe County would ask that there be a statewide moratorium on this issue and maybe that could be under signature of our County Manager, if you all would approve that.

CHAIR VIGIL: We haven't adjourned so I would entertain that as a motion. Is there anyone that would like to –

COMMISSIONER MAYFIELD: I would like to make that motion.

COMMISSIONER STEFANICS: I'll second.

CHAIR VIGIL: Okay. Any discussion?

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

CHAIR VIGIL: So would you be okay if that's either her signature or mine?

COMMISSIONER MAYFIELD: Whoever, Madam Chair. Yours, the County Manager's, great.

CHAIR VIGIL: Okay.

COMMISSIONER MAYFIELD: So they'll get it tomorrow, I hope.

CHAIR VIGIL: And I think we probably after the press conference tomorrow will better know how to frame that so if she doesn't declare a statewide fire emergency we could urge that. Is that what you're --

COMMISSIONER MAYFIELD: Maybe we could go out and urge our tribal officials also.

CHAIR VIGIL: Right.

VII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Vigil declared this meeting adjourned at 5:20 p.m.



Valerie Espinoza
VALERIE ESPINOZA
SANTA FE COUNTY CLERK

Approved by:

Virginia Vigil
Board of County Commissioners
Virginia Vigil, Chairwoman

Respectfully submitted:

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