

San Marcos Overlay Comments Matrix

Overlay Section	Page #	Comment #	Comment	Staff Analysis	Staff Conclusion	Additional Notes	Commenter
General	0	1	Advertise on the Madrid Radio Station	Agreed, Staff are always looking for avenues to expand community planning outreach.	N/A		David Simpson
General	0	2	Turquoise Trail Court. Who does belong to? What is the zoning possible between T. Trail Ct and Rte. 14	According to the County Assessor's Parcel Map, parcels 99309981 and 99309982 (between Hwy 14 and T. Trail Court) are owned by the Rancho Viejo Partnership. The parcel ending in '81' is zoned "Rural" while the parcel ending in '82' is zoned "Rural" in the southern half and "Rural Fringe" in the northern half. Technically, this property is outside of the San Marcos Community District and not subject to any of the proposed Overlay amendments.	N/A		Ron Greenberg
General	0	3	Somewhere? Include suggestion to require real estate and other sellers to notify the buyer or potential buyer about county regulations	Our Building and Development Services staff are continually working with Realtors about communicating County regulations to buyers. Nonetheless, this suggestion is outside of the purview of the Overlay amendments.	N/A		Elizabeth West
General	0	4	Neighborhood scale: new residents and some old ones are unaware of or are insensitive to light/night sky abatement. And the Shell station for instance, installed bright anti-theft lights all around and they are on all night, every night. Some new residents installed bright outdoor lights, some aimed from their homes on Camino Azul all the way to and into my house on Hwy 14. Recommend: educate San Marcos folks to 'shade' their lights/hood or re-aim; send notification w/ tax notices on night/light abatement and best practices to insure all of peaceful night sky's while maintaining reasonable security of their property	Agreed, education about the County's Night Sky regulations is a necessity, but it does not have a direct connection to the Overlay amendments.	N/A		Rick Iannucci
General	0	5	Noise abatement and quiet enjoyment in residential rural homes that border commercial area. Recommend: no amplified music outdoors or piped or directed outdoors of the Commercial Facility be permitted. Specifically, bar/taprooms such as the Beer Creek Bar on NM-14. Music/entertainment should be contained and limited to the interior of the business. This applies to commercial establishment and if residents want to have a wedding or special event they should go through a special event/permitting process.	While I understand the issue, noise is regulated by the Noise Control and Public Ordinance Ordinance (Ordinance 2009-11, as amended) not the SLDC and the San Marcos Overlay section. If the issue persists, please pursue enforcement measures between the quiet hours of 10pm to 7am.	No change.		Rick Iannucci
General	0	6	Before final version, must have professional proofheader correct typos - in a casual read I identified half a dozen typos.	Staff received your copy with revisions and have incorporated changes where necessary. Although the proposed formatting changes seem beneficial within just the Overlay, some of the proposed formatting changes will not be adopted as the Overlay has to be consistent with the rest of the SLDC.	Incorporated grammatical changes where necessary.		Laird Graeser
Dimensional Standards	5	7	Rather than deleting the 100' setbacks explicitly state the 25'/20' setbacks in the SLDC. This is for clarify and positive communication.	Agreed, explicitly stating the setbacks is clear communication.	Add the front, rear, and side setbacks in the Dimensional Standards tables for each Zoning District.		Laird Graeser
Dimensional Standards	5	8	Add accessory dwellings per chapter 10	Typically for Overlay sections, we only include "exceptions" to the rules elsewhere in the County. For any development permit the entire SLDC applies not just the San Marcos Overlay. Since we are not proposing any regulatory changes for Accessory Dwelling Units (ADUs) for the SMCD, it is not necessary to add specific language.	No change.		Laird Graeser
Home Occupations	8	9	With the advent of remote work, requiring business registration may be a problem. Probably ok for "low impact" or "medium impact"	Yes, our current Home Occupation regulations do not adequately cover remote work. Since the proposed Overlay amendments only cover San Marcos and the San Marcos Home Occupations table is only an 'exception' to the Countywide Home Occupations regulations, this type of proposed change will be noted for future consideration.	No change.		Laird Graeser

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Home Occupations	8	10	Is a separate garage, not particularly used for business storage - or a separate studio considered "accessory building storage" subject to 120sf, 600sf, 1500sf?	No, neither a separate garage structure nor a separate studio are considered "accessory building storage." These structures are considered "Accessory Structures" under SLDC Section 10.3	N/A		Laird Graeser
Home Occupations	8	11	What is the relationship between/more any for low and medium impact and these "impact" numbers?	The Committee proposed revisions for visitations and heavy equipment are to allow increased flexibility for Home Occupations. We came to the agreement by doubling the numbers for visits and settled on a maximum of 4 Heavy Equipment for Medium Impact to note the concern of neighbors.	N/A	[visits and heavy equipment]	Laird Graeser
Home Occupations	8	12	Distinguish between work-at-home and home businesses	Currently, "work-from-home" (WFH) is not a recognized type of Home Occupation in the SLDC. While the impact of WFH is significantly not different from a "No Impact Home Occupation," the key difference is that an individual's business license is tied to their residential property versus a WFH situation where the individual is likely employed by a business/organization with a license elsewhere. Nonetheless, this should definitely be a consideration for future SLDC Amendments to the Section 10.6.	No change.		Laird Graeser
Cannabis	9	13	The survey is not a valid consideration for the change to prohibit the Rural Residential zone district. It should remain conditional.	The consultants who conducted the survey are survey experts. They consider the survey response as a statistically-valid sample of the San Marcos community. Furthermore, approximately 73% of the survey respondents did *not* want outdoor cannabis grows in residential areas.	No change.		Linda Eassel
Home Occupations	9	14	If heavy equipment is allowed for Commercial businesses, that are located on rural residential lot, it would be nice that the equipment is not visible to any other adjoining neighbors, should store equipment in large metal building	In the SLDC Appendix A "heavy equipment" is defined as "a vehicle designed to carry freight, goods, construction materials or heavy articles; or a vehicle for heavy work, construction work or towing." In the proposed Overlay, up to 4 heavy equipment vehicles are allowed for Medium Impact Home Occupations in any zoning district (including Rural Residential), but it is a Conditional Use Permit. Since the District is varied and this type of application won't happen too often, advocating for vehicle screening (whether in a garage structure, fence, or flora) in the pre-application neighborhood meeting and public hearings is likely the best solution for this desire.	No change.		Linda Szczech
Cannabis	9	15	I am thrilled that outdoor commercial grows in rural residential areas will be prohibited however, I am dismayed that Planning Commission and Commissioners have grandfathered in a number of outdoor grows in rural residential despite a survey of residents that did NOT want outdoor commercial grows: 73%. VERY DISAPPOINTING - please ask Planning Commissioners and County Commissioners to respect the wishes of the people.	As County Staff we cannot speak for the Planning Commissioners or County Commissioners, but we encourage you to contact them directly and via their Constituent Liaisons.	N/A		Amanda Montgomery
Cannabis	9	16	Cannabis manufacture not allowed? Even in CN? Why not?	In the County's Cannabis Ordinance, Cannabis manufacturing is treated the same as the "Food, Textiles, and Related Products" use. Currently, that use is Prohibited in CN. Furthermore, the Committee felt that a cannabis manufacturer would be better suited in somewhere like Bisbee Court rather than in the few CN parcels of the SMCD.	No change.		Laird Graeser

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Use Table	10	17	Can you explain to me a bit more about what this new use in the matrix means? I'm still trying to wrap my head around it and its implications for me and my creative colleagues. Most of the newly introduced uses like cannabis and STRs are for the county to regulate more. You said that this would regulate us less. Can you help me understand more about this?	In the current Overlay, the County's Development Review staff have said they would likely consider a large-scale artist studio as a "Warehouse structure" use which is currently Prohibited in all zoning districts in San Marcos. Compared to equestrian and agricultural uses, we are currently being more restrictive for artists. Through the new "Artist studio" use being Permitted in all zoning districts, the new use lessens such restrictions and clarifies art studios as a specific type of use.	No change.		Kevin Box
Use Table	10	18	How do changes in the Use Matrix impact current/existing uses?	Except for the commercial cannabis uses in the Supplemental Zoning Standards section, all of the changes in the Use Matrix are increasing the number of allowed uses (either P, C, or A). Any current use that is in a parcel where their primary use is Prohibited is considered a "Nonconforming Use" and can continue to operate as normal.	N/A		Feedback from various community members
Use Table: Residential	10	19	ABQ is experimenting with accessory dwellings as amelioration of rental deficit. Duplexes or 2 standalone units should be allowed (perhaps CUP)	ADUs are allowed as an Accessory Use in the SMCD. While I understand the sentiment for duplexes etc., the County is concentrating growth in the Community College District where there is already infrastructure to support more housing. Furthermore, from my understanding, increasing the density of rural parcels can make water/sewer availability more challenging.	No change.		Laird Graeser
Use Table: Public Assembly Structures	13	20	The only thing I see that I would like to see changed is the Performance Theater and Permanent Outdoor Stage. We support Performing arts and supporting establishments, and Theater, dance, or music establishments, it seems as though we are short circuiting ourselves by not permitting a Performance Theater. I would love to see a Performance Theater receive a "C" for Rural and Rural Fringe, which I think would be consistent with the other uses.	Agreed, the Plan and community strongly support the arts. Furthermore, the countywide Use Table has the "Performance Theater" use as a Conditional Use in the Rural Zoning District (RUR). However, for the Rural Fringe Zoning District (RUR-F), that use is Prohibited in the County. Based on the Plan intent and San Marcos Use Table consistency, the "Performance Theater" use should be allowed in RUR and RUR-F.	Change the "Performance Theater" use to Conditional in RUR and RUR-F		Doug Speer
Use Table: Arts, entertainment, and recreation	14	21	[Independent artist studio use] As a new line item on the use matrix, I'm grateful and excited about it, but I just want to be sure it hasn't gone too far over into the extreme of allowance?	While I understand the concern, many other uses (including equestrian) do not have explicit size limitations either. Furthermore, other SLDC regulations such as setbacks and height restrictions do limit the size of potential structures.	No change.		Kevin Box
Use Table: Arts, entertainment, and recreation	14	22	Movie ranch status in RUR and RUR-F?	Agreed, it is not consistent that the use is Permitted in RUR-R, but not RUR and RUR-F even though lots are larger and parcels less populated. Furthermore, the current Use Regulations for a "Movie Ranch" in RUR-R involving parcel acreage, road access, and building size, instituting similar regulations for RUR and RUR-F would be consistent with the Plan intention and existing Overlay language.	Change the "Movie Ranch" use in RUR and RUR-F to Permitted in the Use Table as well as copy the Use Regulations language for that use from the RUR-R standards.		Laird Graeser

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Use Table: Institutional or community facilities	14	23	[Animal hospital]/[Kennels...] Is existing use in CN or RUR-R. assume grandfather. Kindred Spirits?	Kindred Spirits Animal Sanctuary (nonprofit) is a current use in the RUR-R Zoning District and provides end-of-life care and hospice for older dogs, horses, and poultry. Since it is an animal sanctuary, it does not directly fit the definition of an animal hospital (note: "Animal Sanctuary" is currently "not" a specific use in the Use Table nor is a specific use in the LBCS standards). Currently, the County does not limit the number of animals for personal use and, for commercial use, the only potentially limits are for horse stables of a certain size (up to 12 and over 12). Nonetheless, if there is any conflict with the Use Regulation in the Use Table and an existing use, the existing use becomes a nonconforming use and can continue operation. Since veterinary services are only Permitted in CN, matching the County standard should be allowed in all zoning districts except for RUR-R where it should be Conditional due to smaller lot sizes. Furthermore, since the LBCS differentiates between veterinary vs. non-veterinary, adding LBCS Function 2720 "Animal and pet services" captures non-veterinary uses such as animal/pet boarding, grooming, sitting, and training.	Change the "animal hospital" use to match Countywide standard except for in the RUR-R where it should be Conditional. Furthermore, add LBCS Function 2720, "Animal and pet services" with the same use regulations as animal hospital		Laird Graeser
Use Table: Utility	16	24	[Recycling transfer center] Rethink	The San Marcos Transfer Station already exists on Camino los Abuelos where recycling is required.	No change.		Laird Graeser
Use Table: Utility	17	25	Residential Solar? Community Solar?	Community District Overlays cannot regulate Community Solar facilities per SLDC Section 8.11. PV-Solar for a private residence ("Residential Solar") are considered a residential development permit which are not included in the Use Table.	No Change		Laird Graeser
Use Table: Agriculture, forestry, and conservation/open space	18	26	[Nurseries...] grandfather?	First, a nonconforming use can always continue operation. Nonetheless, there is an inconsistency in prohibiting "Nurseries and other growing of ornamental plants" but allowing "Crop production outdoor" or "Commercial Greenhouse." Countywide "Nurseries..." are Permitted in all zoning districts. If a property owner has commercial water rights to have a plant nursery, they should be able to grow nursery plants if they already can grow other types of plants. Since ornamental plants are distinct from crops, this use should match our proposed changes for "commercial greenhouse."	Change to match commercial greenhouse permit statuses: Conditional in RUR-R and CN, Permitted in RUR and RUR-F. Additionally, add to languagin 9.14.3.2.1. Use Regulations to specify water regulations.		Laird Graeser