

Sustainable Land Development Code Public Input Process: Home Based Businesses CDP Report

Santa Fe County began the Public Input Process for the Sustainable Land Development Code (SLDC) through a series of meetings, one in each growth management area in the County.

Home Based Businesses CDP

Staff prepared background material regarding existing code and policies for home occupations. The documents included information on some of the problems with the existing code, the policies outlined in the Sustainable Growth Management Plan, options and alternatives to the existing home occupation policies. Input on the home business CDP was submitted through the meetings and focus groups, emails and through the SLDC Public Input database. The following documents are included in this report:

Exhibit 1: SLDC Public Input Process Home Based Business CDP Information Document v.1.3

Exhibit 2: SLDC Home Business CDP Worksheet

Exhibit 3: Home Business CDP Options

Exhibit 4: SLDC Home Business Focus Group Notes

- a. June 9th, 2011
- b. June 13th, 2011

Exhibit 5: SLDC Home Business Public Input Process Issues Summary

Exhibit 6: Home Based Businesses CDP Public Input Database Comments

SLDC Public Input Process-Home Based Business CDP

The purpose of this document is to provide information so you can have informed input to the SLDC Public Input Process. What should you do?

1. Go to County website to get background information on the public process at www.santafecounty.org. Select Sustainable Land Development Code from the Hot Topics section of the website or go directly to http://www.santafecounty.org/growth_management/slhc
2. Please review the document. Note that the first section is background information and the second section has questions for consideration for the Home Business CDP.
3. Please provide your input on the Home Business CDP. You can do any of the following:
 - a. Go to Public Input Database from the County website. Either add a New Issue or contribute in the Forums. You may also look for instructional videos as a guide for using the database. Search for SLDC-PIP at youtube.com or use the links on the SLDC page.
 - b. Contact Robert Griego by email at rgriego@santafecounty.org or phone 986-6215.
 - c. Attend focus group meetings on June 9th at 2:00 PM or on June 13th at 4:00 PM in the County Commission Chambers at 102 Grant Avenue. The focus meetings will be interactive and you can participate remotely via internet, email or phone.

Table of Contents

Home Based Business CDP Background:	2
Existing Code and Policies regarding home based business.....	2
What are the existing fees for a home occupation and business license?	2
What are some of the problems with the existing code?.....	2
What do the SGMP policies state about home based businesses?	2
What are the policies in existing community plans?.....	3
CDPs for Home Based Business: Options and Discussion	3
Are these categories appropriate for home based businesses?.....	3
Should some of the review standards for home based businesses be adjusted due to density or location?	4
What level of impacts (if any) are appropriate for each category of home based business?.....	4
What application procedures (if any) are appropriate for each category of home based business?.....	5
What is the procedure to handle expansion of a home-based business?	6
What can be done to ensure enforcement of regulations after approval has been granted and a home business is in existence?	6
What categories and procedures are appropriate for a temporary use?.....	6
Non-Zoning/Non-regulatory approaches	6

SLDC Public Input Process-Home Based Business CDP

Home Based Business CDP Background:

Existing Code and Policies regarding home based business.

The current county code and regulations for home occupations are summarized below:

- Home occupation is an accessory use to a residence.
- Not more than six (6) persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home occupation;
- The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 50% of the floor area of the dwelling including accessory buildings shall be used in the conduct of the home occupation;
- There shall be no change in the outside appearance of the building or premises, nor other visible evidence of the conduct of the home occupation, except for one (1) non-illuminated name plate sign not more than nine square feet in area;
- Parking for employees and for customers shall be provided off the street;
- No equipment or process shall be used in the home occupation which significantly interferes with the existing use of property in the adjacent area.
- A site plan is required as part of the home occupation submittal process.
- It is an administrative decision for approval of a home occupation.
- A home occupation must have a County business license.

What are the existing fees for a home occupation and business license?

1. Costs for a home occupation business license are **\$435**. These costs include the following:
 - i. **\$100.00** Application Fee
 - ii. **\$175.00** Home Occupation Review Fee
 - iii. **\$75.00** Inspection Fee
 - iv. **\$25.00** Fire Review Fee
 - v. **\$25.00** Fire Inspection Fee
 - vi. **\$35.00** Business Registration Fee (Charged Annually for Re-Newel)

What are some of the problems with the existing code?

1. Non-impacting home businesses require costly license and inspection.
 - a. Costs for a home occupation total \$435 which includes application fees, review and inspection fees, fire review and inspection fees and business license fees.
 - b. Home occupations require inspections which take time.
2. Home occupations require an inspection which costs money and time.
3. The current home occupation is a single definition. This definition may be too much of an impact for some areas and too restrictive for other areas.
4. Enforcement of restrictions and regulations after the home occupation has been approved may be difficult.

What do the SGMP policies state about home based businesses?

Key Issues:

- Provision of employment-generating land uses and residential uses in mixed use development should be balanced to maintain a mix of jobs and housing to provide for the needs of both employees and employers.

SLDC Public Input Process-Home Based Business CDP

- Support and encourage local and small businesses that create employment opportunities in the County; including but not limited to technology, construction, healthcare, ecotourism, retail, office, media and film, consulting, finance, arts, manufacturing, green industry, aviation and industrial uses. Other diverse economic based industries should also be supported.
- Support existing and future development opportunities, including youth and young adults to obtain training to support professional career development are important, along with programs to retain young professionals.

Policies and Strategies:

- Policy 8.3: Coordinate land use and zoning and incentivize a broad mix housing types to address workforce housing.
- Policy 8.5: Small business development, enterprises, and compatible home based businesses should be supported.
- Strategy 8.5.1: Support incentives to encourage local businesses to retrofit buildings to achieve code compliance.
- Policy 10.2: Arts, Culture and Tourism should be supported as a critical component of the County's economy, through local arts, art-related business and cultural events.

What are the policies in existing community plans?

Another example would be a slightly higher intensity for the next level which could be called a home business (home businesses are allowed in some community plans such as Agua Fria, El Valle de Arroyo Seco, San Pedro, 285 Corridor.) An example of home business regulations from El Valle de Arroyo Seco Community Plan are summarized below:

- Location-adjacent to Highway
- Density-at least 1.5 acres
- Activities-retail establishments, bed and breakfasts, professional services, small scale automotive (up to 2 bays), small scale restaurants, small scale daycare facilities, small animal breeding and boarding facilities, small manufacturing.
- Size- up to 2,000 square feet for the home business.
 - Outdoor storage facilities up to 1000 square feet for the home business.
- Home business signs.
- Home business submittal requirements, noticing, and application approval process.

CDPs for Home Based Business: Options and Discussion

Are these categories appropriate for home based businesses?

Currently there are just two categories: Home Business and Commercial. However it is possible to have other categories. The idea is to have simpler, less costly procedures to license businesses that have less impact. What activities should be allowed, conditional or special for residential districts?

Residential Use - Home Based Business

- ◆ **No-impact – No difference from the outside**
 - Uses: Computer, artist, writer, quilter
- ◆ **Low impact – minimal impact**
 - Uses: Home office with occasional walk-ins or deliveries
- ◆ **Agricultural Home Business – << can this be covered in the other categories? >>**
 - Uses: Agricultural sales, agriculture, vine culture
- ◆ **Home Business – some impact**
 - Uses: Bed and breakfast, chiropractor, massage

SLDC Public Input Process-Home Based Business CDP

- Some traffic or other impacts, but appropriate to residential area
- Anything usage that requires fire inspections falls in this category
- ◆ **Other uses currently unclassified: these may not be appropriate to include as Home Based Businesses**
 - Uses: Yard/garage sales, hobby uses
 - Temporary uses
 - Other

Mixed Use Commercial Designations*

- ◆ **Live/Work – residential with commercial business**
- ◆ **Commercial – Entire use of property commercial**

*For reference only. These are not categorized as Home Based Business and will be discussed at another time.

Discussion Questions:

- Should uses like yard sales or occasional uses be regulated? If someone has a “yard sale” every day, does it become a business?
- Can the uses in the agricultural category be covered by the others? Is there a need for such a category?
- Is it advantageous to separate low impact from home business?

Should some of the review standards for home based businesses be adjusted due to density or location?

For example, in a high density area parking could be an issue. In a low density area it might not be. Or the effects of a welding shop on 160 acres vs. in a dense residential area.

Note:

- Concerns were brought up about people in less dense areas move there to have peace and quiet
 - ◆ **Density variance for noise, light, visual, fumes impacts**
- ### Discussion Points:
- For noise the current 60db standard would still apply. So on a larger property, noisier activities would be allowed if the noise level at the boundary would still be 60db.
 - Similar for fumes. I.e. fumes from a welding shop in the middle of 160 acres would be less noticeable than in an R-10 neighborhood.
 - It’s possible for the above reasons there is no need to take density into account
- ◆ **Parking and traffic in a less dense area**

Discussion Points:

- It is possible that in a less dense area, larger amounts of parking could be accommodated
 - A problem is shared rural roads might not be able to accommodate more traffic
 - Also traffic could create more noise and disturbance in rural areas
- ◆ **Location near other commercial zoning**

Discussion Questions:

- If a business is right next door to a commercial zone, does that impact the process.

What level of impacts (if any) are appropriate for each category of home based business?

What impacts are appropriate in each category? Remember this is a residential district. See attached spreadsheet.

Explanations:

- % of Residence Used-the percentage of the total square footage of the residence
- Signage-the total square footage for the outdoor sign

SLDC Public Input Process-Home Based Business CDP

- Outdoor Storage-the total square footage and percentage of outdoor storage
- Outdoor Activities-the total amount of space devoted to outdoor activities
- Hours of Operation-hours of operation for business activities that have impact
- Noise impact is set by the county code to be less than 60db at the property boundary. Here are some examples of noise impacts. 60 db is twice as loud as 50 db. 50 db is twice as loud as 40db.
 - Air conditioning unit at 100 ft 60 dB
 - Cash register at 10 ft 65-70 dB
 - Electric typewriter at 10 ft 64 dB
 - Dishwasher (Rinse) at 10 ft 60 dB
 - Conversation 60 dB
 - Large transformers at 100 ft 50 dB
 - Bird calls 44 dB
 - Lowest limit of urban ambient sound 40 dB
- Visual impact is additional sheds, stored materials, parked cars.
- Light impact are lighting uses. This becomes a concern at night if people nearby are sleeping.
- Noxious fumes are given off by certain processes like painting, welding, animals.
- Hazardous materials are flammable or toxic. The degree of storage might be important, i.e. a tube of superglue vs. crates of paint storage.
- Fire hazards include welding, kilns, heat treatments or anything that presents fire safety hazards.
- # of trips/day: the total number of trips each day, due to employees, customers and deliveries.
- # of employees: includes residents and external employees.
- # of customers: number per day
- # of parked cars: includes cars due to customers, deliveries and employees. Employee could carpool.

Discussion Questions:

- Should density or location affect levels? See above CDP.
- Should there be lower levels after certain hours? Day vs. night to protect sleepers? Workday vs. weekends?
- What is the best measure of traffic impact: # of trips/day, # of employees, # of customers?
- What is the best measure of parking impact: # of employees, # of customers, # of parked cars?
- Do maximum vs. average impacts matter. For example one day a month where 100 people visit, vs 3 trips per day. Similarly a continuous noise as loud as a conversation, day and night could be annoying in a residential location.

What application procedures (if any) are appropriate for each category of home based business?

Are these procedures appropriate in each category? Remember this is a residential zoning. The expected degree of impact could alter the procedures. See attached spreadsheet.

Explanations:

- Notification requirements: possible requirements for notification of neighbors
 - None
 - Within 100' or some distance of homes
 - All adjacent
 - Any on shared street: arterial, collector, subcollector
- Approval process:
 - Instantaneous: simple submission of forms
 - Administrative: A land use administrator approval. Informal process
 - CDRC: Requires one hearing by the County Development Review Committee (CDRC)
 - CDRC/BCC: Require hearing in front of CDRC and Board of County Commissioners
- Current Fees are:
 - Application fee: cost of processing application
- Studies
 - Traffic Impact Analysis, Water availability

SLDC Public Input Process-Home Based Business CDP

Discussion Questions:

- What level of home being used is appropriate?
- What studies are appropriate, if any?
- What notification, approval processes are appropriate?

What is the procedure to handle expansion of a home-based business?

For example what is the process if a business starts out as no impact and they hire an employee or employees? Or if there is a shift from “low impact” to “home business” due to storage or other uses.

What can be done to ensure enforcement of regulations after approval has been granted and a home business is in existence?

How should the County ensure compliance of the home business regulations?

What categories and procedures are appropriate for a temporary use?

Example: Suppose someone’s business is in transition and they want to store equipment or products at their home until they can get a new business location?

Non-Zoning/Non-regulatory approaches

These approaches were suggested at meetings. It is not clear that they comply with the Sustainable growth management plan.

◆ No regulations at all

It was suggested that property owners could do whatever they want. Even if it is to open a toxic waste dump operated by the New Jersey mafia.

Pros:

- Most “freedom” for property owner.

Cons:

- Non-compliant with the SGMP
- Could have very negative impacts on neighbors or nearby community

◆ Regulations based on the covenants

It was suggested that the only regulation be covenants on property. No zoning or government regulations

Pros:

- Most “freedom” for developer. Lets developer do whatever they want

Cons:

- Non-compliant with the SGMP
- Could have very negative impacts on neighbors or nearby community

◆ Regulations based on the “number of complaints”.

It was suggested that the only regulation be based on “the number of complaints”. An implementation strategy is not clear.

Sustainable Land Development Code (SLDC) Public Input Process (PIP) Home Business CDP

	Use	Residential Use - Home Based Business					Mixed Use /Commercial*	No Regulation
	Activity Type	Home Occupation 1	Home Occupation 2	Home Business	Agriculture Business	Other		Any
	Description	No Impact	Low Impact	Some Impact	Unknown	Some Impact		Any
	Sample Uses	Computer, artist, writer, quilter	home office, some walk ins, massage,	Chiropractor, bed and breakfast, some retail	Agriculture sales, agriculture equipment sales, vineculture	Temporary, hobby uses, yard sales, garage sales		Any
P r o c e s -	Application Process	Admin	Admin	Admin	?	?	None	
	Notification Process	None	Notice Board	Notice Board plus notify adjacent	?	?	None	
	Fees	None	None	Yes	?	?	None	
	Studies	No	No	Yes	?	?	No	
R e v i e w S t a n d a r d s	% of Residence Used	Less than 50%	Less than 50%	Up to 50%	?	?	All	
	Signage	No Signage	up to 9 SF	9 to 15 SF	?	?	Any	
	Outdoor Storage	None	None	Based on Lot Size?	?	?	Any	
	Outdoor Activities	None	None	Based on Location?	?	?	Any	
	Hours of Operation	No Impact	Conform to residential character	Conform to residential character	?	?	Any	
	Noise	None	None	Up to 60 db	?	?	Any	
	Light	None	None	Existing Code	?	?	Any	
	Visual Impact	None	None	Minimal	?	?	Any	
	Fire Haz.	No Impact	No Impact	Minimal	?	?	Any	
	Haz Mat	No Impact	No Impact	Minimal	?	?	Any	
	# of trips	No Impact	2 to 4 daily	4 to 8 daily	?	?	Any	
	# of employees	Residents only	2 to 4	4 to 6	?	?	Any	
	# of parked cars	No Impact	No on-street parking	2 to 4	?	?	Any	
# of customers	none	2 to 4 daily	4 to 8 daily	?	?	Any		

* Mixed Use/Commercial will not be dealt with in the context of home based business

Home Based Businesses Focus Group - #2
SLDC Focus Group Notes
Monday, June 13, 2011

Introductions -

David Gold: Facilitator

County Staff: Jack Kolkmeier, Land Use Administrator; Robert Griego, Planning Manager; Arnie Valdez, Senior Planner; Renee Villarreal, Community Planner.

Public in attendance: Sheryl, Jerry Powers, Carol, Francois Marie Patorni, Bill, Paul, Mike Mykris, William Lints, Walter Wait, Ray Seagers, Bill, Marta Nystrom, Dale Schrage, Ashley Morgensen, Joe Ortiz - 17 people in attendance (not all signed in).

Jack: Serious problem with home based businesses because we don't have enough clarity and flexibility for the category of home occupation (no other categories presently exist). We are also not clear on the standards that we apply to those categories, and enforcement of the uses.

Currently can have a home occupation, provided you don't change the residential aspects of your dwelling and the primary use is residential – and no structures are changed to accommodate your home occupation.

But the problem we run into is when what used to be a home occupation with minimal impact grows and transforms into something larger with more impacts that occur in and around the property.

Ideas to explore: Having more categories which could include: No impact home occupations, low impact home occupations, home businesses (conditional use), and prohibited home business uses.

David: Want to know what all of you consider a no impact home business.

Example given was a consulting engineer working out of house.

Paul: How and when will this topic come before the BCC?

David: If there is agreement about general categories, we will present to BCC to then get permission to write Code. There will be a special study session with the Board on this topic on June 21st.

Paul: Doesn't think this is enough time to present to the BCC on any suggestions on this topic at this time.

Others from group felt this didn't give us enough time to have recommendations on this topic to present to the Board.

Ray Seagers: In Estancia, we perform very little work on our property, usually do work away from home site, and then we come home. Then there are subdivisions that have covenants in order to regulate

what is allowed in the area. Also doesn't agree that home businesses don't require zoning - anytime you regulate a use on a property this is zoning.

Jack: Home occupations and businesses are not about zoning – home based businesses are allowed by permit and do not require zoning changes.

No impact businesses (more examples):

Sheryl: Avon, Tupperware, telecommuting, internet sales, other office related work. Need a category for nonprofits – should be a separate category possibly to accommodate these types of home businesses.

Francoise-Marie: Some nonprofits may have more impact on the property than others

Sheryl: Have to take no impact and low impact and define what that means– can't try to fit all types of businesses into certain categories and uses.

Walt: Definition of business – when there is a business license, there are gross receipts taxes, and there is profit and loss associated with a business. If someone doesn't know you have a business, then it should be considered no impact.

Marta: But what is no impact to one area might not be to another.

Will: Watched podcast from May 25th – and came up with the conclusion that there are those areas that have real estate covenants, areas with community plans, and then other areas with neither. Need to have regulations for those areas that don't have regulatory mechanisms right now.

Comment: Greater acreage should have less restrictions, more dense areas, should have more restrictions.

Ray: Estancia Mgmt Growth Area – 5 acres and up where we have to look at what should be allowed differently than other areas.

Walt: Gave an example of a possible impact of home business – will vary depending on where it is and how it is positioned on property.

Some of the issues grappling with: Density of the area, if there are no complaints then should it be an allowed home business use.

Issues that could make a home-based business have more of an impact:

- High traffic
- Number of employees
- Noise generation
- Pollution, fumes
- Number of customers, visitors
- Hours of operation

- Light pollution

Paul: Amount of complaints should be a factor to determine if you need to have necessary permitting for a home-based business.

Bill Baker: When does it cross over from home-based business to commercial? This is what we need to define.

Jerry: Impacts can be subjective – depends on culture of community and traditions. Not a cookie cutter deal, regulations should be based on the area and should be flexible for different needs.

Will: Owner of a home business should have an open house so that neighbors would have an opportunity to voice complaints about impact of business to the home owner.

Procedures for application:

Ashley: On application – have different levels of impact – there would need to be an evaluation of criteria for a specific type of home based business permit.

Marta: Self assessment should take a role – because owners would know what impact they would have

Walt: Should look back on the Plan and what the administrative process would be and apply it to the home based business process.

- Community awareness of application – Community Organization would be notified
- Required signage of proposal
- Always should be notification of some type of business being proposed

Bill Baker – people with low or no impact shouldn't have to go through the permit process

Joe: Appeal process- shouldn't have to have a procedure to have a home business

Jerry: Needs to be objectivity for the criteria that would explain impacts of a home based business– that is measureable!

Enforcement:

Jack: Currently enforcement is complaint driven. Jack explained what the process entails today is when there is a complaint that a home business has become more of the primary use of a residential property, then they have to go through a variance process to rezone their property to commercial. This is considered spot zoning and requires staff development review and also a public hearing with public input.

Walt: If County currently has spot zoning, and a person can rezone their property to commercial, and there is a public hearing and public input process, then this is important to know that there is already a process in place if a home-based business gets too large for be permitted as such.

David: Asked what would be accomplished if we extend this process.

Group asked if David felt like he had something tangible to present to the BCC on this topic.

David: Said he has the ability to generally define what standards would look and the various categories could look like to present to the Board.

Bill: Need to evaluate how many full time employees would be required to get this new process going, what the economic impact would be, and what the financial implications would be – and how much money County would garner with the fees for permits.

Jerry: Didn't think the SGMP process was effective to address the distinctions different communities have for these issues. Therefore it's important to have these focus groups actually take our suggestions into account as it pertains to the Code.

Francoise: How do you present a topic to the BCC to make a decision, when there are other pieces to the Code that are connected this topic and it wouldn't make sense to present something that is essentially "half baked".

Ray: We don't have a lot of people that don't have high speed internet in the Estancia area to get the word out and let people know what transpired from these meetings. That means we need to have time to convene our community to talk about this subject. Right now I really don't have anything to take back to discuss because there isn't anything definitive to vet.

David: Not sure where we go from here and if we will present something to the Board.

SLDC Focus Group Notes - Home Based Businesses

Thursday, June 09, 2011

Walt Wait-Home occupations are the mainstay of the economy in San Marcos and probably the County as a whole. Need to clearly define and regulate and follow rules.

Bill –San Pedro includes half home business. San Pedro area community plan has specific regulations. Concerned about blur the lines between commercial/residential.

William Lintz- many people in the Silverado Area have home occupations. Current regulations exclude blue collar. Ran business for 16 years without complaint. Kept regular business hours and respectable business. Density is an important part as well as the character of the area. Home businesses provide an important service to the community.

Carol-do we have an outstanding glaring issue on this subject?

Jack K. – We have a huge issue. There are concerns from residents.

General Home Occupations/Home Businesses:

What is a business defined as?

John: If you're bringing an income in, you're operating a business.

Jack: When you pay gross receipts tax and have a business license with the County. This should be our baseline for today.

Walter: What's the percentage of a person's income that comes from the home business operation. Is there a cut off?

David: Need to think about what impact business has, not how much income is coming in from business to be considered a home business.

Bill: Shouldn't take away from the community plans and what they say and outline for their home occupation/business guidelines. Don't ignore what was already figured out in the plans and their communities.

Walter: Should also consider a permit to run a business in the County. (That's what a business license is for...)

Paul: What does the \$35 fee go towards for the County? John: Tracking and checking the status of the business.

Home Information Business:

- Doesn't involve visitors

- No deliveries
- All business contained within the dwelling unit
- No employees

Alternatives:

- Has storage within the garage

Need to consider relationship to density, daily uses, storage and other impacts.

- Has deliveries

No impact for deliveries –

Impact – when its impacting private roads then it becomes a problem

Depends on density and the settings of the community. If it's rural with small roads there will be more of an impact. But need to define reasonable thresholds.

How many people will it take to enforce these things anyway?

David: Good question, as to how enforcement would take place. Today, enforcement is complaint based.

Would it depend on what type of delivery? What if it's a semi-truck?

No impact would equal no traffic.

Suggestions:

- Need to determine no impact, low impact, and higher impact. – Base it on a point system and a possibly a check list or scale of things included in a business to see what kind of impact it will be.
- Need a set of questions that we need to ask to define what a home occ or business would be and what impacts there could be.
- Should be criteria for different areas throughout the County
- The categories to start from None, Low, Moderate, to high impacts for home based businesses

Example: Regarding how many deliveries should be allowed for a home business: The numbers vary, but the avg was no impact equals no deliveries; low would be a few (2-5); moderate (5-10); high – greater than 10.

Number of trips per day:

- Round trips
- Depends on the type of business – if it is an auto mechanic, then it they would have an average 5-8 trips a day.

Walt: Would help to have a questionnaire of what levels of impact home businesses might have. This should be vetted by people who actually have a home business and understand the subject. But then the land use administrator would make the determination of the impact based on how a person would answer the questions on the questionnaire.

The questionnaire would include specific questions. Density, on-road, off-road, -establish limits. Create questionnaire about what public would ask. Then determine what people would do.

Need to have due process for this subject.

Need to have standards, but how do we arrive at these standards? Need to find examples of how other counties determine levels of impact for home occupations and businesses and use this as a guide or template for us to start from.

Home Based Business CDP: Public Input Database

#	Subject	Author
13	Small no impact businesses shouldn't be regulated	Public Meeting
14	Non-profits should have the same rules as others?	Public Meeting
15	The lowest tiers can be described as nobody sees or hears the business activities.	Public Meeting
18	How should satellite offices be considered?	Public Meeting
19	Zoning in subdivisions should be dealt with through covenants and not by government.	Public Meeting
20	Home business should be dealt with by how many complaints there are for a business	Public Meeting
21	Anyone should be able to do anything ... even a Mafia run toxic waste facility	Public Meeting
22	Process for home business should be simply noticing neighbors	Public Meeting
23	There are regional differences	Public Meeting
33	Are yard sales a regulatable home based business?	David Gold
36	It is important to clarify scale of home business	David Gold
37	Make a distinction whether business provides a product or service	David Gold
38	Impacts might be greater in rural areas, rather than less	David Gold
39	Distinguish between home with business and business with home	David Gold
40	Focus should be scale rather than density	David Gold
41	Impact on next door neighbors	Public Meeting
42	Should zoning be done based on geography	David Gold
43	Consider proximity to sovereign lands	Public Meeting
52	Supporting evidence	Paul White
59	Concerns about Live Work	General Inbox
61	No government intervention in private business	General Inbox
63	General Comment	General Inbox
64	Home Business Expansion	General Inbox
65	Home Business Structure Type	General Inbox
66	Home Business Standards	General Inbox
67	daily yard sales	General Inbox
68	Small Scale Agricultural	General Inbox
69	Home Business with Contractors or 10 or more employees	General Inbox
71	Agriculture	General Inbox
72	Home Business	General Inbox
75	Paying on Commercial rate regarding property Taxes	General Inbox
78	Home Based Business/ General Comment	General Inbox
80	Home Based Businesses	General Inbox
81	Home Based Business	General Inbox
82	Home Business Process	General Inbox
83	Home Business Categories and Process	General Inbox

The following public comments were submitted through the Santa Fe County Sustainable Land Development Code (SLDC)- Public Input Process (PIP). The issues identified are for the Home Businesses CDP. Other issues are not identified in these comments. The summary sheet identified in Exhibit 4 identifies the tracker number, subject and author of the comments. The comments were entered by the author, or were entered by staff based on the comments received at the public meetings.

Home Business CDP Comments:

12. Commercial business should have multiple designations and processes.
13. What are the impacts for small businesses such as working from a computer at home and why should they be regulated?
14. Should non-profit or charitable home based businesses be treated the same as other home businesses?
15. The lowest tiers can be described as nobody sees or hears the business activities.
18. How should satellite offices be considered?
19. Zoning in subdivisions should be dealt with through covenants and not by government.
20. Home business should be dealt with by how many complaints there are for a business.
21. Government does not have any business telling me what to do on my land. This is free enterprise. There should be no limitations on business activities. Even if someone wants to put a New Jersey Mafia run toxic waste facility right next door to me.
22. A process for home business should be simply noticing neighbors about the proposed business activities. If people have any concerns, they can state them to the County and these should be considered. Eg. Sandoval County example. There should be no inspection required.
23. There are regional differences. A gradation or tiered-stepped approach could be made based on areas and desires of communities and surrounding uses
33. Lucy Lippard - how much should government regulate? For example yard sales could be considered a home based business.
36. Glen Snell-It is important to clarify scale of home business.
37. Steve Shepherd-Make a distinction between home based business and whether the home business provides a product or service, for example-is it an intellectual service such as working

from a computer at home or is it retail service where there are customers. Also make a distinction between retail sales and wholesale products as these have different restrictions.

38. Impacts might be greater in rural areas, rather than less.

Ann Murray- concerns about allowing more intense home business in rural areas-for example, if the area is rural in nature a particular use might have a bigger impact in a rural area. Noise was given as an example. In rural areas people expect peace and quiet. **Impacts might be greater in rural areas, rather than less.**

39. Distinguish between home with business and business with home. Walter Wait-Need to distinguish between a home business types-for example what is the primary focus-a business with a home or a home with a business such as a home occupation.

40. Focus should be scale rather than density. Roger Taylor-Maybe focus is not density-focus should be the scale of the business-for example what is the size of the business and impacts of the business. These could be distinguished as follows: For major Impacts the process would be more comprehensive. For minor impacts there could be a fast track or simple process.

41. Impact on next door neighbors. Nancy Shriver-impact of next door neighbors. What are the expectations of neighbors. What is the character of the area-is it a residential area only?

42. Should zoning be done based on geography. Barbara-The diversity in the County complicates the issue. Should zoning be done in a better way based on geography?

43. Consider proximity to sovereign lands. Commissioner Danny Mayfield-Consideration of geography includes what is happening in nearby areas such as sovereign land?

52. Supporting evidence-Regarding the attached letters from the Tepper's it appears that licensing procedure and the definition of the use of the property appears to need clarity. And I would like to see if the code can address these issues.

59. Concerns about Live Work-My name is Adriene Simpson. My only concern, on this particular CDP, was briefly addressed at the last meeting about how any of the home based business codes will be applied to the properties now being referred to by some as "live/work" properties. Jack Kollkemeyer brought up the fact that there were no existing codes relating to live/work even though several already exist for home-based businesses. I live in Vista Ocaso, and as you may have heard, the live/work units being proposed in La Pradera are rather a hot topic for us right now. Seems to me, that live/work by it's very nature can't really be separated from the definition of a home-based business, or is it a business based home.

Define Maximum Zoning Density I was also wondering which CDP will be the one that deals with density in the county. I believe the Community College District was a nice experiment, but it's time to evaluate it's short-comings and lay down some new rules as far as density goes. I think you would be hard pressed to find codes in other parts of the country, or in history, that had no maximum density defined. It's like a blank check for developers to steal, rape and pillage the countryside. When will these issues be addressed in this process so I can be sure to attend those meetings? Which CDP deals with that?

61. **No government intervention in private business**-Why is the government interfering in home-based PRIVATE business. This is insane.Sharon Hosenfeld.

63. **General Comment** From John Bradley- What is this all about? Thanks

64. **Home Based Businesses** Pat Brown- We want to make sure that people getting these home occupational permits don't turn their homes into stores at the same time, without getting a County business license.

65. **Home Business Structure Type** From: Joe Duran City of Espanola Building Inspector
Your next phase in data collection focusing to Home Based Businesses may consider ADA requirements on the type of occupancy and occupant loads. This should include the type of structure used as a Home Based Business. Remember, many individuals intend to use a manufactured home as a business, which the NM Manufactured Home Division has strict criteria on the use of a manufactured home for businesses. The only exception are Mobile-home and Automotive Sales Offices. The other consideration is the automotive repair shops (Mechanic and Auto-body), there are various environmental restrictions, from ground to airborne pollution, to the nuisance conditions it creates. And lastly, is the Life-Safety requirements in the means of egress or escape, emergency/illuminated lights and signs, Business Advertising signage and most importantly is fire suppression systems, especially in an assembly occupancy or chemical storage facility; Width access for EMS should be considered.

66. **Home Business Standards** -William Mee- Agua Fria has a lot of home occupations and more now these days with the poor economy. When we did our Community Plan in 2003 to 2006 in 36 public meetings, we were very generous with home occupations. As we met, we began to find out that everyone had a job in town, and were also a part-time artist, contractor, mechanic, or a home-based computer user working on mailing lists. People had home occupations to supplement their incomes. People in Agua Fria were traditionally farmers, but also jacks of all trades, and there was always a barter economy there. But that is another issue on taxation. I think the six employee threshold is very good. Because you can add to this mom & pop business with Junior working there and you have nine people in the business and basically ten cars. When you get bigger than this you are talking ¼ to ½ acre just in parking

alone. We had a painting business with eighteen cars there and it was just too big. At that point, we need to look at parking issues. But then at this level there is escalation and there are disagreements between neighbors about what is appropriate and the code enforcement response, but then that is another issue altogether. Also, with the painting business we had a small fire coming from paint thinners and cleaning agents being stored in a metal shed, and they got hot and started on fire. Then the issue became hazardous materials storage, so that needs to be considered. But Agua Fria wants to do a beautification program that Jack Kolkmeyer is helping us with and maybe we can solve these problems that way. Another issue that Jack is familiar with is the two story house that has immigrants in it. They have had up to 22 cars there. It is a house rented to a couple and they are the grandparents and have extended family with them and all of a sudden there are 10 kids under 6 and you need an on-site child care. They sell the greatest tamales there but there are no occupational licenses associated with them. Then they rent to one outsider and he puts a backhoe there that starts up at 6 am and he subleases to a guy with scaffolds and a plastering crew that parks there. Then the neighborhood turns on them. But these are people not even owners just renters, so the neighborhood cannot enforce.

67. **Daily yard sales-** From: Ross Lockridge and Ann Murray- "If someone has a "yard sale" every day, does it become a business?" Yes

68. **Small Scale Agricultural** Ross Lockridge and Ann Murray - "Can the uses in the agricultural category be covered by the others?" Relatively small scale vegetable/plants could be in one of the other categories.

69. **Home Business with Contractors or 10 or more employees** From: Filandro Anaya

I believe that in this day in age and in this economic down turn that many people are looking for other ways to stay in business. Contractors do not fall under Agriculture Business. like other larger business do! So I believe that a contractor or a similar type of business have that right to work and store equipment at a safe place, provided that there covenants and home owners Assoc.are allowed.

The numbers of employees can vary from day to day depending on material runs and the size of jobs that there are working on. Some days they need more employees and some day they will not need so many.Out here in Edgewood (Southern Santa Fe County) is much different than the center part of the county (City Santa Fe) for example. We have very different types of Covenants that allow home base business. In most cases contractors have larger barns or garages. So in short, YES I DO believe that a contractor should be allowed...

71. From: Cathy McManus-Reviewed your documents and liked what I saw in the spread sheet. My only question about Agricultural businesses is they tend to be more commercial and these businesses should be regulated and many are through the U.S. Govt (I think). When I think agricultural businesses I tend to think of farms and ranches that grow food for resale or raise cattle for meat, goats for cheese, hay for feed, horse breeding, farm and ranch machinery sales and grapes for producing wine etc..... All of the aforementioned types of Ag businesses do have major impacts on the environment and adjoining communities. These should not be included as a home business in a residential area. These businesses would fall under Commercial and all land zoning would be Ag/Ranch not residential. I've always been under the belief that home businesses have no environmental impact on the community. Bottom line, any type of agricultural business should not be designated as a home based business. Lastly, simplify and call all no impact, low impact, and some impact businesses a "home occupation" or "home business". No need for 2 separate designations. Charge \$35 for a business license.

72. Home Business- From: Sharon Hosenfeld-Why is the government interfering in home-based PRIVATE business? This is insane.

75. Paying on Commercial rate regarding property Taxes From: Lori Lindsey

I own a home based business and due to the code being what it is now; the tax assessor has determined that our hbb where we occupy over 60% as a residence did not qualify as residential but is commercial due to a sign on our property. We have been paying commercial rates that are 400% more than what our rates were before. When I inquired about it, I was met with intimidation that at least one item would be found that would disqualify our hbb and force us into a master plan process. Since I have had my own set of problems with community members and the county with my tavern ownership; I dropped the process and have been just eating the \$1800 additional that has caused a hardship upon my family.

Owner - Cowgirl Red and The Mine Shaft Tavern in Madrid, NM

78. Home Based Business/ General Comment From: Joe Duran

Your next phase in data collection focusing to Home Based Businesses may consider ADA requirements on the type of occupancy and occupant loads. This should include the type of structure used as a Home Based Business. Remember, many individuals intend to use a manufactured home as a business, which the NM Manufactured Home Division has strict criteria on the use of a manufactured home for businesses. The only exception are Mobile-home and Automotive Sales Offices. The other consideration is the automotive repair shops (Mechanic and Auto-body), there are various environmental restrictions, from ground to airborne pollution, to the nuisance conditions it creates. And lastly, is the Life-Safety requirements in the means of egress or escape, emergency/illuminated lights and signs,

Business Advertising signage and most importantly is fire suppression systems, especially in an assembly occupancy or chemical storage facility; Width access for EMS should be considered.

80. Home Based Businesses- Patty Montoya- Hello Robert, I was just informed about Santa Fe County drafting some new code for home based businesses. I would like to be put on the list for receiving emails and any other updates on these meetings. I live in Cerrillos and this is something that will affect me. Thank you for your time.

81. Home Based Business From: Phyllis Johnson

Hi Robert, Thank you for your incredible patience and work on this public input forum. I wanted to be there yesterday, but was in the process of getting my food handlers permit etcwhich I did get! What I want to say is on behalf of B and B's in the county. I have been renting out 2bedrooms in connection with an in-town B and B as my agent and parent B and B for 3+ years now. In terms of impact, it seems that my neighbors have experienced none. No one has noticed that we were here. Except one. Last year a neighbor found out we had been renting to guests when she met a couple walking up the street and they brought her back as their guest to show them the place. Until then, nobody even knew we were here. Our guests leave for the day, and come home and go to sleep! There are no parties, no deliveries, no traffic other than would happen if family occupied those rooms. That one neighbor has written a letter of support stating that the improvements we have made to the property have increased neighborhood property values! I think that is an important point. When we bought this house it had sat on the market and was locally known as the ugliest house on the block. Now, we are told it is one of the most beautiful.

I did not fully agree with being in the same category as a chiropractor....who could have many more visits per day than we would. Often, we are empty, with no guests, although I would like to improve our occupancy rate. I have been wanting to give this side of our business a hearing. Thank you for all you are doing!

82. Home Business Process-From: Michael Mykris Director Santa Fe Community College Small Business Development Center

It seems to me that there ought to be other counties around the nation that have similar situations as ours. Has anyone researched what others are doing or have set up? I am a firm believer in not re-inventing the wheel.

83. Home Business Categories and Process-Michael Mykris, Anything other than a home-based business where the individual lives in a residential dwelling, has not changed any of the exterior features of the existing structure, (no change to the footprint) has 3 or less employees (including the business owner) and either works in a room called 'the office' or 'studio' or

travels elsewhere to perform a service, would be considered not a non-impact home-based business. Anything more than that would have to go through a review process. The review processes can become more stringent as the perceived impact on the surrounding area increases. That would be evident in the content of the initial application

I think a modest application fee \$100 which would include the app and the license fee for the first year, then an annual \$35 renewal fee is appropriate. If you put some teeth in the application and have the applicant sign under penalties of deception, perhaps the application would be all you need to be relatively assured that the applicant was being honest with you....

If the home-based non-impact business grows (as we hope it does) and the original home is not adequate for the business, it would no longer be a non-impact business. The license for the business would have to 'grow' to a different category. Most all of the growing businesses that I have been associated with outgrows their current space and moves on to a new location. I don't see that being any different anywhere...

We have worked with clients that would have acquired a County business license but after they reviewed the cost and the requirements (most of which are totally irrelevant for a non-impact home-based business), or they don't understand the terminology – or both-, they ended up going under the radar.

Then, once they do that they cannot get bonded because they don't have a business license.... This is usually the time they come to us for advice. My standard answer is; pay the fine for operating without a license, jump through all the hoops and get the license.. some do and some don't. Economic development is stifled and the perception is that the county is 'business unfriendly'.