

Daniel “Danny” Mayfield
Commissioner, District 1

Virginia Vigil
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Kathy Holian
Commissioner, District 4

Liz Stefanics
Commissioner, District 5

Katherine Miller
County Manager

To: Board of County Commissioners

Date: Tuesday, June 21st, 2011

From: Jack Kolkmeier, Growth Management Director
Robert Griego, Planning Manager

Re: Sustainable Land Development Code Special Study Session on Home Based Business

Background

Santa Fe County began the public input process (PIP) for the Sustainable Land Development Code (SLDC) at the direction of the Board through a series of meetings, one in each growth management area in the County, beginning on Wednesday, May 18 at the Edgewood Middle School. Subsequent meetings were held in Galisteo, the County Commission Chambers and Tony Quintana Elementary School in Sombrillo. Concept Decision Points (CDPs) were presented and the first CDP that was chosen for discussion was Home Based Businesses. Two focus groups on the Home Based Businesses CDP were held in the Commission Chambers and webcast live.

Home Based Businesses CDP Input

Staff prepared background material regarding existing code and policies for home business for consideration in the PIP meetings. Home businesses are defined as business uses within a residential area. Information was provided on the application process, existing fees and policies, problems with the existing code, the policies outlined in the Sustainable Growth Management Plan and proposed options and alternatives for consideration. Input on the home business CDP was submitted through the meetings and focus groups, emails and through the SLDC Public Input database. Staff prepared a report which includes the handouts, public input and meeting notes. The report is attached.

Home Business (HB) Review and Alternatives

- 1) Ensure that a home business is clearly incidental and secondary to residential uses.
- 2) Establish categories, uses and performance standards for HB:
 - a. Establish a “No Impact” home business category to support and facilitate the process for businesses that have no impact on neighborhoods. A No Impact business would include businesses that take place completely within the home,

- with no customers and no employees. No Impact businesses should be defined to indicate that there is no change to the residence and there is no indication that a business is being conducted. The process for a No Impact home businesses application should be simplified and streamlined. Fees for No Impact business should also be reduced and eliminate unnecessary application fees and inspections.
- b. A “Low Impact” home business is a business that has low impact on a neighborhood; there may be employees or clients but would need to meet and other standards similar to the existing home occupation standards. The process could be clarified and streamlined; inspections and fees should be required as necessary.
 - c. A “Conditional” home business category might include slightly more intensive home based business but would not be considered commercial. Home business review, site plan, inspections and fees should be required for this category.
 - d. Establish permitted, conditional and prohibited uses for home business categories.
 - e. Establish performance standard for each HB category such as:
 - i. Establish total number of employees for each home business category.
 - ii. Establish allowable outdoor storage areas;
 - iii. Hours of operation;
 - iv. Parking;
 - v. Generation of dust, odors, noise, vibration and light;
 - vi. Number of customers;
 - vii. Deliveries and pickup;
 - viii. Fire hazards, hazardous material;
 - ix. Number of customer visits;
 - x. Signage; and
 - xi. Traffic generated

Analysis

The Home Business CDP Focus Group meetings provided a significant diversity of opinions on how home businesses should be allowed and regulated. Public comments ranged from no regulations to more stringent regulations than currently exist. Agriculture was also discussed but was not included in the Home Business discussion because it will be discussed as a separate CDP. There was also discussion about density and home business impacts based on geography and density.

The HB concepts were discussed but there was no consensus from the public on specific standards. Participants in the process recognized that there is a need for home business and supported the concept of creating a less regulatory process for No Impact home businesses and to ensure that the home businesses do not infringe on the character of the community and residential areas.

Staff Recommendations:

Staff is requesting that the Board provide concurrence on concepts identified below. Staff will develop the categories and performance standards based on relevant research and applicability for the HB CDP process with stakeholders and the public before the language is drafted for the Code.

- 1) Create a Home Business Process that supports home based business and ensures that these activities are compatible with the community setting in which they are located.
- 2) Establish clear Home Business categories with defined thresholds.
 - a. No Impact-this category would include expedited procedures and limited fees.
 - b. Low Impact – this category would have some restrictions, application process, inspections and fees as appropriate.
 - c. Conditional Home Business-establish a new category for slightly higher intensity businesses that would be more restrictive and go through a public review process.
 - d. Identify standards which would be permitted, conditional or prohibited for each uses for each business category.
 - e. Determine districts or locations where each home business category would be permitted, conditional, or prohibited.
- 3) Establish clear Home Business development review and approval, notification and enforcement processes:
 - a. Establish clear and efficient development review and approval process
 - b. A notification process should be established for each home business category.
 - c. Enforcement- establish a clear process to ensure home business compliance and establish enforcement mechanisms if home business is not in compliance with approvals.