

**TRANSCRIPT OF THE
SANTA FE COUNTY
SLDC HEARING OFFICER MEETING**

Santa Fe, New Mexico

April 12, 2018

I. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Nancy Long on the above-cited date at approximately 3:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Staff Present:

Jose Larrañaga, Commercial Development
Tony Flores, Deputy County Manager
John Salazar, Development Review Specialist
Paul Kavanaugh, Building & Development Services Supervisor
Jaome Blay, Fire Marshal

II. Approval of Agenda

HEARING OFFICER LONG: I will approve the agenda as it has been published.

III. Public Hearings

- A. CASE #CUP 17-5370 CS Performance Horses Conditional Use Permit. Philip Leonard, Applicant, requests approval of a Conditional Use Permit to allow a horse training facility on a 12.5-acre residential property. The site is within the U.S. 285 South Highway Corridor District Overlay and is zoned as Rural Residential (RUR-R). The site is located at 18 C Camino Amansador via U.S. Highway 285 within T15N, R10E, Section 16, SDA-2, (Commission District 5).**

Hearing Officer Long recited the case caption as written above and invited staff to provide their report.

JOHN SALAZAR (Case Manager): Thank you very much, Hearing Officer Long. John Salazar, Development Review Specialist, Senior, Growth Management Department.

The Applicant is requesting approval of a Conditional Use Permit to allow a horse training facility on a residential property within an existing structure. The Applicant

SFC CLERK RECORDED 04/30/2018

purchased the property in 2017 and resides in the existing residence. The 2,600 square foot barn and the shelters are all existing as well as the 300 x 150 foot fenced riding arena area and are currently used for his three horses. The property has always been used for residential purposes.

Staff found a permit for the single family residence issued in 1986. The barn was on that 1986 permit and shows it on the site plan. The Applicant's wife currently operates a No Impact Home Occupation out of the residence in which she goes to other properties to train and work with horses however they would like to bring horses onsite and board them within their facilities. The Applicant proposes to accommodate a maximum total of 10 horses, three of which are for personal use. The Applicant states that on average a horse will remain in training for one month up to a year.

The property is located within the US 285 South Highway Corridor District Overlay. Table 9-10-12 of the SLDC lists stables and other equine-related facilities-Commercial up to 12 horses as a Conditional Use which is an allowed use within the Rural Residential zoning district upon approval of a conditional use permit.

Chapter 9, Section 9.10.3.3.4, Purpose states: The purpose of this district is to designate areas for the development of single-family homes on large lots, either individually or as part of rural subdivisions; to preserve the scenic and rural character of the County; to provide consolidated open space and agricultural lands; and to recognize the desirability of carrying on compatible agricultural operations and home developments in areas near the fringes of urban development while avoiding unreasonable restrictions on farming or ranching operations. Uses that support rural character of the broader area shall be allowed including agricultural production, small-scale renewable energy production, home-based businesses, bed and breakfasts, agro-tourism, equestrian and boarding facilities – as this applicant is requesting – and farmers markets.

Table 9-10-11, states the conditional use permit, is permitted within the zoning district only after review and approval of a Conditional Use Permit in accordance with Chapter 4. Chapter 4, Section 4.9.6.1, Purpose and Findings for conditional use permits states: This section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards and factors set forth herein be approved. These uses shall be permitted through the issuance of a conditional use permit.

Chapter 4, Section 4.9.6.5, states that it may only be approved if it is determined that the use for which the permit is requested will not:

1. Be detriment to the health, safety and general welfare of the area;
2. Tend to create congestion in roads;
3. Create a potential fire hazard for fire, panic, or other danger;
4. Tend to overcrowd land and cause undue concentration of population;
5. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
6. Interfere with adequate light and air; and
7. Be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the SLDC or SGMP.

Staff analyzed the Application and has determined that the proposed use meets the criteria set forth in Chapter 4, Section 4.9.6.5.

This application was reviewed for the following applicable design standards as per Chapter 7, Sustainable Design Standards of the SLDC: access and road design standards, fire protection, landscaping and buffering, fences and walls, lighting and signage, parking, loading, utilities, water supplies, wastewater and water conservation, terrain management, flood prevention and flood control, and solid waste.

Building and Development Services staff has reviewed this project for compliance with pertinent SLDC requirements and has found that the facts presented support the request for a Conditional Use Permit to allow a horse training facility. The use is compatible with the current development within the US 285 South Highway Corridor District Overlay; the use will not impact adjacent land uses; and the application satisfies the submittal requirements set forth in the SLDC inclusive of the Conditional Use Criteria set forth in Chapter 4, Section 4.9.6.5.

The review comments from State Agencies and County staff have established findings that this Application to operate a horse training facility is in compliance with State requirements and design standards set forth in the SLDC.

Therefore, Hearing Officer Long, staff recommends approval of a Conditional Use Permit to allow a horse training facility with the following conditions. May I enter those conditions into the record?

HEARING OFFICER LONG: Yes.

Conditions:

1. The CUP showing the site layout and any other conditions that may be imposed through the approval process shall be recorded at the expense of the applicant in the office of the County Clerk in accordance with Chapter 4, Section 4.9.6.8.
2. The water use for the Horse Facility shall not exceed 0.25 acre feet per year. Water restrictions shall be recorded in the office of the County Clerk along with the CUP.
3. A water meter shall be installed on the well and annual meter readings shall be reported to the Santa Fe County Land Use Administrator no later than April 30th of each year.
4. Horse manure shall be spread throughout the proposed area of the property monthly. Excess manure which cannot be spread or harrowed on the ground to enrich the soil shall be removed from the property on a monthly basis.
5. The Applicant shall have no more than 12 horses on the property.
6. The Applicant shall designate three parking spaces on the site plan for clients coming to the property.
7. The Applicant shall improve the driveway to be 14 feet in width and shall comply with all Fire Marshal conditions.
8. The Applicant shall provide an approved development permit for the barn to Staff. If a permit does not exist, the Applicant shall submit for an after the fact development permit.
9. The Applicant shall provide appropriate water retention ponding for the barn structure designed to be at least 600 cubic feet.

MR. SALAZAR: And I'll stand for questions, Hearing Officer Long.

HEARING OFFICER LONG: John, I'm looking at NBA-13 in the packet; what is the area outlined in green?

MR. SALAZAR: Hearing Officer Long, that is going to be the area where the manure disposal – they are going to spread out the manure for the horses in that area.

HEARING OFFICER LONG: Okay. And then a question about the criteria on section 4.9.6.5 number 6, you state the type of use proposed does not require New Mexico Air Quality permit and therefore the use does not interfere with adequate

light and air. Is that the sole criteria for determining whether there's interference with light and air as to whether you require New Mexico Air Quality permit in that section?

MR. SALAZAR: Hearing Officer Long, we also look at lighting on the property that's residential in nature and so that's not going to affect that.

HEARING OFFICER LONG: So it is broader than just whether an air quality permit is required.

MR. SALAZAR: Right.

HEARING OFFICER LONG: Okay. One of the conditions is that the applicant provide an approved development permit for the barn and if a permit does not exist, the applicant shall submit for an after-the-fact development permit; what will be involved with that if the applicant cannot find an approved development permit?

MR. SALAZAR: Hearing Officer Long, it would require a development permit submittal for a building permit. However, staff did find that permit from 1986 that shows the barn. It was constructed previous to the residence and staff will be working with the applicant on that in order to meet that condition number 8.

HEARING OFFICER LONG: Eight. So you did find a permit after this report was prepared?

MR. SALAZAR: It was after the report was prepared and it was for the residence; however, the barn was existing on that site before the residence.

HEARING OFFICER LONG: So this condition – you are still recommending that it stand as to the barn, is that what you're talking about? Or do we even need it?

JOSE LARRAÑAGA: Hearing Officer Long, that condition has not been satisfied as of yet. So there may be a permit or it may have been built pre-code. That permit does not acknowledge that the barn was there but would still need a permit. So they'll still have to get an after-the-fact permit for the barn. At this point, we haven't decided whether it was permitted or not.

HEARING OFFICER LONG: Okay. Would there need to be any further construction on the barn as a result of that or would it just be providing a permit for what's already there?

MR. SALAZAR: It would just be a permit for the structure that is already there.

HEARING OFFICER LONG: Okay, thank you. That's all I have. If the applicant can come forward please? And we'll start off by having you sworn in.

[Duly sworn, Philip Leonard, testified as follows]

PHILIP LEONARD: My name is Philip Leonard and I live at 18C Camino Amansador in Santa Fe.

HEARING OFFICER LONG: You approve the conditions that are proposed; are you all right with all of those conditions?

MR. LEONARD: I understand the conditions that are proposed. That is the law and that is satisfactory.

HEARING OFFICER LONG: Is access to this property off of 285?

MR. LEONARD: Not directly. Access comes down Camino Amansador.

HEARING OFFICER LONG: And that intersects 285?

MR. LEONARD: Camino Amansador does intersect 285; that is correct.

HEARING OFFICER LONG: And you are the owner of this property I

take it?

MR. LEONARD: Correct.

HEARING OFFICER LONG: All right because I thought I saw a letter of authorization in here.

MR. LEONARD: Oh that was from me to CS Performance Horses but I am a co-owner of that company.

HEARING OFFICER LONG: Okay, thank you. Let's see if there is anyone here that came today to speak to this case? Is there anyone in the audience that would like to speak to this case? No one wants to get up and talk to us about your case. So the public hearing section of this case is closed.

MR. LEONARD: Thank you very much.

HEARING OFFICER LONG: Thank you. So in terms of the Fire Marshal condition, I see that you, Fire Marshal, is asking for an emergency turnaround on the property; is that correct?

FIRE MARSHAL BLAY: Hearing Officer Long, that is correct.

HEARING OFFICER LONG: As well as widening the driveway width; is that correct, 14 feet?

FIRE MARSHAL BLAY: That would be the minimum requirement from the SLDC.

HEARING OFFICER LONG: Okay, so what I'm going to do is include in condition 7 that emergency turn around. The 14 feet in the width of the driveway is there but the emergency turnaround is in another in the report. So I'll include that when I get to the conditions. Thank you.

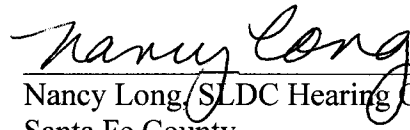
FIRE MARSHAL BLAY: My pleasure.

HEARING OFFICER LONG: So staff has probably told you that I make a recommendation following this meeting in writing and then that goes on to the Planning Commission and they will be the final decider, unless someone appeals, it on your permit. So thank you very much and good luck with your project.

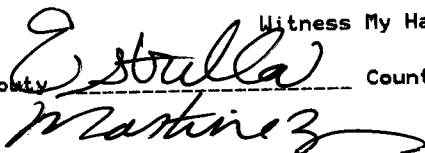
IV. Adjournment

Hearing Officer Long adjourned the hearing at 3:15 p.m.

Approved by:


Nancy Long, SLDC Hearing Officer
Santa Fe County

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
SLDC HEARING OFFICER M
PAGES: 5
I Hereby Certify That This Instrument Was Filed for
Record On The 30TH Day Of April, 2018 at 02:08:30 PM
And Was Duly Recorded as Instrument # 1856292
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy 
County Clerk, Santa Fe, NM
Santa Fe County
SLDC Hearing Officer: 4/12/2018

