

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

Santa Fe, New Mexico

February 14, 2019

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 Richard Virtue on the above-cited date at approximately 3:00 p.m. at the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Staff Present:

Vicki Lucero, Building Development & Services Manager
John Lovato, Development Review Specialist
Paul Kavanaugh, Building Development & Services Manager
Eric Ames, Assistant County Attorney
Jaome Blay, Fire Marshal

II. Approval of Agenda

HEARING OFFICER VIRTUE: We have one item on the agenda today as published. Are there any changes to the published agenda?

VICKI LUCERO (Building Development & Services Manager): Hearing Officer Virtue, there are no changes.

HEARING OFFICER VIRTUE: Okay.

III. Public Hearings

- A. **CASE # CUP 18-5240. Conditional Use Permit Application Cedar Grove Auto Repair and Performance.** Cedar Grove Auto Repair and Performance, Shawn Meek, Applicant, requests approval of a Conditional Use Permit to operate an automotive repair and performance facility as a Medium Impact Home Occupation. The facility will occupy an existing 1,275 square foot garage/shop and 392 square foot office structure adjacent to a 3,405 square foot residence located in the Residential Estate Zoning District, at 10 Meek Road off of Hwy 344, within T11N, R7E, Section 23, SDA-2 (Commission District 3)

JOHN LOVATO (Case Manager): Thank you, Hearing Officer Virtue. On June 15, 2017, County Code Enforcement issued a Notice of Violation to the applicant

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for operating a business without a business license in violation of the County's ordinances.

On January 25, 2018, County Code Enforcement filed a criminal complaint in Santa Fe County Magistrate Court alleging that applicant violated the County's ordinances by operating a business without a business license and maintaining litter and debris on the property. To resolve these alleged violations, the applicant removed litter and debris from the property and filed this application for a Conditional Use Permit.

On November 19, 2018, applicant submitted the application for a Conditional Use Permit to operate an automotive repair and performance facility as a medium impact home occupation. According to the Sustainable Land Development Code, Section 10.6.4.3, Table 10-1, Home Occupations Requirements, the facility is authorized under a Conditional Use Permit if it employs no more than five employees, uses no more than 50 percent of the heated square space, has no more than 1,500 square feet of accessory building or storage, has no more than twelve appointments or visits per day, does not store more than six pieces of heavy equipment, and complies with the traffic, access, and parking requirements in Section 10.6.5, and the signage requirements in Section 7.9.10.

There is an existing 3,405 square foot residence, a 1,275 square foot accessory structure, and a 392 square foot accessory structure located on the 4.99-acre parcel. The business facility consists of the 1,275 square foot accessory building, which is being utilized as a shop, and the 392 square foot accessory structure which is being utilized as the office building. The applicant proposes to operate the facility by appointment only between 9:00 a.m. and 4:00 p.m., seven days a week. The CUP has been reviewed for the following: medium impact home occupation of the SLDC, Section 10.6.4.3, Table 10-1, Home Occupation Requirements.

The facility complies with the Sustainable Design Standards. Standards that are not applicable to the facility have been omitted, which are access, fire protection, landscaping and buffering, fences, walls, lighting, signs, road design standards, utilities, water, wastewater and water conservation, terrain management, flood prevention and flood control, and solid waste.

The following agencies have reviewed this application: New Mexico Environment Department, with no comments or concerns; Santa Fe County Fire Marshal, conditional approval; County Utilities, approval; County Planning, approval; and New Mexico Department of Transportation, approval.

The applicant has addressed the approval criteria and has met the requirements of the approval criteria.

Recommendation: Staff has determined that the proposed use complies with the SLDC, and recommends that a Conditional Use Permit for a Medium Impact Home Occupation should be issued for Cedar Grove Auto Repair and Performance, subject to the following conditions. Hearing Officer Virtue, may I enter those conditions into the record.

HEARING OFFICER VIRTUE: You may.

[The conditions are as follows:]

1. Applicant at his own expense shall record the Conditional Use Permit showing the site layout and the conditions imposed in this approval process in the office of the County Clerk as required by the SLDC, Section 4.9.6.8.
2. Applicant shall reside on the property.

3. The Application was reviewed based upon the Applicant's proposal. Any change or expansion will be required to go through the County approval process. The Application as proposed is limited to the following:
 - a) No more than the 1 resident employee is allowed.
 - b) The area of the facility including the building and exterior space shall not be expanded.
 - c) No more than two (2) appointments or visits per day is allowed
 - d) No more than three (3) vehicles associated with the Home Occupation are allowed on the property per day.
4. Vehicles associated with the Home Occupation shall be parked in the defined area on the property, and shall not be stored, parked or repaired on public rights-of-way.
5. Applicant shall provide a defined area on the property for parking spaces for the employee and customers/clients, including vehicles to be repaired which shall be accessible, usable, designed, and surfaced appropriately.
6. Applicant shall park vehicles to be repaired within an enclosed building or within the defined area not visible from public view.
7. Applicant shall not park, store, repair, or use commercial scale vehicles or heavy equipment on the property.
8. Applicant shall maintain the fence around the property in its current height and condition.
9. Applicant shall maintain the existing outdoor lights under a portal, downward-directed, and shielded, and shall not install any additional outdoor lighting fixtures.
10. Applicant may install up to 2 permanent signs not exceeding four (4) square feet each, located no more than five (5) feet above the ground on the property.
11. Applicant shall remove the existing unpermitted thirty-two (32) sign located on the northern boundary of the property abutting State Road 344.
12. Applicant shall not install plumbing in the Facility.
13. Applicant shall comply with the approved water budget of 0.08 acre-foot per year for the residence and facility.
14. Applicant shall place rain barrels on the residence and Facility, and maintain in good working order the existing four hundred (400) cubic foot retention pond located on the southern portion of the property.
15. Applicant shall dispose hazardous waste and material generated by the Facility in accordance with applicable laws and regulations.
16. Applicant shall relocate the heater in the shop at least thirty-six (36) inches from any combustible materials.
17. Applicant shall mount one (1) 2AB10BC minimum sized fire extinguisher in the shop.
18. Applicant shall mount one (1) 2AB10BC minimum sized fire extinguisher in the office.
19. Applicant shall install a pedestrian egress door on the shop.
20. Applicant shall complete the renovation of the office.
21. Applicant shall obtain an inspection and approval of, and comply with any conditions imposed by the County Fire Department prior to use of the Facility.

22. Applicant must obtain permits for any unpermitted structures.
23. Applicant must obtain an access permit from NMDOT prior to recordation of the Conditional Use Permit.

MR. LOVATO: Thank you, Hearing Officer, and I stand for any questions.

HEARING OFFICER VIRTUE: I don't have any questions at this point. I may have some later. I would ask the applicant or his representative to please stand and be sworn at this point.

[Duly sworn, Shawn Meek testified as follows:]

SHAWN MEEK: Shawn Meek.

HEARING OFFICER VIRTUE: You may present any testimony in support of your application that you have.

MR. MEEK: I agree with the terms of the conditions for the most part. You'll see in the report where it says not to use heavy equipment. I will not be working on it but I plan on owning my own piece for maintenance around the property at some point. I don't have one currently.

HEARING OFFICER VIRTUE: Okay, so you have read the staff report and you agree with the conditions?

MR. MEEK: Yes.

HEARING OFFICER VIRTUE: Okay. Thank you. Do you have anything else to present at this point?

MR. MEEK: NO.

HEARING OFFICER VIRTUE: Okay. I have a couple of questions for the staff. I note in Table 10-1 the item named accessory building storage indicates, as I'm reading it, the limit is 1,500 square feet, but the accessory building here is 1,667 square feet, if I'm reading the chart correctly. Is that what the chart is saying?

MR. LOVATO: So Hearing Officer Virtue, when we first initially reviewed this it was determined that with the structure, the residence and the other accessory structure, which is the office, that there was an extra building that was being utilized for storage, and so they thought it would be – we thought as staff would be 167 square feet over the required amount allowed. However, the way staff has been interpreting this is this is what is part of the actual use of the home. So if he were to have another accessory structure, another building that exceeded 1,500 square feet then he would not meet that requirement. That's the way we initially, when we submitted this, looked like. But as it is right now it meets the requirements because there is no other structure that is being utilized as storage which is greater than 1,500 square feet, if that makes any sense. I don't know if perhaps Vicki can clarify a little better.

MS. LUCERO: Hearing Officer Virtue, if I could just simplify it. The applicant is allowed to use up to 50 percent of the heated square footage of the main house, plus an additional 1,500 square feet of accessory building storage. So the calculation of the 1,667 meets the 50 percent of the heated area of the main house.

HEARING OFFICER VIRTUE: Okay. So you're treating it as basically – the 50 percent applies and meets that requirement with regard to the main house. And then there would be an entitlement to another 1,500 square feet?

MS. LUCERO: That's correct. Just for storage.

HEARING OFFICER VIRTUE: Okay. Thank you for that clarification. Then I had a question about the access and fire protection statement in the application. It says that the existing driveway on the property shall be improved to Fire Prevention Division requirements. This will include a minimum driveway of 14 to 20 feet with a 28-foot turning radius for emergency vehicles. Has that been done?

MR. LOVATO: Hearing Officer Virtue, the access point currently meets standards. It has about an 18-foot surface on it. It does need some cleaning, some touch work which Mr. Meek and the adjoining property owners to that easement are working on but as of right now it does meet our standards. It does meet the 18 feet wide requirement that we – 20 feet that we asked for but right now it's about 18 and we allow deviation to 18.

HEARING OFFICER VIRTUE: I was asking about the 28-foot turning radius for emergency vehicles, if that piece was met.

MR. LOVATO: Hearing Officer Virtue, I will defer that to Fire.

JAOME BLAY (Fire Marshal): Hearing Officer Virtue, I apologize, but the inspector that conducted the inspection is no longer with us. He just retired last week. But when I look at a picture, that inside turning radius basically is just to allow us to be able to turn our vehicle. According to the submitted plat it seems that they are complying with the 28 feet inside turning radius.

HEARING OFFICER VIRTUE: Okay. Thank you.

MARSHAL BLAY: You're welcome.

HEARING OFFICER VIRTUE: Those are all my questions. Does the staff or the applicant have anything further at this point?

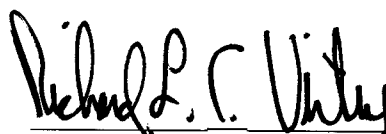
MR. LOVATO: Hearing Officer Virtue, staff has no further comments.

HEARING OFFICER VIRTUE: Thank you very much. I will ask if there are any members of the public present that would like to speak, either for or against the application. Seeing none, I will declare the public meeting at an end and I will prepare a written recommendation within 15 working days from the date of the hearing. Thank you.

IV. Adjournment

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

Approved by:

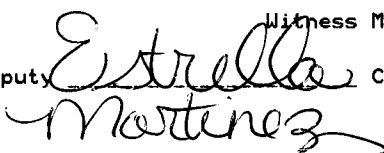


Richard L.C. Virtue, SLDC
Hearing Officer Santa Fe County

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

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I Hereby Certify That This Instrument Was Filed for
Record On The 12TH Day Of March, 2019 at 09:03:49 AM
And Was Duly Recorded as Instrument # 1880880
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Deputy  Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM

Santa Fe County
Hearing Officer: February 14, 2019

