



**SANDOVAL COUNTY PLANNING AND ZONING COMMISSION
NOVEMBER 30, 2016 PUBLIC HEARING**

To: Sandoval County Planning & Zoning Commission

From: Sandoval County Planning and Zoning Division Staff

Date: November 30, 2016

SUBJECT: **CU-16-004** Request by Oliver Westerfield for a Conditional Use Permit in the CD-LP (Las Placitas Community District) Zone to allow for a Family Cluster Development within a site of approximately 4.1 acres, located at 9 Dos Hermanitas, Placitas NM, Lot 8A1, Linda Placitas Subdivision, Section 22, Township 13N, Range 5E, NMPM, Sandoval County.

The purpose of the request is to establish appropriate zoning for a proposed Family Cluster Development on the subject site.

BACKGROUND INFORMATION:

The subject site, as described above, is located within the Placitas area in Sandoval County and is currently under County CD-LP (Las Placitas Community District) zoning. “*Family Cluster Developments*” is a listed Conditional Use under the CD-LP regulations. The applicant is requesting a Conditional Use Permit for a proposed Family Cluster Development. The subject site current has a single family residence, and an additional structure which contains an office, kitchen and utility space. The property owner would like to create a fully equipped second single family residence on the subject site by building an addition onto the existing office/kitchen structure. The subject site currently has a septic system for the residences approved by the NM Environment Department. The Conditional Use Permit for Family Cluster Development is required to establish the appropriate zoning for the subject site for the proposed use.

The Sandoval County Planning & Zoning Commission must consider the appropriateness of the requested Conditional Use Permit for this property. Staff will present information contained in the Sandoval County Comprehensive Plan, the Sandoval County Comprehensive Zoning Ordinance, as well as information from other applicable regulations and policies, to the Planning and Zoning Commission. The Planning and Zoning Commission will vote on a staff recommendation on this case. Requests for Conditional Use Permits are heard and ruled upon only by the Planning and Zoning Commission.

PLANS, POLICIES, AND REGULATIONS:

Sandoval County Comprehensive Plan:

The following policies in the Sandoval County Comprehensive Plan are applicable to this case:

Section I: Land Use and Natural, Historic, and Cultural Resources.

B. POLICY:

*“Sandoval County shall retain a prevailing rural residential character while promoting an orderly development of business and industry **in appropriate locations.**”* (emphasis added) (p. 7).

The subject site is under the County’s CD-LP zone and is surrounded by single family residential land uses and CD-LP zoning. The context of the subject site is a prevailing rural residential land use pattern.

STRATEGIES:

3. *“Development decisions shall be based on impact on surrounding land uses, particularly in residential and agricultural areas, air and water quality considerations, effect on public health and safety, and the availability of public services and adequate infrastructure”.*

The impacts of the proposed Family Cluster Development are addressed with the criteria for the Conditional Use Permit application.

Sandoval County Comprehensive Zoning Ordinance:

Section 17, Conditional Uses, of the Sandoval County Comprehensive Zoning Ordinance (CZO), establishes Guidelines for the review and consideration of a request for a Conditional Use Permit under existing zoning (Subsection D, Guidelines, CZO, p. 91-92). The Sandoval County Planning and Zoning Commission shall not approve any conditional use unless satisfactory provision has been made concerning:

1. *“Accessibility to property and existing or proposed structures thereon, with particular reference to automobile and pedestrian safety, traffic control, and emergency access in case of fire, flood or catastrophe;*

Access to the subject site is currently provided through a legal access from Dos Hemanitas Road. The current access provides for an existing single family residence and the proposed fully equipped additional single family residence. No additional access points to the site are proposed. Police and fire protection are provided to the subject site by Sandoval County.

2. *Off-street parking and loading areas where required, with particular attention to the refuse and service areas;*

Off-street parking needs for the subject site are related to the existing and proposed single family residential uses. No additional parking space for the existing uses is needed.

3. *Water and liquid waste facilities, with reference to soil limitations, locations, and public health;*

The applicant has secured an approved Septic Permit for the proposed additional residence from the New Mexico Environment Department. A copy of the approved Septic Permit is enclosed with this report. The site also has an existing water well.

4. *The economic, noise, glare, or odor effects of the conditional amendment on adjoining properties;*

The proposed Family Cluster Development will comprise of two single family residences. The surrounding area is single family residential, and this Family Cluster Development setting does not create any detrimental impacts on the surrounding area.

5. *The general compatibility of the proposed amendment with actual or prospective permissive zoning use of adjacent properties; and*

The subject site is under the County's CD-LP zone and is surrounded by single family residential land uses and CD-LP zoning. The context of the subject site is a prevailing rural residential land use pattern.

6. *The overall health and safety of the community”.*

In meeting the above requirements for the Conditional Use Permit application, staff finds that the existing Family Cluster Development will operate in a manner that will support the health and safety of the community.

Summary:

This application has demonstrated overall compliance with regulations and policies in the Sandoval County Comprehensive Plan and Comprehensive Zoning Ordinance. With recommended Conditions of Approval, staff recommends that the Planning and Zoning Commission approve this request.

STAFF RECOMMENDATION

Therefore, in the matter of **CU-16-004** the following Findings of Fact for this request are as follows:

FINDINGS OF FACT

- (1) **CU-16-004** is a request by Oliver Westerfield for a Conditional Use Permit in the CD-LP (Las Placitas Community District) Zone to allow for a Family Cluster arrangement within a site of approximately 4.1 acres, located at 9 Dos Hermanitas Road, Placitas NM, Lot 8A1, Linda Placitas Subdivision, Section 22, Township 13N, Range 5E, NMPM, Sandoval County.
- (2) The purpose of the request is to establish appropriate zoning for a Family Cluster Development to be comprised of two single family residences (occupied by family members), and to establish the regulatory basis for the County to issue a separate address for the second residence.
- (3) The proposed Family Cluster Development use is listed as a Conditional Use under the County's CD-LP zone.
- (4) The approval of a Conditional Use Permit for this request provides for appropriate zoning regulatory review and oversight of the proposed Family Cluster Development.
- (5) The application for a Conditional Use Permit meets the requirements of Section 17, Conditional Uses, Subsection D, Guidelines, of the Comprehensive Zoning Ordinance.

Staff recommends that the Planning and Zoning Commission APPROVE CU-16-004 for a Conditional Use Permit for the proposed Family Cluster Development, as reflected in the preceding FINDINGS OF FACT and subject to the following recommended CONDITIONS OF APPROVAL:

CONDITIONS OF APPROVAL

- (1) The additional family residence shall be used only for family members and is not to be used for rental purposes.
- (2) In the event that the additional residence is no longer used by a family member, the additional residence must be renovated to have the kitchen removed for use as a Guest House, or the applicant must apply for a change of zoning for the property.